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S. HRG. 107–749

NOMINATIONS BEFORE THE SENATE ARMED SERVICES COMMITTEE, FIRST SESSION, 107TH CONGRESS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

DONALD H. RUMSFELD; DR. PAUL D. WOLFOWITZ; DR. DOV S. ZAKHEIM; CHARLES S. ABELL; VICTORIA CLARKE; EDWARD C. ALDRIDGE; WILLIAM J. HAYNES II; POWELL A. MOORE; DR. DAVID S.C. CHU; THOMAS E. WHITE, JR.; GORDON R. ENGLAND; DR. JAMES G. ROCHE; ALFRED V. RASCON; DOUGLAS JAY FEITH; DR. JACK DYER CROUCH II; PETER W. RODMAN; SUSAN MORRISEY LIVINGSTONE; JESSIE HILL ROBERSON; THOMAS P. CHRISTIE; ALBERTO J. MORA; DIANE K. MORALES; STEVEN J. MORELLO, SR.; WILLIAM A. NAVAS, JR.; MICHAEL W. WYNNE; DIONEL M. AVILES; REGINALD JUDE BROWN; DR. STEVEN A. CAMBONE; MICHAEL MONTELONGO; JOHN J. YOUNG, JR.; JOHN P. STENBIT; DR. RONALD M. SEGA; MICHAEL L. DOMINGUEZ; PAUL MICHAEL PARKER; DR. MARIO P. FIORI; H.T. JOHNSON; NELSON F. GIBBS; GEN. JOHN P. JUMPER, USAF; GEN. RICHARD B. MYERS, USAF; GEN. PETER PACE, USMC; GEN. JOHN W. HANDY, USAF; ADM. JAMES O. ELLIS, JR., USN; LINTON F. BROOKS; MARVIN R. SAMBUR; WILLIAM WINKENWERDER, JR.; EVERT BECKNER; MARY L. WALKER; JOSEPH E. SCHMITZ; SANDRA L. PACK; R.L. BROWNLEE; DR. DALE KLEIN; PETER B. TEETS; AND GEN. CLAUDE M. BOLTON, JR., USAF

JANUARY 11; FEBRUARY 27; APRIL 24, 26; MAY 1, 10; JUNE 5, 7, 22, 27; JULY 31; AUGUST 1; SEPTEMBER 13, 25; OCTOBER 11, 23; NOVEMBER 8; DECEMBER 4, 2001

Printed for the use of the Committee on Armed Services

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NOMINATION OF HON. DONALD H. RUMSFELD TO BE SECRETARY OF DEFENSE

THURSDAY, JANUARY 11, 2001

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

The committee met, pursuant to notice, at 10:06 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Kennedy, Bingaman, Lieberman, Cleland, Reed, Warner, Thurmond, McCain, Inhofe, Roberts, Allard, and Sessions.

Other Senators present: Senators Akaka, Bill Nelson, Ben Nelson, Carnahan, Dayton, Collins, and Bunning.

Committee staff member present: David S. Lyles, staff director.

Majority staff members present: Richard D. DeBobes, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, counsel; and Michael J. McCord, professional staff member.

Minority staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Charles S. Abell, professional staff member; Charles W. Alsup, professional staff member; John R. Barnes, professional staff member; Edward H. Edens IV, professional staff member; William C. Greenwalt, professional staff member; Mary Alice A. Hayward, professional staff member; Lawrence J. Lanzillotta, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, assistant counsel; Joseph T. Sixeas, professional staff member; Cord A. Sterling, professional staff member; Scott W. Stucky, general counsel; and Eric H. Thoemmes, professional staff member.

Staff assistants present: Beth Ann Barozie, Thomas C. Moore, and Michele A. Traficante.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; Erik Raven, assistant to Senator Byrd; David Klain, assistant to Senator Landrieu; Christopher J. Paul and Walter E. Fischer, assistants to Senator McCain; Gregory C. McCarthy, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Thomas A. Vecchiolla, assistant to Senator Snowe; Robert Alan McCurry and James Beauchamp, assistants to Senator Roberts; Douglas Flanders, assistant to Senator Allard; Michael P. Ralsky, assistant to Senator Hutchinson; Scott Douglass, assistant to Senator Sessions.

Other Senate staff present: Richard Kessler, assistant to Senator Akaka; Pete Contostavlos, assistant to Senator Bill Nelson; Sheila Murphy, assistant to Senator Ben Nelson; Larry Smar, assistant to Senator Carnahan; Christopher Ford and Sam Patten, assistants to Senator Collins; and Jeff Freeman, assistant to Senator Cochran.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. The history of this committee in the annals of the Senate reflect that we have achieved, through successive chairmen, a high degree of bipartisanship that our Nation is entitled from this committee. I have been privileged to serve 23 years on this committee with my distinguished colleague. We came together 23 years ago. It has been my privilege to serve as the Chairman for the past 2 years. If the high water does not rise and flood us out, I will return to that position in a week or so.

But in the meantime, in the spirit of bipartisanship, I am privileged to pass the gavel to Senator Levin. Senator Levin and I and Senator Inouye, Senator Stevens, and other members of the House went down to visit with President-elect Bush on Monday and we had a very good, thorough, and searching examination of defense issues and that struck the note of bipartisanship that is so essential as we, the collective members of our committee, represent this Nation in national security.

So, Mr. Chairman, it is with privilege I pass the gavel to you.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Thank you, Senator Warner. I have been Chairman of this Committee for all of about a week. I cannot tell you how many people have noted to me just how you have thrived under my chairmanship already. [Laughter.]

Before I proceed, I want to thank you for the many good years of friendship we have enjoyed over two decades now that we have been in the Senate. I will have some more comments about your chairmanship and that of Senator Thurmond and others in a moment. This is just a personal thank you to you.

The committee meets today to consider the nomination of Donald Rumsfeld to serve as Secretary of Defense.

As the first order of business, I want to welcome all of our Members back to the committee and extend a special welcome to our prospective new members. On our side, we are joined by Senator Akaka, Senator Bill Nelson, Senator Ben Nelson, Senator Carnahan, and Senator Dayton. On the Republican side, we are joined by Senators Collins and Bunning. This is a great committee to serve on. I know that Senator Warner and I and all the members of this committee look forward to our new members joining us.

On behalf of the entire committee, I extend a warm welcome to Mr. Rumsfeld and his family. I understand that you are accompanied by your wife, Joyce Rumsfeld, your daughter Marcy Rumsfeld, and your granddaughter Kayley Rumsfeld. We know the sacrifices that your family will make while you are in this position and we want to thank them in advance for their support of you and the sacrifices which they will make.

We also welcome Senators Durbin and Fitzgerald who have joined us today.

Mr. Rumsfeld is well known to this committee from his recent service as Chairman of the Commission to Assess the Ballistic Missile Threat to the United States and his many other endeavors. A couple of the senior members of the committee may also admit to their age by remembering Mr. Rumsfeld's previous service as Secretary of Defense in the Ford administration. Don Rumsfeld was the youngest Secretary of Defense in our history. After a few years of service in the upcoming Bush administration, he will earn the distinction of being our oldest Secretary of Defense as well—at least until Senator Thurmond is sworn in as his successor sometime in the future. [Laughter.]

We convene this hearing at a unique moment in the history of this country and in the history of the United States Senate. We have just concluded the closest presidential election in our history. For the first time ever at the beginning of Congress, the Senate is equally divided. A practical arrangement to accommodate that unusual situation was worked out by our leaders and approved by the Senate last week.

Times like these call out for, and necessitate, bipartisanship and cooperation. Fortunately, this committee, as Senator Warner has said, has a long tradition of working in a bipartisan manner to address the national security challenges facing this country. Chairman Warner has consistently led the committee in this spirit, as have the chairmen before him. At times when the rest of Congress has suffered from gridlock, our committee's legislative achievements—like the Goldwater-Nichols DOD Reorganization Act, and the Nunn-Lugar Cooperative Threat Reduction Program—have been marked by bipartisanship. Even our disagreements on issues have rarely been along partisan lines. For instance, while debates on the withdrawal of troops from Kosovo and on additional rounds of base closures have divided this committee in recent years, the division has not been on partisan lines.

It is my hope that the ease with which we hand the chairman's gavel back and forth in the course of this month will symbolize the close working relationships on this committee over the decades and help set the tone elsewhere.

Our new Secretary of Defense will inherit the most dominant military force in the history of the world. Over the last two decades, our military has incorporated a series of technological improvements that have revolutionized their military capability—from precision guided munitions and stealth technology to satellite reconnaissance and electronic warfare capabilities. The members of this committee, the Appropriations Committee, and our counterparts in the House of Representatives have played a key role in those changes. Today, each of our military services is more lethal, more maneuverable, more versatile and has greater situational awareness on the battlefield than at any time in history.

During the 1990s, Congress and the administration worked together to enhance our national security by achieving a balance between the needs of today's troops, including their current readiness, with the need to develop and field weapons that will enable us to retain our technological advantage in the future. This effort led to the enactment of comprehensive improvements to the military's health care system, military pay and retirement systems,

and the substantially increased acquisition spending to recapitalize and modernize the force.

We have also been engaged in a constant struggle to maintain funding for operations and maintenance accounts that support current readiness, given the high rates of deployment.

The terrorist attack on the U.S.S. *Cole* last fall demonstrated once again that our enemies are most likely to use indirect, asymmetric means to attack us. They realize it would be suicide to confront the United States military directly. The most likely threats to our national interest will come from regional conflicts due to ethnic, religious, or cultural conflicts and from terrorists and terrorist states.

If states are involved, they will seek to hide their involvement, because the retaliatory power of the United States is so massive and survivable as to guarantee the destruction of the principal goal of a totalitarian regime—its own survival.

In the area of national missile defense, the outgoing administration chose to aggressively pursue research and development, while stating a determination to consider in any deployment decision not only the threat, but the system's operational effectiveness and affordability, and the impact that deployment would have on our overall national security. This approach gives appropriate weight not only to the effect that large expenditures on missile defense would have on resources available to meet other vital defense needs, but also to the negative impact that the unilateral deployment of a national missile defense could have on our allies and on the proliferation of nuclear weapons, given the likelihood that the Russian and Chinese response to such unilateral deployment would be to increase (or stop reducing) the number of nuclear weapons and the amount of nuclear material on their soil. As Senator Baker and Lloyd Cutler found in their report released yesterday, the most urgent unmet national security threat to the United States is that weapons of mass destruction or weapons usable material located in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

We need to analyze the extent to which we spend defense resources on threats that are the least likely to occur. A ballistic missile attack from a terrorist state against the United States is a threat, but it is one that we have successfully deterred and against which we have a continuing overwhelming deterrent. There are cheaper and easier means of attacking the United States than an ICBM—means such as truck bombs, poisoning of water systems, or infiltration of computer networks—which may not open the unknown attacker to massive destruction in return. Those are just a few of the issues that we will be grappling with as a committee and you will be grappling with as Secretary of Defense.

We are blessed to live in a Nation whose political institutions and economy are respected throughout the world. With the end of the Cold War, our core values of freedom, democracy, and human rights appear to be stronger than ever with democratic revolutions changing the history of nation after nation. Our military, when used wisely, at once makes our Nation secure and enables us to play a unique role in influencing the course of events outside our borders in a peaceful and stable direction.

But the ability to influence events does not necessarily mean, of course, the ability to control them. We live in such a complex world, where we must deal with many interests that are contrary to our own. We should be proud of all that we have achieved in the world, including the reversal of ethnic cleansing in Europe for the first time in history, which also enabled nearly a million refugees and displaced persons to return to their homes. At the same time, we must be prepared to deal with new threats—particularly the terrorist threat—with new technologies, more mobile forces, and improved intelligence capabilities. Chairman Warner, with my support, created a subcommittee that is specially aimed at addressing these new threats. In the most recent defense authorization bill that we have adopted, we have paid special attention to the need to address the new threats.

The new administration will develop its own strategy for addressing these difficult issues and for maintaining the superiority of America's military force. Today's hearing provides an opportunity for all of us to begin the process of discussing that strategy. The nominee before us today has a strong commitment to the national defense. He is well-qualified to address the issues facing the Department of Defense and he is an extremely well-qualified nominee for this position. We congratulate him. We also congratulate the President-elect for this nomination. I now call upon Senator Warner for his opening statement.

OPENING STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you very much, Chairman Levin. I join you in welcoming our new members. Our new members put this committee at the highest level membership in history at 24.

In years past, we recruited members. Now we have certainly an indication of strength among our entire membership as reflected by so many wishing to join us. We welcome you.

To you, my dear friend for over 30 years, we have had a friendship and a personal relationship and indeed a professional one, having served together in the Ford administration, I as Secretary of the Navy and you as one of our troublemakers over in the White House.

I join in welcoming your lovely wife and family. Anyone taking on particularly your responsibilities as Secretary of Defense 24 hours a day, 7 days a week and that phone is always by your side. Indeed, your family fully shares the heavy responsibilities. You are so fortunate to have such a wonderful family to share that burden.

If I may say, Mrs. Rumsfeld, you will be an integral part of reassuring the other families of the service persons throughout the world by your strong support of your husband and indeed them.

So we welcome you as a team to the department. I look back over the hearing record of November 12, 1975. It was a very short hearing I note and perhaps not as well attended. But that reflects the importance of the Senate advice and consent today. This committee, as to other committees of the Senate, take that responsibility very seriously.

So our hearing today will be lengthy and we will probe deeply into many areas of our security relationships and your responsibility and how you intend to fulfill it.

First, I would like to say that based on my good fortune to have known you, I say without any reservation you are competent. You are experienced. You are trustworthy. You have the character, the honesty, to do this job second to none.

I was so pleased, and indeed I think the country should be grateful that you are willing to come back again, sign on for a second hitch, as we say in the military, for this important post. I note behind you two old-timers who are not paying any attention to what we are saying, Mr. Schneider and Mr. Korologos. [Laughter.] I do not know why they are here, but we welcome them anyway. [Laughter.]

We also commend you, Mr. Rumsfeld, for keeping active and informed on defense and security issues since your last Pentagon service. The committee is familiar with the excellent work you have done in both the Commission to Assess the Ballistic Missile Threat which issued its report in 1998 and the ongoing Commission to Assess United States National Security Space Management and Organization which coincidentally the report will be issued today.

Now, Senator Levin and I and others have received a briefing on the work of this commission. It is a job well done. It is another serious wake-up call to America about the threats directed at us.

Our committee played a central role in establishing both of these commissions and I commend its membership. We thank you again and the members of the committee for your work.

We are familiar with the findings and recommendations of the Ballistic Missile Threat Commission and the influence that that report had. It came at a critical time I say to you. In many ways, the Ballistic Missile Threat Report changed the entire debate over national missile defense by convincing many in Congress, and, respectfully, in the Clinton administration, that the potential threat is more serious and more imminent than previously understood throughout our Nation.

I look forward to your comments on this subject and my dear friend and colleague here I think quite appropriately in his opening statement indicated some of his strong views. We have not always agreed on it, but it is a subject that is the centerpiece of the new Bush administration. No one is better qualified than yourself to advise the President on the directions to be taken.

We still have, as you well know, you are a former sailor, former naval aviator the best-trained, best-equipped military force in the world today. There are certainly many areas in which we need to continue to make improvements.

We are not pleased at all with the retention levels, difficulty of recruiting. When we recruit today, we recruit families. We recruit unlike when you and I went in many years ago into the service. It is families today.

When that critical decision is made about retention the wives are usually co-equal partners. It was a family decision to stay or to go out and seek the lucrative opportunities that these well-trained individuals have in the private sector.

Readiness and modernization have been the highest priority of this committee. We have achieved some gains, but not enough.

Procurement. We have almost dropped to levels which are just totally unacceptable. We have to modernize and restore the best we

can within the budget a much higher level of acquiring new and modern weapons.

Just look at the truck inventory in the United States Army. No civilian, no private sector, would operate a truck force like we are operating in the military. That is just one thing people can understand all across America.

So therefore, Mr. Secretary, we have to increase defense spending. When we, Senator Levin and I, had an opportunity to visit with President-elect Bush, Vice President-elect Cheney, on Monday, we did not talk about specific levels. But there was the clear consensus that we have to increase substantially defense spending.

Now, this morning we cannot establish those levels with any precision. But I was heartened to see that the President-elect wants to first task you to examine how the current budget, those of past years, being expended, to determine whether or not you should redirect funding, to determine whether there are efficiencies within which you can gain some cash needed for other programs.

Then after doing that, you can establish that level of increase in the context of not only the other budget factors, but most importantly the President-elect said the defense budget has to have a direct relevance if not in fact be driven by the threats poised against this Nation, threats quite different than our generation of active service in the military. Quite different.

Senator Levin expounded on terrorism and the work of this committee, and I commend this committee for its work. We have constantly had to push the current administration for higher levels of funding in a wide range of areas to combat terrorism and the risks here in the United States which I will address momentarily. We call it homeland defense.

President-elect Bush used that very phrase in his statement at the Citadel which is a foundation document of his thinking.

Now, historically, the Joint Chiefs of Staff have had, of course, a vital role in the planning in the Department of Defense. But I commend them, especially for the past 2 years, and indeed the years before under my distinguished predecessor, Senator Thurmond, for coming before this committee and testifying about the need for additional funds over and above the recommendations and the submissions by the Commander in Chief, the President of the United States at that very table.

The past 2 years we have taken that testimony which has been essential as this committee has gone to the floor of the United States Senate to get higher authorization levels for spending. We have gotten what I regard as modest sums, but nevertheless very important increases in the past 2 fiscal years.

You will be faced early on with first the supplemental. We have talked about that together. We talked with Senator Stevens and Senator Inouye about it. Followed by a budget amendment to the current Clinton administration budget which is traditionally submitted to Congress by the outgoing President. Those are some of the key things that you will have to address immediately. Within both, you will have additional sums needed desperately for our defense.

President-elect Bush has articulated a vision for the U.S. military and have set three broad goals for national defense.

First, to strengthen the bond of trust between the President which is so essential, from the four star officer down to the private or the seaman, that bond of trust between the commander and chief and those in uniform and indeed their families.

Second, to defend the American people against missiles and terror. Very few in the United States recognize we are virtually defenseless against missile attack. That, of course, is the subject that my colleague discussed and we will have further discussions on that.

Third, to begin creating the military of the next century. How well you know from your own study the old slogan they are always preparing to fight the last battle. Well, that worked maybe in World War II when we had the time to catch up because of the protection of the oceans. But those protections are gone today. Warfare is instantaneous. It is the arsenal we have of weapons and trained people in place that will be used.

Cyber warfare. No one envisioned that a decade ago. But today it is a threat which I and others think is just as lethal as anything.

I commend your predecessor, Secretary Cohen. He has recognized would you not say, Mr. Chairman, the oncoming and the changing threats in just the 4 years that he has been present as Secretary of Defense?

I want to say at this time, and I think the members of this committee would want to reflect, our respect for the work that Secretary Cohen and his team have done in his administration. You understand these goals.

I want to go back to the President's speech at the Citadel. He said, and I quote, "Those who want to lead America accept two obligations. One is to use our military power wisely remembering the cost of the war. The other is to honor our commitments to veterans who have paid those costs."

People. Those who have served in the past, those who are serving today, and those we need to have come in and serve for tomorrow.

I am proud of the way this committee, this last bill, began to reach back and take care of those veterans, particularly the career veterans, in terms of their medical needs. This committee is very conscious of the fact that they are the best recruiters in the world, those who have served once. We have in the past, I think, neglected them. That has come to an end with the work of this committee.

The start point President-elect Bush has said that he will recommend a substantial pay raise, a billion. This committee has worked on two successive pay raises. We are ready to accept that challenge of that billion dollar mark. Perhaps it has to be adjusted maybe up or sideways or down a bit. But we will back him in working through that very important thing because that is key again to the retention and the care of the families.

We all know that most of the retention decisions as I mentioned are made on a family basis. That is critical to care for those people.

Homeland defense will be a high priority for President-elect Bush and yourself, if confirmed. President-elect Bush has said that he will deploy both theater and national ABM systems to guard the United States, our allies, and troops deployed overseas against missile attack or the threat of attack. Defense against domestic terror-

ism, including detecting and responding to such threats, will also be a priority for the next administration. You will be at the very forefront.

We also need an immediate and comprehensive review as President-elect Bush advised us when we visited with him of our military today, its structure, it strategy, its capabilities, and its modernization priorities.

President-elect Bush has promised such a review. In my conversations with you, you are fully prepared to undertake that the first day you arrive in the department.

We must look beyond the modest improvements we have had to our current systems and find ways to enhance and strengthen our military in many areas.

I want to include among that base closure. It has been a very contentious subject. In past years, I was privileged to join with my friend, the Chairman, in originating those bills. Senator McCain has been very active on that front. I urge you to take a look at that at the earliest opportunity. There is infrastructure out there that can be withdrawn and I think constructively and in many instances will help local communities to get that infrastructure back and put it to good use. There will be a cost savings to the military which those dollars can be applied elsewhere. In most instances, it will eventually help the local communities. These are some of the initiatives that you must undertake.

So I support this nomination very enthusiastically. It is my intention to cast that vote for you subject to the work of this committee and I wish to commend President-elect Bush for putting together an absolutely outstanding team on the areas of national defense, national security, and international affairs. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Warner. Two of our friends and dear colleagues have joined us to introduce Mr. Rumsfeld. Senator Durbin, we will call on you first. Then we will call on Senator Fitzgerald.

STATEMENT OF HON. RICHARD J. DURBIN, U.S. SENATOR FROM ILLINOIS

Senator DURBIN. Thank you, Chairman Levin, and the members of the committee. It is an honor to introduce to the committee today my distinguished colleague from the land of Lincoln. I know that presidents have often complained about the Senate confirmation process. Herbert Hoover, upon the birth of his granddaughter, said, "Thank God she doesn't have to be confirmed by the Senate."

Donald Rumsfeld has so much experience, I am sure he will have less trouble winning confirmation than President Hoover's granddaughter would have had if she had required the Senate's blessing.

Don Rumsfeld's resume is impressive. Four-term Congressman from Illinois, Director of the Office of Economic Opportunity, U.S. Ambassador to NATO, White House Chief of Staff, the youngest ever Secretary of Defense, CEO of several major corporations, and a special envoy for President under President Reagan.

We have heard a lot about bipartisanship lately. When Don Rumsfeld came by my office to talk about this hearing, he told me that when he served in Congress before Baker versus Clark that

Speaker Sam Rayburn had a congressional district of about 89,000. Is that what you remember, Don? His congressional district was the largest in the nation at 1.1 million.

The Illinois district that Don Rumsfeld represented in the House of Representatives was split in two in Congress after he departed. One district represented by a conservative Republican and one by a liberal Democrat. His ability to serve such a diverse district speaks well of his ability to bridge a Congress and a country almost equally divided.

While all Senators may not agree with Mr. Rumsfeld on every issue, he has certainly earned our respect. In fact, I want to warn my Senate colleagues to be reluctant to go to the mat with Don Rumsfeld. Not only was he Captain of Princeton University's wrestling team, and All Navy wrestling champion, he was also inducted in the National Wrestling Hall of Fame and Museum. He joined Speaker Hastert as another famous wrestler who hails from Illinois.

I for one plan to keep in mind that wrestling depends on strategy and making the right move at the right time as much as it does on strength and power.

Some of his critics have complained Mr. Rumsfeld's experience with defense is from a bygone, Cold War era. Those critics ignore the obvious. Mr. Rumsfeld's valuable contributions chairing several commissions, including the Ballistic Missile Threat Commission, and the obvious experience that he has had in managing major corporations in a new economy. Mr. Rumsfeld has kept up and I would challenge his critics to try to keep up with him.

In 1775, in our revolutionary era, Patrick Henry said, "I have but one lamp by which my feet are guided and that is the lamp of experience. I know of no way of judging the future but by the past."

It is only because the United States was so steadfast in fighting for freedom and democracy that the world enjoys an unprecedented era of freedom and prosperity today.

Mr. Chairman, Mr. Rumsfeld carries the lamp of experience. I wish him for our country's sake every success as he travels by that light. It is with pride that I present to you one of Illinois' favorite and most distinguished sons.

Chairman LEVIN. Senator Durbin, thank you.

Senator Fitzgerald.

STATEMENT OF HON. PETER G. FITZGERALD, U.S. SENATOR FROM ILLINOIS

Senator FITZGERALD. Thank you very much, Mr. Chairman, and members of this distinguished committee. It is a great honor and privilege for me to join with my colleague, Senator Durbin, to present to this committee one of Illinois' most distinguished residents, Donald Rumsfeld.

The day after President-elect Bush announced his selection of Donald Rumsfeld, I noted that in the *New York Times* the reporter had asked Henry Kissinger his opinion of the Defense Secretary designate. Dr. Kissinger said, and I quote, "I literally cannot think of a better person for the post."

That was exactly my impression. I believe it was the impression of many of the members of this body and certainly of many of the newspaper editorial boards around the country.

It is kind of an irony, Don. You were actually my Congressman when I was growing up. I was one of those 1.1 million constituents Senator Durbin referred to.

Now, lest this committee conclude that either I am too young to be in the United States Senate or that he is too old to serve as Defense Secretary, I would point out that he was a very young Member of Congress, one of the youngest Members of Congress at the time, in his early 30s. I would note that in one of life's unfair ironies, he has more hair than I do today. As Senator Durbin said, I would not recommend that anybody try to wrestle with Don Rumsfeld.

Shortly after I got sworn in, I was very familiar with Donald Rumsfeld's record in business and in government. I knew of his impressive resume. But what I would urge you to reflect upon is, this man is not simply a resume who has held all these impressive posts. He is someone who has collected a lot of wisdom from his years of experience.

Shortly after I was sworn in, he shared with me a little pamphlet that he put together and compiled over the years known as "Rumsfeld's Rules". If any of you have not seen that, I would recommend that you get a copy of it. It has many of his words of wisdom and advice to Members of Congress or those in the administration. I read that carefully after I got sworn in. I remember certain pearls and chestnuts that you had, such as, "no Member of Congress is here by accident, if you get to know your fellow colleagues in this body, you will see that there is some special reason each one of them is here. In getting to know that special reason, you will come to respect that member and you will also learn a lot about America." So I recommend "Rumsfeld's Rules" to all of you. It has a great deal of wisdom in it.

As Senator Durbin said, Mr. Rumsfeld is a graduate of Princeton University, and captain of the wrestling team, and I believe, captain of the football team. He went on to be a naval aviator, was the Navy wrestling champion, served four terms in Congress, became the White House Chief of Staff, then was named Defense Secretary. He was regarded as having a wonderful record and having been an outstanding Secretary of Defense the first time around. I can only imagine him being better this time around.

Now, there is a lot of talk about investment opportunities these days with the market having gone up so much the last few years and then coming down. A good investment strategy over the last 20 years would have been to invest in companies that were chaired or the CEO was Donald Rumsfeld.

G.D. Searle Company, a major Illinois pharmaceutical company, was in dire straits back in 1977 when Don Rumsfeld took over. By the time he left in 1985 and the company was sold, the stock had quadrupled.

There was a similar success story with General Instrument Corporation. Many of you are familiar and are friends with Ted Forstman who runs a fund that invests in corporations. Ted Forstman, of course, is known for his philanthropy and his generos-

ity in creating scholarships for young children all over the country. That philanthropy might not have been possible had his fund not bought General Instruments, put Donald Rumsfeld in charge who within 3 years had tripled the stock of that corporation. They took it public.

He has continued on in advisory roles to this body and to the executive branch. He has stayed engaged in defense issues. This is a rare individual who has literally succeeded at almost everything he has done in life. I think I can only say, I can only conclude, as some of you have already concluded, that we are simply fortunate to have a person of this caliber who is willing to re-enter public service and to assist our country.

Mr. Chairman, I would ask leave to introduce into the record prepared remarks that I have. I want to thank you all for your consideration. I recommend Donald Rumsfeld with whole hearted enthusiasm and confidence. Thank you.

[The prepared statement of Senator Fitzgerald follows:]

PREPARED STATEMENT BY SENATOR PETER G. FITZGERALD

Thank you, Mr. Chairman, and members of the committee.

I am honored to be here today to introduce to you a man whom I have admired and respected throughout his distinguished career of public service. Introducing Don Rumsfeld to the Armed Services Committee is a little like introducing Sammy Sosa to the Chicago Cubs. Secretary Rumsfeld has hit home runs in literally everything he has done in his long and influential career.

Don Rumsfeld was my congressman when I was growing up. I first met Don in 1988, when he ran for President, and my family has known him for nearly 40 years. I am proud to be before this committee today in support of this extraordinary individual.

Don Rumsfeld attended Princeton University on a scholarship, and then was a Navy pilot and All Navy Wrestling Champion, before being elected four times to Congress from my home state of Illinois.

Don was an energetic and effective congressman, a rising star, who quickly caught the eye of Gerald Ford, then a Representative from Michigan. In 1969, President Nixon appointed Don as Director of the Office of Economic Opportunity, and later as U.S. Ambassador to NATO.

In 1974, President Ford selected Don to be his chief of staff, and Don's sound management and political instincts helped President Ford heal the wounds of Watergate and the Vietnam War. In 1975, President Ford appointed Don as Secretary of Defense, the youngest ever to serve in the position. Once again, Don displayed his extraordinary talents as a tough, skillful manager, strategist, and advocate. Don helped restore the confidence and credibility of our Armed Forces, warned of the growing Soviet threat, and built bipartisan support in Congress for strengthening and modernizing our military.

Don then applied his extraordinary energy and talent to the private sector, restoring profitability to two large, Illinois-based blue chip corporations. G.D. Searle, a major worldwide pharmaceutical company, was foundering when Don took over, but made a dramatic recovery under his leadership. Don then returned GI Corporation, a pioneer in telecommunications, to profitability—GI's market value tripled under Don's leadership.

Throughout Don's years in business, he continued to serve Illinois and the Nation, on numerous non-profit philanthropic boards, as an adviser to the State and Defense Departments, as President Reagan's Special Envoy to the Middle East, and as Chairman of the U.S. Ballistic Missile Threat Commission, among other things.

The President's most important job is Commander in Chief. President-elect Bush has demonstrated in selecting Don Rumsfeld as his Secretary of Defense that he will ensure that our Nation can face the security challenges of the 21st century. These challenges require that we create and maintain a flexible military force that is able to adapt quickly to changing threats. I know Don is committed to ensuring that America's Armed Forces are modernized to meet the challenges of the new century. He understands that today's procurement is tomorrow's readiness. He knows that the men and women of the Armed Forces must remain the best trained and best equipped in the world.

President-elect Bush has committed himself to building an effective missile defense system to protect our country from ballistic missile attack and nuclear intimidation. Don, as Chairman of the bipartisan Ballistic Missile Threat Commission, warned the Nation that the missile threat to the U.S. is real and growing, and that the United States will have little or no warning before a rogue state deploys ballistic missiles with the capability to inflict major destruction on the United States. As Don put it so well, the surprise is not that there are surprises, but that we are surprised that there are surprises.

We in Congress, by passing the National Missile Defense Act of 1999, made it the policy of the United States to deploy, as soon as is technologically possible, an effective National Missile Defense system. Don Rumsfeld is the right individual to make the hard choices and the tough calls that must be made to select and deploy an effective and affordable system that meets the threat.

Finally, providing the resources for the defense of this country is one of the greatest responsibilities we have as U.S. Senators. While we often get deeply involved in the pros and cons of this or that fighter plane or battleship, we can never forget what the defense of this country really rests on: our men and women in uniform. Don Rumsfeld knows this to his very core.

Don's 3 years of service in the U.S. Navy as a jet pilot and flight instructor, and his work as Secretary of Defense in the post-Vietnam years rebuilding the morale and pride of our military, are legendary. Don clearly understands the sacrifice that has been made by our service members. I am confident Don will help provide our military with the best equipment and training America has to offer and will ensure that every service member and his or her family has the quality of life they were promised. The recently released report on the U.S.S. *Cole* tragedy underscores the need to beef up security for our troops stationed abroad against the threat of terrorism.

In short, I cannot imagine anyone more capable of serving as Secretary of Defense than Don Rumsfeld, and I commend President-elect Bush for his bold choice. I am grateful that Don has agreed to return to what is, without doubt, one of the toughest jobs in the world. We are fortunate to have someone of Don's caliber willing to take on this difficult responsibility once again. It is therefore a great privilege to join my colleague, Senator Durbin, in introducing Don Rumsfeld, and urge the committee to give prompt and favorable consideration to his nomination.

Thank you, Mr. Chairman.

Chairman LEVIN. It will be made part of the record. We thank both of you for coming. It makes a real difference to the nominee I am sure and to this committee. Mr. Rumsfeld, now you have to live up to all of that and investment advice while you are at it.

STATEMENT OF HON. DONALD RUMSFELD, SECRETARY OF DEFENSE NOMINEE

Mr. RUMSFELD. Wow. Well, I must say I thank Senator Fitzgerald and Senator Durbin for those very generous words. I will try to live up to them.

Mr. Chairman, Senator Warner, members of the committee: It is a privilege and an honor to appear before you today as the nominee for the post of Secretary of Defense. I am certainly grateful to President-elect George W. Bush for his confidence that he's placed in me. I thank the committee and you, Mr. Chairman, for your courtesy in arranging this hearing so promptly.

I would like, with your permission, to make some remarks off my prepared statement and have the statement made a part of the record.

Chairman LEVIN. It will be made part of the record in full.

Mr. RUMSFELD. As has been said, it was 25 years ago that I had the privilege of appearing for the first time before this committee as President Ford's nominee for Secretary of Defense. Certainly, we lived in a very different world then. In the intervening quarter of a century, the world has changed in ways that we could really only have dreamed of.

America was locked in a nuclear and ideological standoff with the Soviet Union. Today, the Soviet Union is no more. The world of superpower standoff has given way to a world of expanding freedom and, I would add, expanding opportunity.

The last time I appeared here for a confirmation hearing, the Armed Forces and those of our NATO allies stood toe-to-toe facing the militaries of the Warsaw Pact—ready to clash at a moment's notice on a battlefield with Poland, Hungary, Czechoslovakia, and East Germany.

Today, the Warsaw Pact is no more; Berlin is again the capital of a unified Germany; and Warsaw, Prague, and Budapest are the capitals of our new NATO allies. As one who served as U.S. Ambassador to NATO, I must say I find these changes breathtaking and fundamental.

When I appeared previously, American industry was facing an industrial challenge from Japan. You will recall the productivity and competitiveness made American industry look fat in overhead, excessively layered in management, sluggish in confronting change and innovation.

Today, U.S. industry has shaken off those handicaps and—in a process that I have had the privilege to witness first hand—become a leader and a model for the rest of the world. The end of the Cold War and the collapse of Soviet military power have brought the twentieth century—possibly the most violent and destructive century in human history—to a remarkably peaceful close.

U.S. and allied military power was the indispensable instrument that contained the Soviet Union, confronted Soviet power and its surrogates at the geographic extremities of its advance, and provided the shield within which democratic order and economic prosperity could evolve and develop.

When the great struggle that was World War II had passed, this country found itself facing new challenges with the advent of the Cold War and the development of nuclear weapons. Today, with the Cold War Era history, we find ourselves facing a new era, often called the Post Cold War period or possibly more properly the Era of Globalization.

It is an extraordinarily hopeful time, one that is full of promise, but also full of challenges. One of those challenges, one that, if confirmed, I look forward to working with President-elect Bush and this committee and Congress to meet, is the challenge of bringing the American military successfully into the 21st century, so that it can continue to play its truly vital role in preserving and extending peace as far into the future as possible.

As President-elect Bush has said, "After the hard but clear struggle against an evil empire," the challenge that we face today "is not as obvious, but just as noble: To turn these years of influence into decades of peace." The "foundation of our peace" is a "strong, capable and modern military." Let there be no doubt.

The end of the Cold War did not bring about an end to armed conflict, or the end to challenges and threats to U.S. interests. We know that. Indeed, the centrifugal forces in world politics have created a more diverse and less predictable set of potential adversaries whose aspirations for regional influence and whose willingness to use military force will produce challenges to important U.S. in-

terests and to those of our friends and allies as Chairman Levin mentioned.

President-elect Bush has outlined three overarching goals for bringing U.S. Armed Forces into the 21st century: First, we must strengthen the bond of trust with the American military. The brave and dedicated men and women who serve our country in uniform active, guard, and reserve—must get the best support their country can possibly provide them so that we can continue to call on the best people in the decades to come.

Second, we must develop the capabilities to defend against missiles, terrorism, the newer threats against our space assets and information systems as members of the committee have mentioned. The American people, our forces abroad, and our friends and allies must be protected against the threats with modern technology and its proliferation confront us.

Third, we must take advantage of the new possibilities that the ongoing technological revolution offers to create the military of the next century.

Meeting these challenges will require a cooperative effort between Congress and the Executive Branch, and with industry and with our allies as well. If confirmed, I look forward to developing a close working relationship with this committee and with the counterpart committees in the House of Representatives to achieve these goals, and to fashion steps to help to transform our defense posture to address those new challenges.

We must work together if we are to be able to address the problems of inadequate funding, which has been the case, unreliable funding, pertebations in funding and resistance to change. Change is hard and institutions are difficult to move. With cooperation and collaboration, we can make real progress. Without cooperation, we will surely fail.

President-elect Bush is committed to a strong national defense. If confirmed, one of our first tasks will be to undertake a comprehensive review of U.S. defense policy that Senator Warner mentioned. This review will be aimed at making certain that we have a sound understanding of the state of U.S. forces and their readiness to meet the 21st century security environment.

We need to ensure that we will be able to develop, deploy, operate, and support a highly effective force capable of deterring and defending against new threats. This will require a refashioning of deterrence and defense capabilities. The old deterrence of the Cold War era is imperfect for dissuading the threats of the new century and for maintaining stability in our new national security environment.

If confirmed as Secretary, I plan to pursue five key objectives needed to support and make progress on the President's goal.

First, we need to fashion and sustain deterrence appropriate to the new national security environment. The proliferation of weapons of mass destruction and their means of delivery are a fact of life that first must be acknowledged and recognized for what it is. They must be managed. While striving to slow proliferation remains essential, a determined state may, nonetheless, succeed in acquiring weapons of mass destruction and increasingly capable missiles.

As a consequence, a decisive change in policy should be aimed at devaluing investment in weapons of mass destruction and their delivery systems by potential adversaries. Credible deterrence no longer can be based solely on the prospect of punishment through retaliation. It must be based on a combination of offensive nuclear and non-nuclear defensive capabilities, working together to deny potential adversaries the opportunity and the benefits that come from the threat and the use of weapons of mass destruction against our forces, our homeland, as well as those of our allies.

Second, the readiness and sustainability of deployed forces must be deferred. The price of inadequate readiness is paid in necessary risks to American interests and in unnecessary risks to the lives of American service men and women.

But inadequate readiness exacts a further price in the future quality of the force. Our Armed Forces today are all volunteers. Whether Active Duty, Reserve or National Guard, they are men and women who have willingly answered the call to serve our country and accepted the burdens and dangers that go with that service.

As President-elect Bush has said, "even the highest morale is eventually undermined by back-to-back deployments, poor pay, shortages of spare parts and equipment, and declining readiness. . . . A volunteer military really has only two paths it can travel. One is to lower standards to fill the ranks. Or it can inspire the best and brightest to join and stay." If confirmed, I look forward to working with the President and this committee that has been so interested in this subject to make sure that our country's service is able to attract and retain the best of our country.

Third, U.S. command-control-communication, intelligence and space capabilities must be modernized to support our 21st century needs. A modern command, control, communications, and intelligence infrastructure is the foundation upon which U.S. military power is employed. The development and deployment of a truly modern effective command, control, communication, and intelligence system is fundamental to the transformation of U.S. military forces, and it is indispensable to our ability to conduct effective diplomacy.

I am committed to strengthening our intelligence to serve both our short-term and our long-term national security needs. I will personally make establishing a strong spirit of cooperation between the Department of Defense and the rest of the intelligence community, under the leadership of the DCI, one of my top priorities. We simply must strengthen our intelligence capabilities and our space capabilities, along with the ability to protect those assets against various forms of attack.

Fourth, the U.S. defense establishment must be transformed to address our new circumstances. The need to swiftly introduce new weapons systems is clear. The transformation of U.S. military power to take full advantage of commercially created information-technology may require undertaking a near-term investment to acquire modern capabilities derived from U.S. scientific and industrial pre-eminence, rather than simply upgrading some existing systems.

The present weapons system acquisition process was designed in an environment different from the one that exists today. In my view, it is not well-suited to meet the demands posed by an expansion of unconventional and asymmetrical threats in an era of rapid technological advances and a period of pervasive proliferation.

The cycle time from program start to initial operational capability for major acquisition programs conducted over the past several decades has, I am told, generally been between 8 and 9 years. Some efforts obviously have taken far longer.

But such processes are not capable of harnessing the remarkable genius and productivity of the modern, information-based commercial and industrial sectors that have done so much to revolutionize our civilian economy.

Fifth, reform of DOD structures, processes, and organization. The legacy of obsolescent institutional structures, processes, and organizations does not merely create unnecessary costs—which, of course, it does—it also imposes an unacceptable burden on the national defense. In certain respects, it could be said that we are in a sense disarming or under arming by our failure to reform the acquisition process and to shed unneeded organizations and facilities.

If confirmed, we will examine, in consultation with Congress, omnibus approaches to changing the statutory and regulatory basis for the most significant obstacles to reform.

This agenda for the new security environment is admittedly ambitious. It is an achievable one if the legislative and the executive branches work together.

If confirmed, I will work closely with the committee and with the other appropriate committees of Congress to develop, fund, and implement an overall defense program that can achieve our goals for the future and for the future of our children.

I again want to express my appreciation to the President-elect for his confidence and to you, Mr. Chairman, and the members of the committee for inviting me here today. Thank you, sir.

[The prepared statement of Mr. Rumsfeld follows:]

PREPARED STATEMENT BY HON. DONALD H. RUMSFELD

Mr. Chairman, Senator Warner, members of the committee: It is a privilege and an honor to appear before you today as the nominee to be the next U.S. Secretary of Defense. I am grateful to President-elect George W. Bush for nominating me to this important post and for the confidence he has placed in me. I thank you and this Committee for your courtesy in scheduling this confirmation hearing.

With your permission, I will make a few opening remarks and request that my prepared statement be included in the record.

Some 25 years ago, I had the privilege of appearing for the first time before this Committee as President Gerald R. Ford's nominee for Secretary of Defense. We lived in a very different world then. In the intervening quarter century the world has changed in ways that we could once only dream of.

The last time I appeared before you in this capacity, America was locked in a nuclear and ideological standoff with the Soviet Union. Today, the Soviet Union is no more, and the world of superpower standoff has given way to a world of expanding freedom and, I would add, expanding opportunity.

The last time I appeared here for a confirmation hearing, U.S. Armed Forces and those of our NATO allies stood toe to toe facing the militaries of the Warsaw Pact—ready at a moment's notice to clash on the battlefield with Poland, Hungary, Czechoslovakia and East Germany. Today, the Warsaw Pact is no more; Berlin is again the capital of a unified Germany; and Warsaw, Prague, and Budapest are the capitals of our new NATO allies. As one who once served as U.S. Ambassador to NATO, I find these changes both breathtaking and fundamental.

When I appeared previously, American industry was facing an industrial challenge from Japan, whose productivity and competitiveness made American industry look fat in overhead, excessively layered in management and sluggish in confronting change and innovation. Today, U.S. industry has shaken off those handicaps and—in a process that I have witnessed personally—has become a leader and a model for the rest of the world.

The end of the Cold War and the collapse of Soviet military power have brought the 20th century—possibly the most violent and destructive century in human history—to a remarkably peaceful close. U.S. military power was the indispensable instrument that contained the Soviet Union, confronted Soviet power and its surrogates at the geographic extremities of its advance, and provided the shield within which democratic order and economic prosperity were able to develop. As part of this process, the peoples of Russia and other states of the former Soviet Union have, or are in the process of, throwing off communism and reaching for democratic order and market economy. The United States has emerged from the 20th century in a strong position in every measure of national strength—military, economic, scientific, industrial, diplomatic, political and, I believe, even spiritual. Even more important, the U.S. and our democratic allies in Europe, Asia and elsewhere enjoy a special position in the world that, if we can work together, offers the possibility to make the new century one of the most peaceful in history.

When the great struggle that was World War II had passed, this country found itself facing new challenges with the advent of the Cold War and the development of nuclear weapons. Today, with the Cold War Era history, we find ourselves facing a new era, one that is often called the Post Cold War Era or the Era of Globalization. It is an extraordinarily hopeful time, one that is full of promise, but also full of challenges. One of those challenges, one that, if confirmed, I look forward to working with President-elect Bush and Congress to meet, is the challenge of bringing the American military successfully into the 21st century, so that it can continue to play its vital role in preserving and extending the peace as far into the future as possible.

As President-elect Bush has said, "After the hard but clear struggle against an evil empire," the challenge that we face today "is not as obvious, but just as noble: To turn these years of influence into decades of peace." The "foundation of our peace" is a "strong, capable and modern military."

The end of the Cold War did not bring about an end to armed conflict, or an end of challenges and threats to U.S. interests. Indeed, centrifugal forces in world politics have created a more diverse and less predictable set of potential adversaries whose aspirations for regional influence and whose willingness to use military force may well produce challenges to important U.S. interests and those of our friends and allies.

President-elect Bush has outlined three overarching goals for bringing U.S. Armed Forces into the 21st century:

First, we must strengthen the bond of trust with the American military. The brave and dedicated men and women who serve our country in uniform-active, guard and Reserve—must get the best support their country can possibly provide them, so that our country can continue to call on our best people to serve in the decades to come;

Second, we must develop the capabilities to defend against missiles, terrorism, and newer threats against our space assets and information systems. The American people, our forces abroad, and our friends and allies must be protected against the threats with which modern technology and its proliferation confront us; and

Third, we must take advantage of the new possibilities that the ongoing technological revolution offers to create the military of the next century.

Meeting these challenges will require a cooperative effort between Congress and the Executive Branch, and with industry and with our allies as well. If confirmed, I look forward to developing a close working relationship with this Committee and your counter-parts in the House to achieve these goals, and to fashion steps to transform our national defense posture from its current form to one that will address the challenges of 21st century security. Bonds of trust need to exist not only between the President and the Armed Forces, but between the Department of Defense and Congress as well. We must work together if we are going to be able to address the real problems of inadequate funding, unreliable funding and resistance to change. Without cooperation and collaboration we will fail.

President-elect Bush is committed to a strong national defense. Therefore, if confirmed, one of our first tasks will be to undertake a comprehensive review of U.S. defense policy. This review will be aimed at making certain that we have a sound understanding of the state of U.S. forces and their readiness to meet the requirements of the 21st century security environment.

We must ensure that we will be able to develop, deploy, operate and support a highly effective force capable of deterring and defending against new threats, so that our country can contribute to peace and stability in the world. This will require a refashioning of deterrence and defense capabilities. The old deterrence of the Cold War era is imperfect for dissuading the threats of the 21st century and for maintaining stability our new security environment.

PRIMARY OBJECTIVES

Mr. Chairman and members of the committee, the explosive advance of modern technology, and the forces of globalization that are making the technology available to ally and adversary alike, make the transformation of U.S. military power essential. While much of the existing defense establishment can be adapted to 21st century needs, a good deal cannot. We must move forcefully to rationalize the costly burden of force structures and practices that do not contribute to current and future U.S. security needs.

If confirmed as Secretary, I plan to pursue five key objectives and implement policies and allocate resources needed to achieve those objectives.

First, we need to fashion and sustain deterrence appropriate to the contemporary security environment—a new national security environment.

The proliferation of weapons of mass destruction and their means of delivery are increasingly a fact of life that first must be acknowledged and then managed. While striving to prevent further proliferation remains essential, a determined state may, nonetheless, succeed in acquiring weapons of mass destruction and increasingly capable missiles. As a consequence, a decisive change in policy should be aimed at devaluing investment in weapons of mass destruction and their delivery systems by potential adversaries.

In a world of smaller, but in some respects more deadly threats, the ability to defend ourselves and our friends against attacks by missiles and other terror weapons can strengthen deterrence and provide an important compliment purely to retaliatory capabilities. Moreover, the ability to protect our forces is essential to preserving our freedom to act in a crisis. To this end, effective missile defense—not only homeland defense, but also the ability to defend U.S. forces abroad and our allies and friends, must be achieved in the most cost-effective manner that modern technology offers.

Nuclear deterrence remains an essential element of our defense policy. The credibility, safety, reliability, and effectiveness of the Nation's nuclear deterrent must remain unquestioned. But it must be adapted to 21st century deterrence needs. Credible deterrence no longer can be based solely on the prospect of punishment through massive retaliation. Instead, it must be based on a combination of offensive nuclear and non-nuclear defensive capabilities working together to deny potential adversaries the opportunity and benefits from the threat or use of weapons of mass destruction against our forces and homeland, as well as those of our allies.

Second, the readiness and sustainability of deployed forces must be assured.

When U.S. forces are called upon, they must be ready to cope with any contingency they may face, and be able to sustain military operations over an extended period of time if necessary. The pace of modern military operations in the Kosovo campaign revealed the kinds of demands placed on the readiness and sustainability of U.S. forces.

The price of inadequate readiness is paid in unnecessary risk to American interests and lives of American service men and women. But inadequate readiness exacts a further price in the future quality of the force. Our armed forces today are all volunteers. Whether Active Duty, Reserve, or National Guard, they are men and women who have willingly answered the call to serve our country and accepted the burdens and dangers that go with that service. But, as President-elect Bush has said, "even the highest morale is eventually undermined by back-to-back deployments, poor pay, shortages of spare parts and equipment, and declining readiness. . . . A volunteer military has only two paths. It can lower its standards to fill its ranks. Or it can inspire the best and brightest to join and stay." If confirmed, I look forward to working with the President and Congress to make sure that our country's service continues to attract and keep our very best.

Third, U.S. command, control, communication, intelligence, and space capabilities must be modernized to support 21st century needs.

In his speech at the Citadel, President-elect Bush talked about how the threats to our security are changing: "We see the contagious spread of missile technology and weapons of mass destruction. All the unconventional and invisible threats of new technologies and old hatreds."

As the threats we face change, our defense capabilities must adapt and change with them. A modern command-control-communication and intelligence infrastructure is the foundation upon which U.S. military power is employed. The development and deployment of a truly modern and effective command-control-communication and intelligence system is fundamental to the transformation of U.S. military forces, and indispensable to our ability to conduct effective diplomacy.

I am committed to strengthening our intelligence to serve both our short-term and long-term national security needs. I will make establishing a strong spirit of cooperation between the Department of Defense and the rest of the intelligence community, under the leadership of the Director of Central Intelligence, one of my top priorities. We must strengthen our intelligence capabilities and our space capabilities, along with the ability to protect those capabilities against various forms of attack.

Fourth, the U.S. defense establishment must be transformed to address 21st century circumstances.

The DOD has been unable to procure advanced weapon systems that can lower the cost and increase the performance of the Armed Forces. The need to swiftly introduce new weapons systems is paramount. The transformation of U.S. military power to take full advantage of commercially created information-technology may require undertaking a near-term investment to acquire modern capabilities derived from U.S. scientific and industrial pre-eminence, rather than simply upgrading existing systems.

The present weapons system acquisition process was designed for a different environment than the one that exists today. It is ill suited to meet the demands posed by an expansion of unconventional and asymmetrical threats in an era of rapid technological advances and pervasive proliferation. The cycle time (from program start to initial operational capability) for major acquisition programs conducted over the past several decades has averaged between 8 and 9 years. Some efforts take far longer. Such processes are not responsive to urgent new challenges that involve considerable uncertainties. They are not capable of harnessing the remarkable genius and productivity of the modern, information-based commercial and industrial sectors that have done so much to revolutionize the U.S. civilian economy.

In the 1960s and 1970s, the time from initial concept to actual deployment was significantly shorter than it is today. In short, the pace of development has become slower while the pace of technological change has become far more rapid. These two opposite trends conspire to create a situation where it is difficult for the acquisition process to produce anything other than capabilities that are already a generation behind when deployed. This problem must be addressed.

Simply tinkering with the present acquisition system will not provide the innovation and speed necessary to satisfy future military needs and take advantage of powerful new technologies. If confirmed, I will work with this committee to develop a new acquisition strategy—one designed to take advantage of modern U.S. industrial practices—that will enable us to develop and field weapon systems at a speed that reflects the needs and possibilities of the new century.

Fifth, reform of DOD structures, processes and organization.

The legacy of obsolescent institutional structures, processes and organizations does not merely create unnecessary costs, it imposes an unacceptable burden on the National defense. In certain respects, it could be said that we, in a sense, are disarming ourselves by our failure to reform the acquisition processes and to shed unneeded organizations and facilities. If confirmed I will examine, in consultation with Congress, omnibus approaches to changing the statutory and regulatory basis for the most significant obstacles to reform.

This agenda for the new security environment is admittedly an extraordinarily ambitious one. It is an achievable one if the Legislative and Executive branches of our government strengthen the bond of trust, and work together in a determined and collaborative fashion. If confirmed, I will work closely with this committee and the other appropriate Committees of Congress to develop, fund, and implement an overall defense program that can achieve our goals for the future and for the future of our children and grandchildren.

Again, I want to express my appreciation to the President-elect for his confidence and trust. I thank you Mr. Chairman and members of the committee.

Chairman LEVIN. Thank you, Mr. Rumsfeld. In accordance with the practice of the committee, without objection, your responses to our pre-hearing policy questions and your response to the committee questionnaire will be made part of the record of this hearing.

We have not yet received all of the paperwork on Mr. Rumsfeld's nomination. That paperwork, which may be lengthy, will be reviewed by the committee and it could require additional discussion between the committee and the nominee.

Before we begin our first round of questions, there are several standard questions which we ask every nominee who comes before the committee. In your response to advance policy questions, you agreed, Mr. Rumsfeld, to appear as a witness before congressional committees when called and to ensure that briefings, testimony and other communications are provided to Congress.

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

Mr. RUMSFELD. I do not know. First of all, the laws and regulations and rules are different for the various entities to which I have submitted this massive amount of information: the Pentagon, the Office of Government Ethics, the committee. I do not know that they all agree among themselves, but they are reviewing it. I think probably one of the reasons for the delay in getting the stack of hundreds of pages of materials to you is because it is still down in the Office of Government Ethics.

I have a large number of investments and activities that would have to be characterized as conflicts were they to be maintained during my service as Secretary of Defense. I have, however, indicated in my response to you, Mr. Chairman, and to the other organizations, that I am ready and able—I believe able, but certainly ready—to take whatever steps are appropriate to eliminate anything that anyone of the various entities might feel would be inappropriate, both with respect to investments and with respect to relationships and boards and associations and that type of thing.

Chairman LEVIN. Then to rephrase the tense of the verb, will you adhere to applicable laws and regulations governing conflict of interest?

Mr. RUMSFELD. Yes, sir. Of that you can be certain.

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

Mr. RUMSFELD. No, I have not. I have talked to two people about—on a contingency basis that in the event that I am confirmed, they are individuals I would like to have join me in the department. But it has been purely on a contingency basis. I might just say that because the outcome of the election was delayed so long, the process is delayed. I hope that when we do get to the point of my recommending to the President-elect names to join me in the Pentagon, that the committee will move as promptly as possible with consideration of those people. Because when I think of the massive review you have characterized in your opening remarks that is facing me at the Pentagon, it is not something I would look forward to doing alone. I will need all the help I can get.

Chairman LEVIN. I am sure that our next Chairman will have the support of this full committee in trying to expedite the nominees for those positions.

Mr. RUMSFELD. Thank you, sir.

Chairman LEVIN. Will you ensure that the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record and hearings?

Mr. RUMSFELD. I will certainly try to. I have been told that the number of requests for studies and responses to questions from various elements of the committees of interest to the Executive Branch to the Department of Defense is enormous. I would have to look at it and see how we can manage that process in a way that is satisfactory to both Congress and to the Executive Branch. But I certainly would make every effort in the world to do so.

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

Mr. RUMSFELD. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. RUMSFELD. Well, if it is honest, certainly. If some witness came before a committee and said something that was inaccurate, I certainly would want to visit with them.

Chairman LEVIN. I think we would, too.

Mr. RUMSFELD. I do too.

Chairman LEVIN. I think we would too. But other than that qualification, you will take steps to make sure that there is no reprisal against witnesses who intend to honestly present testimony and their opinions.

Mr. RUMSFELD. Yes, sir. I would certainly want to see that witnesses were honest and forthright with the committees of Congress.

Chairman LEVIN. Now, we are going to proceed to a first round of questions which, because of the number of Members who are here, we are going to limit to 8 minutes for each Senator. First, we will do that on an alternating basis between the two sides. Then following the early bird rule, we will recognize current Members of the committee first, followed by our newly designated Members. That's a bit of an awkward way to go at this, but I hope that our designated Members who are not yet formally Members of the committee will understand that. If there is a difficulty with that, we can try to adjust among us to accommodate schedules. But I did not know any other way to proceed until our new Members are actually Members of the committee which will not occur apparently until next week. The second round and any subsequent rounds will be limited to 6 minutes for each Senator. It is my intent to recess the committee for lunch at about 1 o'clock and to resume the hearing at 2 o'clock. If necessary, we will schedule additional hearings.

First, relative to missile defense, Mr. Rumsfeld, press reports have occasionally suggested that the Ballistic Threat Commission, which you chaired, advocated the deployment of a national missile defense system.

Am I correct in stating that the mandate of the Commission was limited to examining the ballistic missile threat to the United States and that you and your commission did not take any position whether we should deploy a national missile defense system?

Mr. RUMSFELD. That is correct.

Chairman LEVIN. It has also been suggested that the incoming administration has already made decisions about the architecture of a national missile defense system should it seek to deploy such

a system. It has been stated by, I believe, one of our colleagues that a decision presumably has been made already, a phased layered plan and a reconfigured plan for the ground-based program including land, sea, and space components.

Do you know whether or not the incoming administration has made any decisions relative to the architecture of a national missile defense system, if in fact a decision is made to recommend such a system?

Mr. RUMSFELD. Well, we know that the President-elect—and I suppose in terms of trying to characterize an administration that does not exist yet and where there are prospective participants who have really not had opportunities to meet and discuss these things, the President-elect has indicated that it is his intention to deploy a missile defense system. I know of no decisions that have been made by him or by me with respect to exactly what form that might take.

Chairman LEVIN. The National Missile Defense Act, which was adopted by Congress and signed by the President, contains two equal statements of U.S. policy. The first statement is that it is the policy of the United States to deploy as soon as technologically possible an effective national missile defense system to defend against limited ballistic missile attacks. The second statement is that it is the policy of the United States to seek continued negotiated reductions in Russian nuclear weapons.

Do you believe that we should consider the possible negative impact that the deployment of a national missile defense system could have on our policy to seek continued negotiated reductions in Russian nuclear weapons as indicated by that statute?

Mr. RUMSFELD. Well, you were kind enough to give me a copy of that statute. I have read it. It seems perfectly reasonable to me. The only thing I might have added to it, had I been a Member of Congress, I might not have included the word negotiated in the second phrase where it says seek continued negotiated reductions in Russian nuclear forces.

It seems to me you may or may not do it on a negotiated basis. There had been instances in relationships with countries where they had each taken actions that were not a result of a final negotiated agreement but rather were understood and were agreed to be in both parties' interests. But I find nothing in here that is surprising or unusual or with which I would disagree.

Chairman LEVIN. You believe that both of those goals are legitimate goals with that qualification?

Mr. RUMSFELD. There is no question but that I think that we should deploy a missile defense system when it is technologically possible and effective. I think that you obviously would want to be in discussions with Russia about the sizes and shapes of their capabilities and ours.

Chairman LEVIN. Do you believe that it is a legitimate policy and an important policy to seek reductions in those nuclear weapons on Russian soil, as indicated by that statute? Do you agree with that as a goal?

Mr. RUMSFELD. I do. I think that to the extent we can manage those capabilities down—I must say I think that the Russian stockpile or capabilities are going to go down anyway. Simply because

of the circumstance of their economy. But I have no problem in talking with them about that. Although it is principally the responsibility of the Department of State.

Chairman LEVIN. Is it in our interest that there be fewer nuclear weapons on Russian soil rather than more nuclear weapons on Russian soil?

Mr. RUMSFELD. Sure.

Chairman LEVIN. Is that something which would be in America's interest and the world's interest?

Mr. RUMSFELD. Yes, indeed.

Chairman LEVIN. On the Comprehensive Test Ban Treaty, we have recently received a letter from former Secretary of Defense Laird, who now joins General Shalikashvili, in believing that there should be reconsideration of the Comprehensive Test Ban Treaty with certain safeguards relative to verification. Given your previous position as having doubts about the question of verification, I am wondering whether you would be willing to take a look at the position of our Joint Chiefs which favors the Comprehensive Test Ban Treaty and believes that it is verifiable? Would you be willing to take a look at the recommendations of General Shalikashvili, and Secretary Laird, relative to that treaty?

Mr. RUMSFELD. Former Secretary of Defense Mel Laird was kind enough to send me the material that he communicated with General Shalikashvili about. I have not had a chance to study it. But my concern on the Comprehensive Test Ban Treaty—and I forget when it was before the Senate, but as I recall, I testified on the subject.

My concerns were two-fold really. One was the number of issues that were raised by people whose judgment I respect in the scientific community about the risks to the reliability and safety of the stockpile. I think that is something that is terribly important. We simply must have confidence in the safety and reliability of our weapons.

The second was the difficulty of verification. I am aware in the press of what General Shalikashvili has come forward with. Certainly, I would want to look at it and think about it as any reasonable person would.

Chairman LEVIN. Thank you. Earlier this month, the *Chicago Tribune* reported on a taped conversation that you apparently had with President Nixon when you were serving as counselor to the President in 1971. On the tape, there are a number of statements which I would appreciate your commenting on. I think it is important that you do comment on them.

First, there were some offensive racist comments by the President. I would like you to explain your recollection of that conversation and your response to his comments.

Second, the *Chicago Tribune* reports that in the conversation you make the statement that the Republicans got us out of Democratic wars four times in this century, referring to the first World War, the second World War, the Korean War, and the Vietnam War. I am wondering whether you believed it at the time that those wars were Democratic wars? If not, why would you have made that statement? What are your thoughts about that?

Mr. RUMSFELD. Well, I was—the Bush transition office was contacted by the reporter who had been listening to the tape. He provided the office with some notes. I would not call them a transcript. Because in many cases they did not even purport to be a transcript of the tape. There was lots of places where it was dot, dot, dot. They then somehow—the transition office got ahold of the tape. I was able to listen to a few seconds of it. I do not know how long, but not much. I could not understand much of it. It is very difficult to understand.

The truth is I did not remember the meeting or the conversation at all when it was raised. It was 30 years ago, 29 years ago.

Apparently, from what can be reconstructed, I was in an office somewhere in the White House complex with President Nixon as a—I guess I was an aide or a counselor or an assistant to him at the time. Apparently—and again, I am not certain of all of this—it appears that he was characterizing some remarks that were made by Vice President Agnew. He was characterizing—he was quoting them in a critical manner saying that Agnew should not have said that. He should not have been drinking with people who he did not know or whatever it was.

Then later he quoted some other people and how they talked and he adopted a dialect according to this tape. The tape seems to indicate that I may have agreed with one or more things on that tape. To the extent I did agree with anything, I am certain I agreed only with the fact that some people talk like that and that Vice President Agnew should not have used or thought such derogatory and offensive and unfair and insensitive things about minorities.

I did not then and I do not now agree with the offensive and wrong characterizations. I think it is unfortunate that it comes up because it is not fair and it can cause pain to people to read that type of thing.

It is ironic that that newspaper, the *Chicago Tribune,* opposed the civil rights legislation during the 1960s when I was supporting it. That was the most powerful paper in my congressional district and I supported every single piece of civil rights legislation. I was Chairman of Tuskeegee Institute's 100th anniversary fundraising when Chappy James died and have an honorary degree from Tuskeegee Institute.

On the Democratic war quote, I would say this. That was a time when the Vietnam War was raging. President Nixon was embattled and he was trying to end it. There were buses around the White House if you think back to that period. It is not—when you think of the Hoover Depression or the Clinton economy today, there are shorthand ways of talking in private. It is a—a war is our country's war. It is not a Democratic war. It is not a Republican war. It is not a president's war. It is our Nation's war. I understand that. To the extent shorthand was used, it should not have been.

Chairman LEVIN. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. That is an important inquiry that the Chairman has brought up and I feel I should add some personal recollections. I was Secretary of the Navy at that very time under Nixon. I recall being in a similar position from time-to-time in his presence when—although I regard him as a great President on national security and foreign affairs, he did

have his shortcomings. I have looked into that transcript very carefully with our nominee here this morning and I am personally satisfied that he conducted himself in a manner that reflects no discredit on him today.

Second, I must say, Mr. Chairman, the morning after that article appeared, Senator Moynihan called me. Senator Moynihan also was a member of our team in those days and very much involved. He said that if this is a matter that requires explanation, he would be happy to appear before this committee as a witness and testify to the unqualified credentials of this distinguished nominee, particularly in the area of civil rights. So I thank you for your forthright responses on that issue.

Let us turn to the critical question of defense spending. I am going to ask you three or four questions on it. We are not here today to establish a number, even a benchmark.

I think the important thing is to receive from you your unqualified support to increase defense spending. The procedures by which you will in the first 90 days undertake to ascertain first the efficiencies that can be generated within the existing budgets and second the procedures by which the President, yourself, and other advisors will determine how to increase it and by what amount.

Second, reiterate what the President has already said, to me and others, that, yes, other budget considerations, very important, will take into consideration, but threat, the threats facing the United States and the need for this modernization will be the controlling factor in reaching the determinations on increased funding. Can you elaborate on that, sir?

Mr. RUMSFELD. Yes, sir. I was asked by the President to consider becoming his nominee for this post I guess 8 or 10 days ago. I have spent most of my time visiting with members of this committee and preparing for this hearing. I have not taken the series of briefings at the Pentagon. Nor have I had an opportunity to wrap my head around the budget numbers. I have read a great deal about it. I mean, the CBO was using one number. I think it was something like $40 or $50 billion add on. I read an article by Jim Schlesinger and Harold Brown who came up with a number that was somewhat higher than that, $60 or $75 billion as I recall. I read a report from the CSIS, Georgetown Center, that was something in the neighborhood of $100 billion or $100 billion plus.

Senator WARNER. I heard you include the very conscientious evaluations of the Joint Chiefs.

Mr. RUMSFELD. Yes, yes. What the number is, I don't know. Is it clear that there needs to be an increase in the budget? There is no doubt in my mind. But I am not well enough along in my thinking on it. Nor have I had an opportunity to even begin to be briefed by Bill Cohen. Although he has told me they are—he feels the same way. I have not had a chance to talk to the transition people who are thinking through the budget numbers and how whatever it is——

Senator WARNER. But your commitment today is to work toward a significant increase.

Mr. RUMSFELD. Yes, sir.

Senator WARNER. That is what I wanted to know.

Mr. RUMSFELD. Absolutely.

Senator WARNER. That threat will be a consideration.

Mr. RUMSFELD. Absolutely.

Senator WARNER. Second, that in your capacity as Secretary of Defense, the Chiefs can continue under your administration to come before Congress and give us their views.

Mr. RUMSFELD. Yes, indeed.

Senator WARNER. That is fine.

Mr. RUMSFELD. I would prefer they give them to me first.

Senator WARNER. Well, that is all right. We will get them. Let us turn to another threat. It is interesting. I have done a lot of study on this. We know about the military threat, but there is another threat. That is the industrial base that America has been put to a tremendous task of trying to survive in the face of 12 to—a dozen years of decline in defense spending. They find very tempting avenues to go out into the private sector and do business and forget about all the regulations in the Department of Defense and the uncertainty of defense spending and take that on and simply worry about their bottom line.

But fortunately, we have a lot of courageous people who are willing to continue to provide our industrial base. So you bring that business experience which is very valuable, not unlike Dave Packard with whom I served with. He really understood the need to strengthen the industrial base.

Together with the competition from firms in Europe primarily where those firms have government support in some instances. So give us your thoughts on that. Then I address a quote by the President-elect here. They will want to get some clarifications.

"We will modernize some existing weapons and equipment necessary for current tasks. But our relative peace today allows us to do this selectively. The real goal is to move beyond marginal improvements, to replace existing programs with new technologies and strategies to use this window of opportunity to skip a generation of technology."

That is a bold challenge. I bring back your recollection—I left the Department in roughly 1974. You came in shortly thereafter. You remember the bones of TFX were all over the Department, billions of dollars lost in trying to manufacture an airplane to hang every trinket known to mankind on it until it sunk of its own weight. We then experienced the A–12 which I can show you that. Billions of dollars lost.

Well, today we are working on, I think, some essential programs. I will not mention them here. One indeed needs to be scrutinized and that is the VSTOL and you know that craft, the Marines. It is important to the Marine mission. We have to give very serious consideration to that program.

But I am not getting into programs. I want you to explain to me against that background your definition of skipping a generation of technology and the impact that could have on this industrial base.

Mr. RUMSFELD. Yes, sir. First, with respect to the study on the defense industrial base, let me say that I agree with you. I had the privilege of being briefed by General Tom Morman who served, I believe it was on the Defense Science Board that did the study. It is a very serious problem. I mean, the return on investment in the defense industry today is not sufficient to attract investment. The

government does not make things. We purchase things. We acquire things. That industry has to be there. To be there, it has to be viable from an economic standpoint or people are not going to invest in it. It is a very serious problem.

Second, with respect to the President-elect's remarks about skipping generations and that, clearly the review is going to have to address this. But it seems to me there is at least two ways that one can achieve advances in technology.

I do not want to bring up ancient history, but as fate would have it, I was in the Secretary of Defense's office when the subject of the M1 tank came along. The argument was that it should continue to be another upgrade of a new diesel. Let us do another diesel and a couple more diesels. I decided no. I said let us go to a turbine engine.

Now, that takes a major weapon system and moved it into an entirely new generation of technologies at that time.

Senator WARNER. I think that is helpful. Let me get in one last question here. You will have an opportunity to amplify that for the record. That is the doctrine of the use of force. General Powell, the Secretary of State designee, once stated that we should always execute the decisive results and be prepared to commit "the force needed to achieve the political objective".

I was quite interested the other night in looking at the Lehrer news hour. Our Secretary of State, Mrs. Albright, I urge you to go back and look at that transcript. I will just pick out one of her quotes. I do that respectfully, but it says as follows. In answering that question about where she was with regard to the Powell doctrine, "It does not have to be all or nothing. If you think about the fact that you have to employ every piece of force that you have and you have months to plan it and the earth is flat, you are never going to do anything." In other words, you need the full—I have time limit. Give us your parameters of thinking of how you are going to advise the President of the United States as to when to send into harm's way the men and women of the Armed Forces, and, frankly, when not to send them.

Mr. RUMSFELD. Well, that is an enormous question and an exceedingly important one and I would be happy to talk about it for a few seconds here. Could I go back to the tank first? I would not want to leave you with the idea that the only way to transform is to go from one generation of technology and leapfrog into a new one. There is another way. I am not as familiar with it. But with respect to the same tank, it is my understanding that it has gone from I think the M1 to the M1—what is the second?

Senator WARNER. M1A2.

Mr. RUMSFELD. A2, right.

Senator WARNER. This is the tank expert right here.

Mr. RUMSFELD. But it has gone from analog to digital. Now, there you have taken a platform that exists and you have not done a leapfrog with the whole platform, but you have taken some electronics and leapfrogged. There are plenty of opportunities to do things where we can significantly improve capabilities, both with respect to the system itself, but also with respect to the pieces of the system or elements of the platform if you will.

Now, with respect to your question. This is a subject that is important. It is sensitive. It is in my view a presidential issue and not a Secretary of Defense issue alone. It is a national security council term issue. We have not met. We have not deposited ourselves and worried this through.

All of us in that team have opinions and all of us have opined on this subject, publicly and privately, from time-to-time, including the President-elect.

The elements that come back from time-to-time are is what you think you want to do actually achievable? It may be meritorious. It may need to be done. But if you can't really do it, oughten you maybe not to try? That's a tough one to evaluate. In no case is it a cookie mold you can press down and say there is the answer. Each of these are subjective and difficult.

The second that comes to mind is resources. Do you have the resources? You might be able to do it. But if you are spread all over the world, you simply do not have the capabilities at that given moment, then you have to face up to the truth. That is that you cannot do everything.

A second thing that comes back from time-to-time is to what degree is this particular activity or recommendation truly a part of our national interest? That is something that is a consideration. It is one of the dimensions of the debate and discussion.

Another I would say is are there artificial constraints as to how you can do this? I personally believe it is terribly important that we have a very clear understanding of what the command structure is and who is deciding what. That to the extent humanly possible you avoid a committee that has not pre-decided these things and ends up interminably debating as to what should be done with various aspects of an engagement.

I think last, and there may be others I have forgotten, but I thought about this last night. How would you characterize what success is? When you have done something, how do you know when you have done it that you have done what you went in to do? What is success? What is your exit strategy? When does it end? Is there some point where it is over? Or is it interminable?

Now, I do not know where that positions me across that spectrum because I tried to avoid characterizing where I happen to think in any given case because I do not know. It really is something I wanted to talk to the President-elect about and Secretary designate Powell and Condy Rice and the folks that are interested in this. It is an enormously important subject.

Chairman LEVIN. Thank you, Mr. Rumsfeld. Senator Kennedy.

Senator KENNEDY. Thank you, very much, and congratulations. Mr. Rumsfeld, during the campaign President-elect Bush made some interesting arms control proposals, including the reduction of nuclear weapons well below the START II levels and removing them from hair trigger status. I have long been an advocate of arms control and was pleased to see the President-elect's interest in this area.

I understand that when you were with President Ford as Secretary of Defense, you did not support the SALT II Treaty and are now opposed to the Comprehensive Test Ban Treaty. Will you support the President-elect's arms control agenda?

Mr. RUMSFELD. You can be sure I will support the President-elect's agenda. He is the President. I will, however, offer my views. I hope persuasively and thoughtfully in deliberation of the National Security Council as I did during that time. I mean, people, honorable people, can come to different views. I did with respect to SALT II.

Senator KENNEDY. You just had an exchange with Senator Levin on missile defense. As you know, the failure of the two most recent NMD flight tests has cast significant doubts on the viability of the current system. When the President-elect announced you as the nominee, you spoke of a need for the United States to develop a missile defense system that will work. I am interested in what your definition is of a system that will work.

You have spoken recently about the successes you've had in your discussions with our allies. When will we know that it will work? Will you establish as a baseline which requires that it has to pass a field test?

Mr. RUMSFELD. Senator, I would really like to avoid setting up hurdles on this subject. I was reading the book "Eye In The Sky" about the Corona Program and the first overhead satellite and recalling that it failed something like 11, 12, or 13 times during the Eisenhower administration or the Kennedy administration. They stuck with it and it worked and it ended up saving billions of dollars because of the better knowledge we achieved.

In this case, if I could just elaborate for a moment, the principle of deterrence, it seems to me, goes to what is in the minds of people who might do you harm. How can you effect their behavior?

The problem with ballistic missiles with weapons of mass destruction, even though there may be a low probability, as the chart that Senator Levin I believe mentioned suggests, the reality is they work without being fired. They alter behavior.

If you think back to the Gulf War, if Saddam Hussein, a week before he invaded Kuwait, had demonstrated that he had a ballistic missile and a nuclear weapon, the task of trying to put together that coalition would have been impossible. There is no way you could have persuaded the European countries that they should put themselves at-risk to a nuclear weapon.

People's behavior changes if they see those capabilities out there. I think we need missile defense because I think it devalues having that capability. It enables us to do a much better job with respect to our allies.

Now, finally, I do not think many weapons systems arrive full blown. Senator Levin or somebody mentioned phased and layered. Those are phrases that I think people not improperly use to suggest that things do not start and then suddenly they are perfect. What they do is they get them out there and they evolve over time and they improve.

So success, this is not the old Star Wars idea of a shield that will keep everything off of everyone in the world. It is something that in the beginning stages is designed to deal with handfuls of these things and persuade people that they are not going to be able to blackmail and intimidate the United States and its friends and allies.

Senator KENNEDY. Well, I think you've made a good response to that question. I hope this means that we have assurances that there will be a very careful review.

Mr. RUMSFELD. Absolutely.

Senator KENNEDY. In terms of the effectiveness of this missile defense system; it is going to have to meet a criteria. I understand that you are not prepared to establish that criteria today, but I assume that it is going to be meaningful criteria in terms of actually being able to function and be able to work in the different phases.

Mr. RUMSFELD. Yes, sir.

Senator KENNEDY. Let me move to the question of Colombia. What is your sense of the capacity of the military in these countries to address the challenge? How are we going to respond to reports about the conflict spilling over in the area and in the region? How are we really going to be able to determine the difference between the counter insurgency and the counter narcotics? Can you tell us what you are thinking?

This is complicated. It is specialized. It is enormously important. We are going to have to address this, and I would be interested in knowing your thinking at this time. We will have more time later on to discuss this, but can you tell us now what your thoughts are?

Mr. RUMSFELD. Senator, it is not something that I have been able to get briefed into. It is my understanding that the Department of State has the lead on this. I understand that there is a cap that has been put on by Congress on the numbers of people, military people, that are engaged.

It is complicated. I am one who believes that the drug problem is probably overwhelmingly a demand problem and that it is going to find—if the demand persists, it is going to find ways to get what it wants. If it is not from Colombia, it will be from somebody else. If I were the neighboring countries, I would be concerned about spillover as well.

I think it is a very important problem and it is not something I have had a chance to screw my head into or talk to the National Security Council team about.

Senator KENNEDY. For the next 8 days, I am the Chairman of the Seapower Subcommittee of this committee. Under Senator Snowe, we had extensive hearings about the decline of the shipbuilding budget and about what actions are going to be necessary in order to meet responsibility in terms of the Navy's budget. Have you had a chance to review that and can you give us any ideas of how you think that that issue is going to be addressed in the future?

Mr. RUMSFELD. Well, I have not been briefed on it at all. I am by background and interest very interested in the Navy. I recognize the importance—Senator Snowe indicated to me that we are currently building ships at a level that if it continues will permit the U.S. Navy to decline down into very low numbers. That the only thing that can be done if we are to maintain the kind of capabilities in the world where we can project power and presence through the United States Navy, we are going to have to increase the shipbuilding budget. I will stop there.

Senator KENNEDY. Senator Roberts, who is Chairman of the Emerging Threats and Capabilities Subcommittee, has been a real leader in the whole area of bio-terrorism and cyber-terrorism.

Chairman Levin also referenced these issues in his opening comments. Could you give us some assessment of what your concerns would be in those areas?

Senator Frist and I successfully completed legislation, last session, in the area of bio-terrorism. I would be interested in your own views regarding the nature of these threats as we look down the road.

Mr. RUMSFELD. Well, I have been made aware of Senator Frist's and your interest and Senator Roberts'. I would rank bio-terrorism quite high in terms of threats. I think that it has the advantage that it does not take a genius to create agents that are enormously powerful. They can be done in mobile facilities, in small facilities. I think it is something that merits very serious attention, not just by the Department of Defense, but by the country. I have an interest in it and certainly would intend to be attentive to it.

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

[The prepared statement of Senator Kennedy follows:]

PREPARED STATEMENT BY SENATOR EDWARD M. KENNEDY

Thank you, Mr. Chairman. I join in welcoming Mr. Rumsfeld to the committee, and I congratulate him on his nomination to be Secretary of Defense.

Mr. Rumsfeld has a very impressive record of service to the country, from his years as a Naval Aviator, as Congressman from Illinois, as Director of the Office of Economic Opportunity, as Ambassador to NATO and, of course, as Secretary of Defense under President Ford. The list is long and has continued to grow.

He recently served as Chairman of the Ballistic Missile Threats Commission. He is currently chairman of the Commission to Assess National Security Space Management, and also chairman of the Congressional Leadership's National Security Advisor Group. This extraordinary background will be extremely valuable in dealing with the many issues that the Armed Forces of the United States currently face and that we will certainly face in the future.

Many challenges are waiting for our answer, starting with national missile defense and nuclear arms control. They also include force protection, which is especially urgent after the recent tragic attack on the U.S.S. *Cole*.

We're concerned about the heavy demands on our forces that strain both morale and readiness. We're concerned about training issues, such as how to maintain training areas and ensure adequate training budgets. We face challenges of recruitment and retention, when private sector competition remains strong. We must do more to ensure that military personnel and their families have good pay and good housing. They need modern equipment, modern weapon systems, and modern information technology. We have to be concerned about cyber-security and about chemical and biological terrorism.

Significant changes have occurred in the military since Mr. Rumsfeld was Secretary of Defense in the 1970s. Women now hold many military roles traditionally reserved for males, including service as combat pilots and on combat ships. There are more women generals and admirals than ever before, and the potential for further gains is large.

The military still faces many problems in this area, including the need to prevent harassment and discrimination in all forms. I continue to believe that the current "Don't Ask, Don't Tell" policy has been a failure. As a world leader, our Armed Forces need to set the example on human rights issues and treat all men and women, regardless of their diversity, with the respect and equality that they deserve.

Mr. Rumsfeld's many leadership experiences, in both public service and private life, will serve him well in dealing with all these challenges and I look forward to working with him in the years ahead.

Thank you, Mr. Chairman.

Chairman LEVIN. Senator Thurmond.

Senator THURMOND. Thank you, Chairman Levin. Mr. Chairman, I congratulate you on your leadership during this period of transi-

tion and appreciate your bipartisan approach in holding this hearing. Your chairmanship continues the committee's long tradition that the defense of our Nation is above politics.

Before I address the issue at hand, I want to express my appreciation for our outgoing Secretary of Defense, Bill Cohen. His tenure as Secretary of Defense will be marked by great advances in the quality of life for our military personnel and their families, the refocusing of the Department of Defense to the new threats of weapons of mass destruction and cyber-terrorism, and, more importantly, assuring this Nation's position as the world's only super power. I wish him and his lovely wife, Janet, the best in their future endeavors.

Secretary Rumsfeld, congratulations on your nomination and welcome to this your second confirmation hearing as Secretary of Defense. I hope that the praise of Bill Cohen does not lead you to the conclusion that you will not have any challenges as you move into the Office of the Secretary of Defense.

Our Nation is fortunate to have an individual such as you follow Bill Cohen. You have a distinguished career both in the public and private sector and have shown your willingness to take on the tough issues facing the Department of Defense. Those of us who served on the Armed Services Committee in the mid-70s can recall the problems you encountered then with the state of our Armed Forces—they were undermanned, morale was sagging, drugs were rampant, and most important they were underfunded. Fortunately, drugs in the Armed Forces are no longer a major issue. However, overworked and undermanned units and underfunded programs are problems that will again test your mettle.

Mr. Secretary, you have been a proponent for a strong defense. I can assure you that this committee will provide you the support that will be critical as you work to strengthen our Armed Forces to meet the challenges of the future. Our Nation's history is replete with examples of failing to anticipate the future challenges and degrading our military capability.

Coincidentally, it was 50 years ago, at the beginning of the Korean War, when the United States sent the ill-equipped and undertrained troops of Task Force Smith into battle with tragic results because we failed to anticipate the threat. As we commemorate that War, we should make the pledge of never again will this Nation send another Task Force Smith to battle.

Mr. Secretary, I wish you success and look forward to working with you in the coming years.

Thank you very much, Mr. Chairman.

Mr. RUMSFELD. Thank you, sir.

Chairman LEVIN. Thank you, Senator Thurmond for those comments and we very personally appreciate it and the leadership that you have shown on this committee and in so many other places in this Senate over the years.

Senator Lieberman, we all give you a special welcome back, some of us with greater enthusiasm perhaps than others. But welcome back.

Senator LIEBERMAN. Thanks, Mr. Chairman. Mr. Rumsfeld, I was privileged to have a courtesy call yesterday from Don Evans, the Secretary of Commerce designate, and I open by thanking him

for all he did to bring me back to the United States Senate. So it is good to be here with my colleagues, particularly on this committee.

Mr. Rumsfeld, I welcome you and join my colleagues in expressing not only my admiration for your extraordinary record of public and private service, but for your willingness to take on this job at this time.

I have not read "Rumsfeld's Rules" yet, but I will certainly—I remember there was a little red book in another country a distance from here. I do not know what color the "Rumsfeld's Rules" are going to be.

But as your opening statement suggests, at this critical time, unusual time in our national security history, there is a surprising amount that we have to do. We are—when I think of the comparison that you made of the Cold War situation you found on the last occasion when you came in as Secretary of Defense and the remarkably difference circumstance you find today.

We are not in ideological and strategic conflict with another major super power, the Soviet Union. We are it. But we are nonetheless challenged. Technology is expanding the threats as you have documented. We have tremendous demands on us to maintain our force, to keep our troops with the quality of life and training that we want them to have.

This is going to require some very tough leadership from you and priorities, the setting of priorities, and a willingness to try to implement those.

We have been, in the time I have been privileged to be on this committee and therefore have been involved more directly in national security questions, watching Congress and the military and the Executive Branch, we have generally reached beyond in authorization what we have ultimately—and conceptualization—of what we would ultimately be willing to pay for.

I think we are at such a point now where legitimate claims can be made for resources. We have not yet put them together. I mean, in the mad cap experience to which Senator Levin refers that I went through last year, a glorious experience actually and one that I thoroughly enjoyed, the Bush-Cheney campaign had a document out suggesting a willingness to spend $45 billion more over the next 10 years for national security.

Vice President Gore and I doubled that to $100 billion, big spenders that we are. But what is interesting, and, of course, focuses the tough choices you will have, is that the Chiefs, the Joint Chiefs, who I believe Senator Warner referred to, have essentially told us that what we really need is at least $50 billion more a year.

So let me first put in an appeal which you and I have spoken about which is that all of us who care about national security have to really reach out and try to build more of a public understanding for the need to spend more to keep our national security strong in this age.

When you look at what people think we ought to spend more money on as we are deciding how to spend the surplus, national security comes out way down on the list. That is not good. As long as that exists, it is going to be hard for us here to make the decisions we should make.

The second point is how do you begin to approach the excess of needs and the deficiency of resources and make the kind of priority decisions that we need you to make?

Mr. RUMSFELD. I want you to know that I understand the task facing the Department of Defense is enormously complex. It is not a time to preside and tweak and calibrate what is going on. It is a time to take what has been done to start this transformation and see that it is continued in a way that hopefully has many, many more right decisions than wrong decisions.

There is no one person who has a monopoly on how to do this or genius. It is going to take a collaborative relationship within the Executive Branch and with Congress. I just hope and pray that we are wise enough to do it well.

But the one thing we know of certain knowledge is that it is not a peaceful world. It is a different world. It is more peaceful in the sense that the Soviet Union is gone. But it is nonetheless a more dangerous and untidy world. We also know that the power of weapons today is vastly greater than it was in earlier eras. We know that with the relaxation of tension at the end of the Cold War, the proliferation of these capabilities is pervasive. It is happening. We have to acknowledge that.

If I know anything, I know that history shows that weakness is provocative. Weakness invites people into doing things they would not otherwise think of. What we have to do is better understand what will deter and what will defend against this new range of threats. I do not look at them in isolation. I do not think of long-range ballistic missiles and short-range ballistic missiles and cruise missiles and terrorism as something that is disconnected.

I think of it as a continuum. With the Gulf War, the world was taught to not try to take on western armies, navies, and air forces because you lose. Therefore, you should try something else. That means you are going to look at things like information system attacks and cyber war. You are going to look at bio-terrorism. You are going to look at other kinds of terrorism. The vulnerability of space assets has to be worrisome to people. As well as shorter range ballistic missiles and cruise missiles in addition to long-range ballistic missiles.

Senator LIEBERMAN. Let me ask this question. I agree with you that we have to prepare to face this new range of threats to our security because no sensible antagonist will take us on as we were taken on in the Gulf War because we were too dominant. Does that not inevitably mean that we will have to cut some of the programs that we are now spending money on that may be more continuations of that earlier threat scenario than the new one?

Mr. RUMSFELD. It is entirely possible that that kind of a recommendation could come out of this review. Whether it will or not, I do not know until I dig into it. I mentioned the need for collaboration with Congress. That is true. We also need to make darn sure that we are dealing with our allies in a way that they are brought along. We are not alone in this world. We have some enormously important allies in Asia and in Europe and friends in other parts of the world. I think that those relationships as well are terribly important.

Senator LIEBERMAN. Let me ask about the review that you have spoken of. Congress has authorized by law a quadrennial defense review. That was a way to try to encourage and mandate an incoming administration to look forward and to require that those in the military present some big thoughts over the horizon.

You have also referred to, and the President-elect referred during the campaign and more recently, to a strategic review. Help me, if you would, to relate those two reviews to one another. Is the strategic review the incoming administration has in mind the quadrennial defense review authorized by law? Or, since that does not give you a final product until December, though it gives you some before, are you thinking about a separate review to help you make some of the budget priority decisions I have just referred to?

Mr. RUMSFELD. The latter. My impression is that what the President-elect has in mind is that we will take a look at how we view the world and our circumstance in it and fashion some thoughts with respect to broader strategy and then get down into more of the details as to the defense establishment's capability or appropriateness of our current arrangements to deal with those kinds of threats and opportunities.

The quadrennial review, I do not know—you say it is finished in December?

Senator LIEBERMAN. Well, you get earlier versions of it this spring. Then the final product will be in December.

Mr. RUMSFELD. My impression was that when Bill Cohen came in, it came at him very fast. The timing seemed to me, looking from outside, to be unfortunate. Because I did not get the impression that Secretary Cohen had much of an opportunity to effect it or to calibrate it. I am a little apprehensive that that is going to be the case in my situation.

The realistic thing is too—my whole life, I have benefitted from attracting enormously talented people to help me. I think when I took my first job in the Executive Branch, I hired Frank Carlucci and Dick Cheney and Ron James and people all across the spectrum from—Bill Bradley worked there and Christy Todd Whitman worked there. Micky Kantor I noticed had some remarks to make the other day and he was there as a legal service lawyer.

We had a wonderful group of people. Unless you are a Mozart or an Einstein who goes off in a closet who does something brilliant, the rest of us people, just people, we get other people to help us figure things out.

They are something like 500,000 security clearances behind in the Pentagon today. Now, the process of getting confirmed is just unbelievable. I just hope each of you will have that opportunity someday. [Laughter.]

It is an amazing process. I am going to recommend to the President that he think about getting some sort of an outside commission to look at this. Because the questions from the committee are one set. From the Ethics Office, there is another. The Pentagon has some others. You are supposed to fill them all out in 5 minutes. There is no way to do it.

I am worried about getting people picked, recommended, which I cannot do, as we know, until I am the man. I am not. I have to have help. I am being practical as a manager. I know that we are

going to have to figure out a way to flesh out this system a little bit.

Senator LIEBERMAN. Thanks very much. I would say from your performance here this morning that it is clear that you are the man. [Laughter.]

Mr. RUMSFELD. Thank you. Thank you.

[The prepared statement of Senator Lieberman follows:]

PREPARED STATEMENT BY SENATOR JOSEPH I. LIEBERMAN

Thank you Mr. Rumsfeld for appearing before this committee today. You have a distinguished record of service to our Nation and you bring impressive credentials to the job for which you are being considered. You will need all the expertise you have acquired over your long career, for the job ahead of you is one of the most consequential positions that one can hold in our government. You will assume stewardship of our military at a time when it is at a crossroads between taking the path defined by the ideas and methods of the 20th century or the path defined by the needs and potential of the 21st century. The Quadrennial Defense Review (QDR) and the NDP conducted in 1997 pretty well define these two roads for you, and define the choices you face. These panels produced two fundamentally and constructively different evaluations. The 1997 QDR's conclusion was that although future military challenges will likely be different, the "two war" construct, with some modifications, is and will continue to be the proper standard against which to gauge our capability and preparedness. By this standard, the QDR concluded, the current forces and weapons are satisfactory, and will continue to sustain our military dominance if modernized in kind. Much of the Pentagon effort since then has been toward increasing the budget to maintain and modernize this force. The members of the NDP disagreed. They asserted that "we are at the cusp of a revolution in warfare" and "unless we are willing to pursue a new course," one different than that proposed by the QDR, "we are likely to have forces that are ill-suited to protect our security twenty years from now." Indeed, the NDP questioned the advisability of continuing to use the "two war" standard and of continuing to procure some of our current core weapons. They concluded that transformation is the path we should follow, and therefore that spending better was more important than spending more.

The good news is that the first steps along the path toward transformation are being taken. The defense establishment has come to accept transformation as a fundamental policy goal, which is evident from a growing number of important official speeches and documents. Secretary of Defense Cohen has said that our defense policy is transformation, and that the strategy to implement it is "shape, respond, and prepare now." The QDR states "we must meet our requirements to shape and respond in the near term, while at the same time we must transform U.S. combat capabilities and support structures to be able to shape and respond effectively in the face of future challenges." And transformation as a goal is at the core of Joint Vision 2020—the Joint Chiefs of Staff vision that guides the continuing transformation of America's Armed Forces for the 21st century.

The bad news is that while the services are, to their credit, beginning to "talk the talk" and even to take steps to transform themselves, our actions and resourcing are not really keeping pace with the pronouncements. While most see the need for future forces fundamentally different than those of today, they urge that change be cautious and deliberate. So we continue to place the highest priority on current readiness, keeping our organizations and weapons prepared to deal with the threats they were designed to deal with, while trusting that incremental and evolutionary improvements will allow them to adapt to deal with new and more dangerous threats as they emerge. Consequently, our resource allocation is still too much like it was during the Cold War.

As a consequence, you are faced with funding a force that costs billions more than has been budgeted for it, and that requires more by far than President-elect Bush has said he is willing to spend. His stated intent to add significantly more money to missile defense programs will only add to that shortfall. We have heard that you intend to narrow the funding gap by cutting or terminating existing programs. You may have to make many of these decisions now before you are able to complete a strategic review. If you must do that, those decisions will impact the strategic review you will design and conduct as Secretary. The commitment of resources to execute the conclusions of that review will be substantial, and changing course will be exceedingly difficult and time consuming, and we will not likely have the money we would need to change course quickly. So if we choose the wrong road now we will

not have the trained, ready military we will need to dominate on the battlefields of the future.

I look forward to hearing what your approach will be to resolving these difficult conflicts, what philosophy you intend to follow to provide guidance to those who must decide about initial priorities among sea, land, air, and missile programs, and what guidance you intend to give the Pentagon to direct their design and execution of the upcoming strategic review. I look forward to working with you to build a dominant military for the 21st century.

Chairman LEVIN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I want to congratulate the President-elect for his outstanding selection of Don Rumsfeld to be the next Secretary of Defense. His reputation for intelligence, candor, and competency is well-deserved and we look forward to a rapid confirmation of his nomination so that he can get right to work.

I guess there are very few benefits of old age, but every new administration we hear the same complaint that you just mentioned. It is a very legitimate complaint. Perhaps maybe we ought to do something about this process.

I am not worried about the willingness of people like you to serve in all candor because you are a patriot first and last. But I am worried about at lower levels of government, the Under Secretary, the Assistant Secretary. Those positions when highly qualified men and women look at it and then see what they have to go through, they decide not to do that. I think that is the compelling reason.

I do not have a lot of sympathy for you, Mr. Secretary, but I certainly do for others that you need to attract on your team as you so well pointed out.

I was interested in your comments to Senator Warner's questions about the use of force and when and when not the United States troops should be committed. Those of us who assailed the administration and NATO's conduct of gradual escalation during the Balkans campaign took heart in your comments at that time, particularly your reflections on CNN on April 4, 1999, with respect to comparisons of Kosovo to Vietnam which went as follows, and I quote: "There's always a risk in gradualism. It pacifies the hesitant and the tentative. What it didn't do is shock and awe and alter the calculation of the people you're dealing with."

During an interview with Chris Matthews, you noted that it was a mistake to say that we would not use ground forces because it simplifies the problem for Milosevic.

It seems to me we ought to stop saying things to appease and placate our domestic political audiences. We ought to start behaving in a way that suggests to Milosevic that it is in his interest to end this and stop ethnic cleansing and come to the negotiating table. I appreciate those words very much.

But my question is do you think we should have gotten involved in Kosovo to start with?

Mr. RUMSFELD. There are pieces of that on both sides obviously. I think that NATO had historically been a defensive alliance and been thought of as that. Its image has altered as a result of that.

My comments—and they sound pretty good to me too. I am kind of pleased I said those things—were obviously after the fact. It was we're there. By golly, I'm no fan of graduated response. If we're going to do something, let's do it.

But I do not know that—the problem is that in our society people seem to watch how people manage a crisis or a conflict rather than what preceded it. Of course, the real kudos ought to go to people who manage things in a way that the conflict does not happen.

Senator MCCAIN. Or not manage them so that the conflict does happen.

Mr. RUMSFELD. Yes, sir. When I think back to the Balkans, I mean, goodness. Again, I do not want to bring up ancient history. But all of us for years did scenarios and war planning and war games with respect to Yugoslavia coming apart and problems in that part of the world. If we know anything, it is that the Europeans I think—by waiting for the Europeans to do something, things evolved in a way that are unfortunate. I think it requires a lot more effort up front.

Senator MCCAIN. I think that is certainly true of Bosnia.

Mr. RUMSFELD. It is.

Senator MCCAIN. Kosovo is a little closer call.

Mr. RUMSFELD. Yes, it is.

Senator MCCAIN. So you do not have an answer?

Mr. RUMSFELD. I do not. That is correct.

Senator MCCAIN. I would like to mention a couple more issues to you. I will again propose the question that you previously addressed in the advanced questions to the committee. Do you believe we still have excess military infrastructure that can and should be reduced?

Mr. RUMSFELD. Instinctively I do, but knowledgeably I do not. Because I have not gone back in and reviewed it. But I would say this——

Senator MCCAIN. Have you heard the comments of Colin Powell, the Joint Chiefs of Staff, the Secretary of Defense that you are succeeding, virtually every military expert in America?

Mr. RUMSFELD. I have. I am kind of old-fashioned. I like to figure things out for myself. But I am a firm believer that base structure has to fit force structure.

Senator MCCAIN. But it does now?

Mr. RUMSFELD. As I say, my impression is it does not. I have not been in there and—the next question after that would be, well, in what way? Of course, I do not know what way because I have not been over there getting briefed. But my brain tells me, my instincts tell me from the past that in fact not only should base structure fit force structure, it does not. That something should be done about it. Because we cannot afford to waste resources with the important tasks we have ahead of us. But I am not in a position to say this is how it ought to be done.

Senator MCCAIN. Recently, the United States made a very significant investment in problems in Colombia. Largely, but not totally, but largely unnoticed by Americans and their representatives. I take it from your answer that you have less than well-informed personal views which you prefer to discuss with the appropriate officials before taking a public position and that you have not paid as much attention to it as maybe other issues as well.

Mr. RUMSFELD. That could be true. I have not. I have not been to the country in years. I know only basically what I know from the press.

Senator MCCAIN. Do you know that we just invested about $1.3 billion in the last appropriation cycle?

Mr. RUMSFELD. That is my understanding.

Senator MCCAIN. We are upgrading a base in Ecuador which I found out—perhaps I should not admit this—by looking at a newspaper.

Mr. RUMSFELD. I did not know that.

Senator MCCAIN. There are a lot of things going on in Colombia, Mr. Secretary. I hate to harken back to other conflicts, but I hope you will get very well aware of this situation, what we are doing, what the involvement of U.S. military personnel is in the area and what kind of investment and more importantly what goals we seek here. Because very frankly, I do not know the answer to those questions yet. I think that at least those of us who sit on this committee should be much better informed. I hope that the committee will start looking at the situation from an Armed Forces standpoint very quickly.

Mr. RUMSFELD. I will certainly invest the time needed to do that.

Chairman LEVIN. Senator McCain, if I could just interject. Senator Warner and I were just chatting. He raised that very same subject. I think both of us would agree with your comment that we should, indeed, as a committee, get more deeply involved and we will.

Senator MCCAIN. I thank you. I will take responsibility for not knowing about the upgrade in Ecuador, but very frankly I am not sure many Americans know about it either. Maybe that is perfectly fine. But I think we had better have a close and careful examination of exactly what we are committed to. I am not sure that the members of this committee or Americans, would agree with a proposed decision on the part of Colombia to give more areas of sanctuary to the so-called narco traffickers there. But anyway, finally, Mr. Secretary, I am sure that you are aware of my concerns about excess spending and the increase of pork barrel spending. It has risen—my time has expired.

Senator WARNER. We cut into your time. Go ahead and take that question.

Senator MCCAIN. Well, I will take about 5 or 10 more minutes, Mr. Rumsfeld. [Laughter.] It has gone up. It continues to go up. When you were Secretary of Defense, it was about $200 to $300 million a year of unrequested add-ons in the Defense appropriations process.

It is now up around $6 or $7 billion at minimum—at minimum. New gimmicks have been invented since you were there. One of them is the so-called wish list that comes over from the Pentagon, that although not requested in the budget, would be really great to have. So they pick and choose from that very long list.

I want to say this to you, Mr. Secretary, and I do not think you need any advice. But unless you get a handle on this spending, a billion and a half dollars for an aircraft helicopter carrier that the Navy and the Marine Corps said they neither want or need, continued acquisitions of C–130s which 10 years ago the United States Air Force said they did not need, we are going to have a C–130 in every schoolyard in America before this is over.

You are going to have to get a handle on this and you may have to face down some very powerful interests, both on the Hill and off the Hill. So I see it lurch out of control.

Why do I care? I was just down at Marine Corps Air Station Yuma. They are still living in World War II barracks. We are purchasing equipment that the military neither wants nor needs. We hope we have addressed the food stamp problem. Although, I am not sure we have satisfactorily.

But while all this excess and unnecessary spending is going on, the men and women in the military have suffered. It is not an accident that Army captains are getting out at a greater rate than in the history of this country's armed services. I do not mind losing a few admirals and generals. I do mind losing the high quality captains that are the future leaders of this country.

So I strongly urge you to look at this issue because the urgency of the Cold War situation has therefore allowed us a degree of license in unnecessary spending out of the defense budget, much of which has nothing to do with defense. You are never going to be able to meet our requirements of a new and modernized military, much less the men and women in the military being taken care of unless you address this issue. I thank the Chairman for the additional time.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT BY SENATOR JOHN MCCAIN

Mr. Chairman, the President-elect should be commended for his outstanding selection of Don Rumsfeld to be the next Secretary of Defense. Secretary Rumsfeld's reputation for intelligence, candor, and competency is well deserved, and I look forward to today's hearing with great interest.

The decline in spending on national defense that we witnessed for 15 years coincided with dramatic global changes that, rightly or wrongly, resulted in a level of deployments that exceeded any previous period in memory. That protracted decline in defense spending did not come without a price.

We can rightly point to the United States Armed Forces as the most capable in the world, but they are not omnipotent, and they do have their breaking point. Shallow analyses that point to the size of the U.S. defense budget relative to those of potential enemies combined and an overemphasis on the two-war strategy as a planning guide have impeded our ability to accurately gauge requirements. The myriad readiness problems that have been well documented occur not because of the two-war strategy, but despite it. The resources and attention needed to correct those problems are required irrespective of that strategy. The readiness problems we are witnessing today occur as a result of the operational tempo demanded of our military combined with a force structure ill-suited to the projected international environment of tomorrow. They occur because of the failure of the Clinton administration and of Congress to adequately provide for a strong defense.

Not to be ignored is the considerable damage done to our national defense through the growing problem of pork-barrel spending and its related infrastructure issue, the closing of unneeded military bases. Defense spending bills have become a national disgrace, with increasing percentages of the budget wasted by earmarking many billions of dollars for solely parochial reasons. The problem, in fact, has gotten so bad that, increasingly, pork-barrel spending is not occurring on top of requested spending levels, but in place of it. In short, we are adding pork at the expense of vital programs. Should anybody doubt this statement, just wait for the uniformed services to request supplemental spending bills for the current fiscal year reflecting spending that should have already been appropriated.

For the past several years, together with Senator Levin, I have cosponsored legislation authorizing additional base closing rounds. That legislation has been regularly and summarily rejected by the Senate. Yes, the Clinton administration politicized the 1995 round and, yes, it costs money to close bases. But the real reason for the rejection of these amendments has been to protect jobs, not promote national defense. The Clinton administration will be gone in a matter of days, and no ration-

al person can possibly argue that a closed military base costs money once inevitable and programmed cleanup costs are completed. Additional base closings, together with contracting out of certain activities and the elimination of protectionist statutes, can account for as much as $20 billion per year in savings—clearly enough to make a sizable dent in the modernization shortfall we are facing.

I am also interested in hearing Secretary Rumsfeld's approach to the use of force. Many of the most contentious debates that occur in this committee and on the floor of the Senate involve unforeseen and ongoing military contingencies. The question of when and how to use military force is central to our responsibilities as a government, the question of war powers central to our responsibilities as an institution. Secretary Rumsfeld's thoughts on these matters will be of immeasurable importance as we continue to wrestle with ongoing deployments in the Balkans and Southwest Asia and the unknown but certain deployments of the future.

Mr. Chairman, I thank you for the opportunity to address this session of the committee and look forward to Secretary Rumsfeld's opening statement.

Chairman LEVIN. Thank you. Do you have a quick comment on that before I call on Senator Cleland?

Mr. RUMSFELD. I certainly agree that the question that has to be posed is whether or not something is going to contribute to our national security and whether or not it meets the priorities that are important for this country. That has to be our focus.

Chairman LEVIN. Thank you. Senator Cleland.

Senator CLELAND. Mr. Secretary, since the C–130s are built in Georgia, I would like to say that I am for schoolyards being able to move anywhere in the world at a moment's notice. [Laughter.]

Let me just say that I am fascinated by the "Rumsfeld's Rules". I appreciate your appreciation for quotes and anecdotes.

In listening to your incredible resume and your wonderful experience that you bring to this task—and you certainly have my support for this job. I think you are going to be an outstanding Secretary of Defense—I thought about the line by Jack Kennedy that the thing he appreciated most in the White House was a sense of history. The thing he feared most was human miscalculation.

I think you bring something very special to this post and to this committee and to this country with your great sense of history, not only in service to this country yourself, but in the defense post. I think you can help us avoid a lot of human miscalculations. So congratulations to you.

Mr. RUMSFELD. Thank you, sir.

Senator CLELAND. In terms of deployment of American forces, I would just like to followup on my fellow combat veteran John McCain's comments and some of the comments that have been made here. I was privileged to visit General Powell when he was Chairman of the Joint Chiefs of Staff. Again, a fellow Vietnam veteran, someone like many of us that learned a lot of bitter lessons about deployment of forces in the Vietnam War.

I once heard General Powell say something very powerful. He said, "my job is to recommend to the President the best advice to the President on how to use the American military to stay out of war. But if we get in war, to win and win quickly."

When he said that, it occurred to me that that was the best mission statement that I had ever really heard about the purpose of the American military.

So he is going to be one of your great colleagues in the cabinet and I think that kind of thinking I heard from you today. I was appreciative of your comments about using force, using American military, using our posture to the extent to which we did not have

to commit it. But obviously, if we commit it, then there are certain things we have to do to make it successful.

In terms of success, I am glad to hear you say that we must ask the question how do we know when we are successful? I asked this question of several administration people in terms of the Balkan War. I said early on, make sure you define victory. Because one of these days you are going to have to declare it.

It leads me to a Clausewitz line that I like very much that the leader must know the last step he is going to take before he takes the first step. So that steps in motion a whole set of thought processes.

Senator Roberts and I took the floor all last year to argue out the question in a bipartisan way basically about when to commit American forces, about what is in the strategic national vital interest of the United States and what is not. That if you commit, then you have a definable objective. Then you do have an exit strategy. It has been a pleasure to work with my colleague across the aisle.

I just wanted to share those thoughts with you that might be of help in fulfilling your task.

Onto the question of our men and women in uniform. I appreciate your interest in your statement about working hard to make sure that we recruit the best and the brightest, that we do not just lower our standards, that we do not dummy up the military just to get numbers. That is fool's gold. That is false economy. Any way you cut it. I would rather have less numbers and keep quality people.

So we do want to go after the best and the brightest, not only to join but to stay. Senator McCain pointed out senior captains, senior NCOs. I have tried to fight through this, work through this, over the last 4 years I have been on the Personnel Subcommittee. We have looked at various ways, various incentives, not only for recruitment, but for retention. It does seem to me that retention is a real special challenge. I have learned that you recruit a soldier, but you retain a family. You have a family military now. Those families are interested in the same things families outside the post are interested in.

One of them is education. For the last 2 years, this body has put forward a notion that with my initiative that we ought to look at the GI bill and maybe see if we can use that to apply to family members to entice members to stay into the military for a full career. I would just like for you to take a look at that as we go along as just one of our tools that we use to retain quality personnel.

I appreciate in your statement a focus on intelligence. I cannot help but feel that intelligence prevents many battles and wins many battles when you get in them. That the coordination of our intelligence capabilities is itself a challenge.

I mentioned the deployments. Senator Roberts and I came to basically a point of view of realistic restraint. We just saw with the U.S.S. *Cole.* Now, if you project force or project power, you also make yourself in this terrorist world, in this terrorist environment, a target, so that power projection requires power protection.

Therefore, I think we have to be very realistic about our power projection. I think one of the reviews that I would be grateful for you to do as you review the American military is to see where it

is deployed around the world. We literally are out there everywhere in the world and I think it's a time for review.

In terms of weapons systems, I noticed that a couple of years ago, you joined with seven other Secretaries of Defense to endorse full funding for the F22. That is something that I think that is important to our national security interest.

Let me just say that one of the Rumsfeld's Rules is do not necessarily avoid sharp edges. Occasionally, they are necessary to leadership.

So onto a sharp edge. National missile defense. I have been a big supporter of theater missile defense, but especially the Arrow system that we worked very closely with, with our Israeli friends. I am a big booster of research and further testing of an anti-missile system.

I guess I feel right now that we are not ready for deployment of a system. I am not sure that the concept has been proven. But I am willing to work on it to prove it out, test it, and then make judgments on deployment later.

But one of the wonderful briefings I have received in the last year or so is from your commission on missile systems. Of course, we were all concerned about the North Korean launch of the missile in the Pacific.

I went to South Korea right up to the DMZ this past August. It was fascinating to get the briefing on North Korea and see where they were. We got a fascinating briefing. We had given to us by the Department of the Army a photo taken at night of lights on the Korean peninsula which also showed lights just into Southern China.

It is interesting. You see lights in South Korea. You see lights in China. North Korea literally is a big, dark, black hole. It is amazing to me that 50 years after the Korean War, they still cannot turn the lights on.

I just wonder—we do not want to overreact here. I think any missile defense system that is deployed should be well thought out and not just on the basis of one launch by a country that cannot even turn the lights on.

So I point that out to you because I am willing to walk down this path with you to continue to prove the concept. But I think first things first. Let us prove the concept and then think about deployment.

I would say too that in my analysis of threats, it is this terroristic threat that is maybe our biggest challenge. Particularly, in terms of missile systems one that Senator Sam Nunn and that great expert on nuclear warfare, Ted Turner, have recently articulated and that is that we might want to look at the whole question of the Soviets, former Soviets, or the Russians now and their dealerting of their existing systems and any loose nukes that might be out there. That might be one of our biggest challenges in terms of missile threats.

Now, I would like for you just to respond to maybe the last point that I raised.

Mr. RUMSFELD. Well, I think the danger that has been suggested with respect to the disarray in the former Soviet Union and the large number of nuclear weapons is a very real concern. There is just no question but that it has to be looked at in two dimensions.

First is the actual materials which there are a number of countries that have appetites for it. If your circumstance is that anything is for sale, there is a risk.

The second dimension to it is the fact that you have a large number of very bright, talented, experienced weapons people in the Soviet Union that are not getting paid and not getting their pensions. Again, if everything is for sale, their brains and their knowledge is for sale. It results in a risk for accelerated proliferation that is serious and real and I am very much concerned about it. I recognize the fact that the United States needs to address it and play a role in trying to avoid that proliferation.

I would like to add one word on missile defense if I might. We talk frequently about the risks of deploying missile defense. We are properly concerned about our allies in that regard. We are properly concerned about attitudes by Russia and China and other countries.

I think it is useful from time-to-time to also ask ourselves what are the risks of not deploying missile defense. I would mention several. One is it seems to me if some countries that have significant technological capabilities, decide that they are vulnerable to ballistic missiles from their neighbors and that we lack the ability to assist them in defending against that capability. That we may contribute to proliferation by encouraging them to go forward and develop their own nuclear weapons and their own ballistic missiles. I think that is just a fact.

Second, the other thing that worries me if we do not deploy ballistic missile capability is I have been in the White House as Chief of Staff and as Secretary of Defense on the National Security Council. I have seen the process that a President has to go through when there is a risk or a threat.

If we know of certain knowledge that another country has a nuclear warhead that can effect us and we do not feel we have a good grip on their motivations, their behavior patterns, what could dissuade them, and we know that they are capable of using it, we are forced into one of two course of action.

Either we acquiesce and change our behavior and change our interest and alter what we would otherwise have done or we have to preempt. I think putting a President of the United States and a country in the position where their choices, their options, are so minimal that they are forced into a position of—as Israel was—with respect to the radon and nuclear capability in Iraq so many years ago—where a President is forced to go in and take action of a preemptive nature because he lacks the defensive capability to persuade those people that it is not in their interest to do that.

So that is a dimension to this missile defense thing that I do not think gets into the debate to the extent it ought to. I think we need to look at deterrence across the spectrum.

I was in a meeting up in New York. Some person raised their hand and they said that my father was a good friend of Colonel House. I thought back, my goodness gracious, Colonel House. That was Woodrow Wilson's day. I was talking about missiles and missile defense and so forth. He said, one day my father asked Colonel House why he was so courteous. Why he was just the most gracious, courteous, person he had ever met. The answer was by Colo-

nel House, well, young man, I grew up when gentleman carried revolvers. If you know everyone has a revolver, you tend to be courteous.

Well, North Korea is selling, has been and is today to my knowledge, to my not today knowledge, but very recent knowledge, selling those capabilities and technologies and trading them around the world. They are an active world class proliferator. It is my understanding when the United States representatives met with them, their response was when we asked if they would change their behavior with respect to ballistic missiles, one of their responses was something to the effect that you are America. You have bombed in the Sudan. You have bombed in Afghanistan. You are bombing in Kosovo. You are bombing in Iraq. You are giving food aid to North Korea. Now, why? Why is the behavior so different? Well, they believe it is because they have those weapons. They believe that those capabilities they believe they have are sufficient to alter behavior of their neighbors. I do not think we as a country want to think that the old mutual assured destruction where the United States and the Soviet Union could kill each other several times over is necessarily a deterrent that is well-fashioned for the period we are moving into.

Senator CLELAND. Thank you very much, Mr. Secretary. Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. I can remember when I heard on TV—I did not have any indication that you would be nominated nor that you would accept if nominated to this position. I told my wife there is not a person in America today as qualified as Don Rumsfeld for this position.

I also had two personal reasons that I am rejoicing in your nomination. One is that as Senator Durbin said when you are inducted into the National Wrestling Hall of Fame—of course, that is located in Stillwater, Oklahoma. So you are even more of a hero there than you are in some other areas. I remember also when I came from the House to the Senate in 1994, I went through some of these confirmation hearings on the different Chiefs. I can remember identifying with them because we had served at the same time. You know, myself and Elvis Presley and some of these guys. So now as of about 5 years ago, Mr. Chairman, there is not one person in the service who was serving when I was serving. So you and I are contemporaries. We served precisely the same years and now I have someone I can communicate with.

I want to also complement you and your family and I look at your beautiful granddaughter over there. I think there is not one of my eight grandkids who would listen to me for 2 hours and be as patient as she is.

I think when we assess this thing, I know there is this euphoric attitude after the Cold War is over that somehow the threat is not there. I really believe the threat is greater today. I think we are in the most threatened position that we have been in as a nation in our Nation's history. Incidentally, George Tenet, the Director of Central Intelligence, agrees with that.

I think when you look at it, Senator Warner is right. We cannot try to pin you down as to what kind of a cost this is going to be.

But I would say that when you have the Joint Chiefs all agreeing that the range is similar between $48 and $58 billion additional. Do you have any reason to believe that is unreasonable?

Mr. RUMSFELD. I have no reason to believe any of those numbers are unreasonable. It takes—I really do like to get my brain engaged before my mouth. I need to get in there and pour over it and I need to get some people to help me.

Senator INHOFE. Well, there is one thing that has not been brought up that I think you—I am going to ask that you look into immediately. That is what we are going to have to do in a supplemental before the current budget year. We have been talking about it in future years. But right now we have a list that has been provided us with $4.5 billion of near term readiness requirements. We are talking about spare parts and equipment maintenance and another $2.5 billion for emergency personnel or modernization programs.

Now, we have been told that if we are unable to get that, we may have to cease training in the fourth quarter of this year. I am going to ask you to really pay attention to the current needs, those things that are having a deteriorating effect on our retention and those things that have to be done.

Our RPM accounts, for example. I mean, you can go down to Fort Bragg in a rainstorm as I have been there and our kids are covering up their equipment with their bodies to keep them from rusting. So those are the things that have to be done immediately. I hope that you would look at those.

Mr. RUMSFELD. I will indeed. Thank you, sir.

Senator INHOFE. Just so there is clarification as to the responses that you made, when the Chairman first asked about the missile defense law that we passed, the Missile Defense Act of 1999, and he read the two parts of that bill that I think we have heard many, many times before, do you see that there is anything incompatible about those two statements?

Mr. RUMSFELD. The first is deploying an effective system.

Senator INHOFE. As soon as technologically possible.

Mr. RUMSFELD. The second was negotiation.

Senator INHOFE. Yes.

Mr. RUMSFELD. Not that I can see.

Senator INHOFE. Well, I do not either. But I just wanted to—because I think that the act is very specific. Let us keep in mind that was not just passed by a huge margin in the House. It was passed by a 97 to 3 margin in the Senate. Not one person who has been in here today voted against it. So I would only ask that you would recommend to the administration that you immediately start complying with Public Law 106–38 and start getting and deploying.

By the way, I want to say that if there is one—one of the great recent services that you have provided for this country is the Rumsfeld Commission. I think if I were to single out one or two sentences in there when those who were opposed to our meeting what I think our requirements are on a national missile defense system. They often say, well, these countries, Iran, Iraq, and other countries are not going to be able to have this capability for another five to ten years. You pointed out that an indigenous system does not exist today. That these countries are trading technologies

and trading systems. So I appreciate very much your making that statement and making it very clear to this committee.

Third, there is one thing that we have not really talked about and I would ask that you address. It does not have a lot of sex appeal. Not many people talk about it. But it is our near-term readiness and modernization.

Just as one example, and I could use many other examples, but this is a personal one. I chair the Readiness and Management Support Subcommittee and have had a great deal of concern as to how these efforts over in Kosovo and Bosnia are draining our ability to defend America. Just one being the 21st TACOM. The 21st TACOM is responsible for ground logistics in that area of the Balkans, but also in the Middle East. They're at about 100 percent capacity right now.

Some of the equipment they had over there in the M915 trucks that we are using, many of them with over a million miles on them. We determined that if we could just use the amount of money that we are going to have to use to maintain those for a 3-year period, we could replace them with new vehicles.

Now, the problem there is an accounting problem that you are well aware of. I am not sure whether it was back in 1975 or not. But we cannot get anything done and prepare for the future when fiscally in a normal prudent business decision, you would say, no. We are not going to keep fixing those. We are going to have new ones.

Do you have any thoughts about how you might address that?

Mr. RUMSFELD. Well, there is no difference that the government operates quite differently from business. There is also no question that at a certain point people do not maintain fleets of things that are antiquated because of the upkeep and maintenance cost of continuing them.

Senator INHOFE. Yes, but, of course, we have been doing it.

Mr. RUMSFELD. Yes, sir.

Senator INHOFE. Because a question on base closure was asked, I would only make a request that the force structure that we have today is about one-half of what it was during 1991 during the Persian Gulf War. That can be quantified, half the Army divisions, half the tactical air wings, half the ships going out from 300 ships—600 ships to 300 ships.

After the U.S.S. *Cole,* tragedy took place, I went over there. I talked to virtually every rear admiral and everyone who was around there. They said that if we had had—when we cut down the number of ships, we cut our refuellers or our oilers down from 32 to 21. If we had not done that, every one of them to the last one said we would not have gone into Yemen or the other ports. We would have refueled at sea.

Now, when you go from the Mediterranean through the Suez Canal and the Red Sea and turn left and go up the Mediterranean Sea to the Persian Gulf. It is about 5,000 miles. You have to have some refueling capability. Virtually everything in there is in kind of a threatened area.

I went back to the bone yards and found that we had two vehicles out there that were in very good shape and cost very little more money to put them back into service. Those were the Higgins

and the Humphreys. I would hope that you would consider doing that and talk to your Navy people—and, of course, you draw on your own experience there—as to why it would not be prudent to pull some of those back into service and to get that refueling capability in that area. I just make that request that you would consider that.

Mr. RUMSFELD. I will be happy to look at it. Thank you, sir.

Senator INHOFE. Thank you, very much.

Mr. RUMSFELD. Could I clean up two things that are a little embarrassing to me? The Senator mentioned I was in the Wrestling Hall of Fame. It is true. But I did not go in the front door with the great wrestlers. I came in the back door with the so-called distinguished Americans who had wrestled. It was Abraham Lincoln, George Washington, Dennis Hastert, and Rumsfeld and a few others. [Laughter.]

Second, I was described as the captain——

Senator WARNER. We would add John Chafee is my recollection, our distinguished colleague.

Mr. RUMSFELD. That is right, exactly. I was described as captain of the college football team and it is true. But I was a little guy. It was the 150-pound football, not the big guys. I would not want to let the record stay inaccurate.

Chairman LEVIN. Well, we will keep the record open for a number of additional comments. [Laughter.]

Senator INHOFE. One last thing just for the record. I would ask also in this setting and this environment today at this time, you cannot get into your F–22, joint strike fighters, crusader, global hawk, for example. I know you were a real supporter of unmanned vehicles sometime ago.

But I hope for the record maybe later on you can have some time to think about this and address these platforms. We would like to believe, and many of the American people believe, that we have the very best of everything. But I was very proud of Gen. John Jumper not too long ago when he said in terms of air-to-air vehicles, we are not superior. In fact, the Russians have some things on the market right now, the SU–35, that are better than any air-to-air combat vehicle we have, including the F–15s. So I am hoping that you will be able to assess our modernization and get it as specific as you can as early in your term as possible.

Mr. RUMSFELD. Thank you.

Chairman LEVIN. Thank you. Senator Reed.

Senator REED. Thank you, Mr. Rumsfeld, not only for your willingness to serve, but for your lifetime of public service.

Mr. RUMSFELD. Thank you.

Senator REED. We had a chance this morning to chat briefly. I thank you for that also. I was listening to your response to Senator Warner about the conditions for committing American forces today. Frankly, and I think you would agree, that it is in a sense a work in progress that you are trying to understand the forces and the structure that we have and the threats we face.

I might suggest that we are pretty good at the initial phases of these operations because they are essentially military operations, the forceful entry into contested territory. We are not very good at the back end which is the policing operation which is humanitarian

operations. One of the reason we are not is that we do not have those resources. We have not been able to coordinate with our allies and with national organizations to have such resources. I wondered if you might comment upon this whole issue, not just in terms of America's role, but being able to parade an organization or mutual organizations that can do missions that you might feel needed to be done. We have the forces militarily to make the entry, but we are uncertain about whether or not we can extract ourselves in reasonable time. Would you comment on that?

Mr. RUMSFELD. Well, I can comment briefly. We all know it is a lot easier to get into something than it is to get out of it. We all know that everyone is not capable of doing everything. In fact, the tasks as you properly point out are distinctly different. I have had an impression over the years that we have a significant role in helping to deter aggression in the world. The way you do that is to be arranged to defend in the event you need to which you know well as a West Point graduate.

Having been at NATO and looking at different countries and what the different countries bring to that alliance, it is pretty obvious that the United States has some things that we bring to it that are notably different from some of the other countries. It is also true that the other countries can bring significant things.

I do not think that it is necessarily true that the United States has to become a great peacekeeper if you will. I think we need to have capabilities, as you are suggesting, that are distinct from war fighting capabilities. But I also think other countries can participate in these activities that are needed in the world from time-to-time and bring—they can bring the same capabilities we can to that type of thing. Whereas, they cannot bring the same capabilities that we can, for example, with respect to air lift or sea lift or intelligence gathering or a variety of other things.

There is one other aspect to being on the ground in an area. Someone mentioned with respect to the U.S.S. *Cole.* If you are a space asset or the Marines that were in Beirut Airport back when I was President Reagan's Middle East envoy, if you provide an attractive target, a lucrative target, somebody may want to try to test whether or not they can damage that target.

That is a lot less true—the United States of America is an attractive target. So when we are on the ground, we tend to become a bit more attractive, a bit more "lucrative" as a target. It seems to me that it may very well be that other countries can do some of those things in a way that is less likely to create the kind of targeting that the United States tends to draw.

Senator REED. Thank you. You made reference to and anticipated my next question which as the former Ambassador to NATO, you have a great experience you are bringing to the task because there are issues, one of which is to what extent NATO will operate or European forces will operate independently of NATO.

We have a current controversy about the depleted uranium being used in Kosovo. We have an ongoing debate and discussion about national missile defense. Most—many European governments are frankly opposed to it.

Then we also have the issue not only of whether or not we are willing to essentially allow our allies to do some things, frankly be-

cause they might get the impression that they can do everything alone and they do not need us any longer. I wonder from your perspective and as you go in how do you propose to deal with some of these issues relative to NATO?

Mr. RUMSFELD. I would begin with several principles. I think NATO is just an enormously important alliance. It has a record of amazing success. I believe in consultation with our NATO allies. I think that they have difficult political situations and close margins in their parliaments. They need time. They need discussion with us. They need leadership. They need an opportunity so that the solution can be fashioned in a way that makes sense.

With respect to the European defense force, let me just put it this way. I think anything that damages the NATO cohesion would be unwise for Europe and for the United States and for our ability to contribute to peace and stability in that part of the world.

Senator REED. During the campaign, Mr. Rumsfeld, the Bush campaign made a great point about suggesting that China was a competitor. Frankly, in that type of dynamic, there is always the fear that competition will lead to conflict. How do you think you can use your resources at the Department of Defense to preempt conflict with China?

Mr. RUMSFELD. Well, I think how China evolves in the 21st century into the world in Asia and elsewhere in the world is enormously important. I think our behavior and the behavior of other countries in the region and the world is going to make a difference as to how they evolve. I would characterize our relationship with the People's Republic of China as complicated and multi-dimensional.

It is true, as the President-elect said, that we are competitors. They are seeking influence in the region and we are in the region. We have been in the region. I think it is important we have been in the region because we have contributed to peace and stability in that part of the world.

We are trading partners simultaneously. So on the one hand, we are somewhat of a competitor. On the other hand, we are a trading partner.

We watch what they say and they write. I am no more an expert than others, but I do read what some of their military colleges, writings are saying. We see their defense budget increasing by double digits every year. We see an awful lot of their military doctrine talking about leapfrogging generations of capabilities and moving toward asymmetrical threats to the United States, cyber warfare and these types of things.

I do not think the history between the United States and the PRC is written. I think we are going to write it. I think we have to be wise and we have to be engaged and we have to be thoughtful. But we cannot engage in self-delusion. They are not strategic partners in my view. They are—it is a multi-faceted relationship.

Senator REED. Let me touch upon this. Many of my colleagues have national missile defense. But from the context of the overall theory of deterrence, you described from your vantage point in the White House the sort of two choices. If someone had a ballistic missile that could reach our shores, the choice is being acquiescence or preemption.

Yet, for decades, Russia had exactly that capability, the Soviet Union. I would suggest we did not acquiesce and we did not conduct preemptive strikes.

It seems to me that what is going on here in this deterrence theory is that it is as much about the psychology or one's perception of the psychology of the opponent as well as throw weight and defense mechanisms.

Mr. RUMSFELD. Absolutely.

Senator REED. Inherent, it seems that what you are saying, is that you really distinguish some of these so-called rogue states as being irrational as different from the Soviet Union, unable to appreciate the fact that any type of unilateral attack on the United States, even if frankly—one would assume, even if it was successfully defeated by a missile defense, would result in almost inevitable retaliation. Is that at the core of your thinking, that we are dealing now with some irrational actors?

Mr. RUMSFELD. No, sir. I must not have explained myself well. Two things. My comments about the behavior of the states that we are talking about—I am not terribly enamored of the phrase rogue state. It leaves the impression that the leadership there is kind of like a rogue elephant careening off a wall blindly and that is not the case. I mean, I have met with Saddam Hussein and I met with the elder Assad as Middle East envoy. These people are intelligent. They are survivors. They are tough. They do not think like we do. Goodness knows, they do not behave like we do with respect to their neighbors or their own people. But they are not erratic.

You are correct. We absolutely must—that is why this intelligence gathering task we have as a country is so much more important today, not just because of proliferation but because the weapons are so powerful.

It is not a matter of counting beans in Russia, how many missiles, how many ships, how many tanks? It is a matter of knowing a lot more about attitudes and behaviors and motivations and how you can alter their behavior to create a more peaceful world.

The thing that I would want to clarify is that when I said what I said, I was distinguishing between the relationship of the United States and the Soviet Union. There the so-called mutual shared destruction indeed worked. The potential to be able to have massive retaliation I think created a more stable situation.

To pretend that the fact that we had through massive retaliation a stable situation with Russia and that that necessarily would deter not only Russia, but others from making mischief is obviously historically wrong. We had a war in Korea. We had a war in Vietnam. Saddam Hussein went into Kuwait. Not withstanding the fact that the United States and the Soviet Union had a perfect ability to destroy each other several times over.

So what you need is deterrence across the spectrum that addressed the evolving threats that are notably different as you well know. I just must not have made myself very clear.

Senator REED. Well, again, this is a topic that cannot be exhausted in 5 or 6 or 7 minutes.

Mr. RUMSFELD. No, it is an interesting topic.

Senator REED. I appreciate your thoughtfulness and your comments. Thank you very much, Mr. Rumsfeld.

Mr. RUMSFELD. Thank you, sir.

Chairman LEVIN. Thank you very much, Senator Reed. We are going to call on two more Senators before lunch. We are going to try to squeeze in both Senator Roberts and then Senator Bingaman. Then we will break for lunch. If we break right at 1:00, we will come back at 2:00. If we go 5 minutes after 1:00, we will come back at five after 2:00.

Senator ROBERTS. Thank you, Mr. Chairman. Let me say I think you are the right man for the right job.

Mr. RUMSFELD. Thank you, sir.

Senator ROBERTS. This is a little different experience in regards to the usual nomination process at least for me and I think other members of the committee. We have all of our prepared questions that are prepared by staff in large type so that we can read them and go on from there.

But I think in your case, you shine the light of experience and expertise into the nomination fog and I think it has been very helpful. I think it has been educational. I think you caused us to think a little bit and I think that is very appropriate. I feel compelled to use part of my time—I should not, but I am going to—to inform my colleagues and Mr. Rumsfeld that in terms of our vital national security interests, I think that Latin America, Central America, our involvement in Colombia in the Southern Command where there are 31 nations involved is just as important as the Balkans. I noted that there was some concern in regards to maybe Congress going in with a blindfold or not really fully aware of all the details.

Let me point out that the subcommittee of which I am privileged to chair and Senator Bingaman was the ranking member, we had lengthy hearings and the full committee had hearings. We had General Wilhelm. We had the Assistant Secretary of Defense. We had the Assistant Secretary of State. We had two of those. We had two ambassadors. We went over in considerable detail what the pros and cons were in regards to our involvement.

More especially since we left Panama and went to Miami and found thousands of miles in the Southern Command that we are at risk. We do have bases. We have them in El Salvador. We have them in Aruba. Then I think we have them in Ecuador as well to do a tough job.

We took a lot of infrastructure away to go over to the Balkans. Well, why am I saying this? That is because there are 360 million people down there. The average age is 14 with a lot of problems.

In regards to immigration, in regards to drugs, in regards to trade, in regards to possible revolution, and in regards to our energy supply, where we have about 22 percent of our energy coming from Venezuela and Mexico and in regards to what a fellow down there named Chavez is doing, I think we better pay attention to it.

Now, I cannot say whether our policies in Colombia are going to work or not. But I do say that we have taken a considerable interest in this, had a subcommittee debate and in the full committee and in the Appropriations Committee where General Wilhelm had to stand tall and parade rest before the appropriators and in the Senate and in the House, this was not done without due consider-

ation. I would urge your attention to that because I think it is very important.

I want to talk about—I want to ask you if—in fact I am going to recommend a criteria in regard to the use of troops. This is in concert with what my dear friend Senator Cleland and I determine in our realistic restraint foreign policy dialogue that at least us two listened to. We had to listen to each other over on the Senate.

We came up with the criterion before we would put the troops in. One was the stakes are vital to the United States. Second, public support is assured. Third, overwhelming force is used in regards to a clear definition of goals and purpose. Last, everybody agrees on an exit strategy. I think that is a pretty good list.

The reason I mention that is on behalf of the warfighter. I was in Kosovo on exactly the same day that we mounted up and the 27th Marines went in. I took the advantage to get briefed. They probably did not want to brief me. That was the last thing they wanted to do was see a U.S. Senator there as they were getting ready to mount up.

But I asked a lance corporal, I said, what are your goals here? Do you think you can do the job in regard to Kosovo? He said, sir, I'm a United States Marine. I can do the job.

I said, but what is your personal goal? He said my personal goal is to take care of myself so that I can come home after 6 months to my wife and kids because I know just as soon as I leave, these guys are going to start shooting each other all over again.

I think too many times it is not that we should not pay attention to the geo-political concerns and the strategic concerns. My concern is the warfighter, that person in uniform.

I believe that as we go down this we remember that it is one thing to have a cause to fight for. It is another thing to have a cause to fight and die for.

So I am in agreement with the Powell Doctrine. I pretty much said what I think we ought to do on down the road. I offer that up as a suggestion.

The Emerging Threats and Capabilities Subcommittee of which I am privileged to chair and we have drugs and we have terrorism and we have weapons of mass destruction and we have the counter threat reduction programs. We have a whole bunch of things. Every staff member back here has to deal with me because of this subcommittee and the foresight of the distinguished Chairman.

We asked witnesses in terms of things that really bother you, whether it is a cyber attack or a biological attack or whatever it is, what keeps you up at night? What is the one big thing that keeps you up at night? Now, other than you filling out all the paperwork you have to in regard to the ethics business, what keeps you up at night?

What would you tell the Emerging Threats and Capabilities Subcommittee right now that you think is an immediate concern in terms of our national security? What keeps you up at night? Now, I know you said that you cannot really single one out, that this is a continuum and a many faceted kind of thing here with missile development, terrorism, so on and so forth.

Mr. RUMSFELD. Well, two things I would say. I would repeat what I said about the importance of considerably improving our in-

telligence capabilities so that we know more about what people think and how they behave and how their behavior can be altered and what the capabilities are in this world.

I think the goal ought not to be to win a war. The goal ought to be to be so strong and so powerful that you can dissuade people from doing things they otherwise would do. You do not have to even fight the war. That takes me to the second point.

The second point is I do not know that I really understand what deters people today because I do not think one thing deters everybody. I think that we need to understand that there are different parts of the world. There are different types of leaders with different motivations. We have to do a lot better job of thinking through deterrence and assuring that we have done the best job possible.

I mean, everyone is going to make mistakes. But today when mistakes are made with the power of weapons, they are not little mistakes, they are big mistakes.

We need to do everything we can to fashion a set of deterrents, a nest, a fabric that does the best possible job for this country.

Let me go to your first point just very briefly and add a thought for consideration. You mentioned overwhelming public support as a criteria. I am uncomfortable with that. I think that leaders have to lead and build support. I look back at history. I think there have been times when we have had to do things when the public was not there yet.

I think that what needs to be done is to have leaders in office, presidents, who think these things through, who make the right decisions, who are sufficiently persuaded that overwhelming support, public support, follows.

You cannot sustain anything without it. I quite agree. But I think that thinking that you are going to have it at the outset is optimistic.

Second, on overwhelming force. I have watched presidents look at their situation in a pre-crisis period, a build-up period. They have very few tools to deal with. The military tends to come in and the choices are not—you do not have a lot of arrows in your quiver. It is a proper thing to say we do not want to do something unless we are going to put the force into it we need. But the concept of overwhelming force in isolation I would think needs to have another dimension. It is this.

In the pre-crisis period, in the early period, you can do things to alter people's behavior that does not require 500,000 troops and 6 months to build up. If we are wise and think these things through, there are things that can be done in a build-up period that will persuade people they ought not to be doing what they are thinking about doing, that will persuade the people they need to support them in doing what they are thinking about doing, that those people ought not to support them.

That does not require overwhelming force. That requires a lot better intelligence and a lot more tools to affect and alter thinking in those periods. I think we need to broaden that concept somewhat.

Senator ROBERTS. I appreciate that. My time has expired. Thank you.

Chairman LEVIN. Thank you. Senator Bingaman is next. We will then recess and Senator Allard will be first when we return.

Senator BINGAMAN. Mr. Rumsfeld, thank you and congratulations on your stamina in considering all of these questions.

Mr. RUMSFELD. Thank you.

Senator BINGAMAN. As well as congratulations on your nomination. I certainly intend to support you.

Mr. RUMSFELD. Thank you, sir.

Senator BINGAMAN. One of the issues that we always hear a lot of talk about, but at least in my view has not been given adequate priority in defense budgeting, is science and technology.

It seems like, at least for the last several years, every time we see a defense budget proposed by the administration, the percentage of the defense budget that is committed to science and technology is reduced. It always loses out compared to procurement, compared to readiness, compared to all these other things.

I know that President-elect Bush gave a speech at the Citadel a year and a half ago where he talked about the importance of science and technology investment. He said he was committing an additional $20 billion—or he would if elected President—commit an additional $20 billion to defense research and development between now and 2006. I think that was the commitment he made in that speech or the statement he made.

Let me add one other aspect of this. The reductions in growth in defense research and development in recent years has been justified at some of our hearings on the basis that the industrial companies will pick up the difference here, that U.S. industry is sufficiently strong that we do not need to do what we once did in science and technology.

That to my mind is very much at odds with what I understand is happening to our defense industrial base. They do not have the luxury of putting substantial new resources into this area. So I would be interested in any comments you have about how we can increase research and development, defense related research and development and support for science and technology.

Mr. RUMSFELD. Senator, I agree completely with everything you have said. When President-elect Bush announced that I was his choice for this post, I said that I had visited with him. I had read his pronouncements and plans for defense and that I supported them enthusiastically. Certainly with respect to science and technology, he is on the mark and you are on the mark and I agree.

I came out of the pharmaceutical business where we invest in research and development that is not guaranteed to produce anything in the next 5 minutes. You have to be patient. You have to live with a lot of failures. I have been involved in the electronics business, quite the same.

If you are not investing for the future, you are going to die. You simply run out of gas at a certain point. This wonderful country of ours has such fine leadership in science and technology. But the reality is an awful lot of the foreign students who used to come over here and stay and study are now going back to their countries.

They are leaving with an enormous amount of knowledge and the country, this committee, this department, simply must be willing to make those investments.

Senator BINGAMAN. Well, thank you for that answer. Let me ask about one other area that I also think tends to get short changed in the defense budgets that I have seen, and that relates to test and evaluation. Again, there does not seem to me at least to be a strong constituency for funding the necessary infrastructure to accomplish and maintain our ability in the test and evaluation area. I have a parochial interest in this. Because White Sands Missile Range is in my state. It's our largest, and I believe our most capable test and evaluation facility.

But this is an area that I hope you will give some attention to. It seems to me to be one of those areas that falls between the stools when people start putting together defense budgets. It does not have the natural advocates behind it the way we are currently structured that would allow it to be given sufficient attention.

I am glad to hear your comment. Or I will go onto another question.

Mr. RUMSFELD. I am not knowledgeable about the state of that and will be happy to look into it.

Senator BINGAMAN. One other area I wanted to ask about, and this has been asked about by some of the other Senators. There was a *New York Times* editorial that I am sure you saw expressing concern about what they anticipate would be a missile defense organization. The MDO recommendation to the new president that he needs to order construction of a radar system in Alaska to begin this March in order to meet the deadlines that you identified in the commission report that you came up with for actual deployment by 2005 I believe. I believe I have those dates right.

I wondered if you have any insight into whether or not such a recommendation will be made, whether or not you would support such a recommendation to begin construction of a radar site in March or whether you believe that is premature.

Mr. RUMSFELD. It would be premature for me to comment on it. There is no question we simply have to get some folks pass through this committee engaging that subject. I have to get myself up to speed. It clearly would be an issue that would end up with the President and the National Security Council.

Senator BINGAMAN. Let me ask about one other thing, one other area, and that is export controls. My impression is that there are major problems in the system we have in place now to control defense related exports, that it has worked to the disadvantage of many of our companies that have defense related work, but also do a lot of commercial work. This is an issue that involves several departments, not just the Department of Defense, but the Department of Commerce, Department of State. I think we have probably added to the problem here in Congress by shifting responsibilities to the Department of State and not adequately funding them in this area.

I do not know if this is an area that you are informed about. If so, I would be anxious to hear your views. If not, I would be anxious to just urge you to look at this and see if you could bring some constructive recommendations to this system.

Mr. RUMSFELD. Well, I agree that it is something that has to be looked at. It is an enormously complicated set of problems of which I am only marginally informed. I have bumped into it through the

Ballistic Missile Threat Commission and watching that set of issues. I have bumped into it through business on a number of occasions. There has to be a balance between national security interest and our obvious desire to be able to encourage investment in this country to create advanced technologies.

To the extent you inhibit that, you do not stop it. You simply drive it offshore. A businessman can sit down in a room in Chicago and decide if he wants to do research and development in France or in Asia, in Japan or in Skokie, Illinois. Just with a decision it gets changed one place or another.

To the extent we are unwise and allow a system that needs to be very dynamic because there is so much happening to be static and prevent things that need not be prevented or delay things to the point where people are unwilling to accept the costs which delay imposes, then we damage ourselves, not just economically. We also damage ourselves from a national security standpoint because we force people to go offshore to develop these technologies.

So we need to give that system a good look.

Senator BINGAMAN. Thank you, very much. My time has expired.

Chairman LEVIN. We are going to recess now for 1 hour. We will start with Senator Allard. The order of recognition for all my colleagues is on a sheet of paper here, so you can see where in that list you will come. We will stand recessed until 2:05.

[Whereupon, at 1:05 p.m. the hearing was recessed.]

AFTERNOON SESSION

The committee met, pursuant to notice, at 2:07 p.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Byrd, Cleland, Landrieu, Warner, Inhofe, Allard, and Sessions.

Other Senators present: Senators Akaka, Bill Nelson, Ben Nelson, Carnahan, Dayton, Collins, and Bunning.

Committee staff member present: David S. Lyles, staff director.

Majority staff members present: Richard D. DeBobes, counsel; Richard W. Fieldhouse, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, counsel; and Michael J. McCord, professional staff member.

Minority staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Charles S. Abell, professional staff member; Charles W. Alsup, professional staff member; John R. Barnes, professional staff member; Edward H. Edens IV, professional staff member; William C. Greenwalt, professional staff member; Mary Alice A. Hayward, professional staff member; Lawrence J. Lanzillotta, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, assistant counsel; Joseph T. Sixeas, professional staff member; Cord A. Sterling, professional staff member; Scott W. Stucky, general counsel; and Eric H. Thoemmes, professional staff member.

Staff assistants present: Beth Ann Barozie, Thomas C. Moore, and Michele A. Traficante.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; Christina Evans, Terrence E. Sauvain, Barry Gene (B.G.) Wright, and Erik Raven, assistants to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Andrew Vanlandingham, assistant to Senator Cleland; Jason Matthews and David Klain, assistants to Senator Landrieu; Gregory C. McCarthy, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Thomas A. Vecchiolla, assistant to Senator Snowe; Robert Alan McCurry, assistant to Senator Roberts; Charles Cogar, assistant to Senator Allard; and Scott Douglass, assistant to Senator Sessions.

Other Senate staff present: Richard Kessler, assistant to Senator Akaka; Pete Contostavlos, assistant to Senator Bill Nelson; Sheila Murphy, assistant to Senator Ben Nelson; Larry Smar, assistant to Senator Carnahan; Christopher Ford and Sam Patten, assistants to Senator Collins; and Jeff Freeman, assistant to Senator Cochran.

Chairman LEVIN. The committee will come to order.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman. I would echo the comments that have been made by my colleagues on this committee, Mr. Rumsfeld, about your qualifications. I do not think anybody can legitimately question your qualifications, and I am absolutely delighted with the President's appointment in appointing you specifically as Secretary of Defense. I do not see how you are going to apply the Rumsfeld's Rules over there as Secretary of Defense when you testify before this committee, and I respect your administrative capabilities, and I think everybody here also recognizes those.

When you visited my office we shared our experiences. I shared my experience on the NRO Commission. You shared your experience as Chairman of the Space Commission. Both reports are coming out with a recommendation. I guess the Space Commission's report is coming out today, and ours, the NRO Commission is already out that there needs to be, in fact it is critical that there is a dialogue between the Secretary of Defense and the Director of the Central Intelligence Agency. I just would hope that you would just for a moment at least express to me how you feel about this and what you plan to do to improve communications.

Mr. RUMSFELD. Well, I thank you, and I know of your service on the NRO Commission and, of course, have discussed it with you. The international community is really not a community. It is a set of organizations, the CIA and the NSA and the NRO and the DIA and the Air Force, Army, and Navy Intelligence, the State Department, the FBI, there are all kinds of pieces to it, and I think to use the word community is an overstatement, and because of the way the legislation, the way the funding works, it is something that I think takes a lot of senior level interaction so that things do not get bottlenecked.

There are some very complicated issues in rearranging our intelligence-gathering to fit the new century, to fit the new circumstance with proliferation, and I think that bureaucracies do not like to change. They are terribly resistant to change, and the only way they are going to change is if the very senior people who meet regularly understand where each is going, and recognizes the fact

that each has responsibilities that cannot be performed unless the two of them work together.

I suppose you could have perfect organizations and people who are not too good and you are not going to have very good organization or operation, and vice versa. You could have organizations that are not perfect, but if you have people who really care about it and are willing to force those issues through the bureaucracies it could work pretty darned well, and I just think that that is a start.

Senator ALLARD. With this election, there was a lot of discussion about voting by members of the military, and I do not know whether you have given this any thought or not, but I was disturbed, I think as many members of this committee were disturbed about credible attempts to disqualify certain military votes, and most of these were due to hypertechnical kinds of reasons, but in the legal community they are real reasons, and I am wondering if you are going to give any thought about how it is that we can make sure that that problem does not get repeated again on military votes.

Mr. RUMSFELD. Senator, I have discussed this with the President-elect, and thought a bit about it. As you suggest, it is complicated because of the role the States play, and not one State but 50 States. I do think it is an enormously discouraging thing for people serving overseas in the United States Armed Forces to read in the paper that because there may not be a postmark or some other issue, that their vote might not be counted.

It is just not fair, it is not right, and we have to figure out ways to do it, and I quite agree with you that if confirmed that the Secretary of Defense should address the issue and put in place some people to think that through and figure out what kinds of recommendations might be made so that there is a high confidence that the men and women in the Armed Services in fact vote and have their votes counted.

Senator ALLARD. I just do not know that anybody has ever really thought through just how those ballots may be handled, getting from the base or where there will not be a post office or maybe even a postmark getting them to their State where the individual is registered to vote, so I appreciate your answer on that.

On emerging threats, I think your 1998 ballistic missile report threat, you indicate there is an emerging threat and it is maturing more rapidly, and do you still believe the threat is emerging and maturing more rapidly, and also what do you perceive as our greatest threats?

Mr. RUMSFELD. Maturing more rapidly of course is relative. More rapidly than the international community at that time had anticipated, or had described. Our report, as you may recall, followed the 1995 NIE, the National Intelligence Estimate which Congress decided they wanted a second look at, so they empaneled the Ballistic Missile Threat Commission. We did take a look at it, and we came to a number of distinct disagreements with that National Intelligence Estimate.

I do not think I would say it is currently evolving more rapidly than the intelligence community believes, because since our report we then followed it with an intelligence side letter to the international community, and Director Tenet empaneled the entire

international community and we presented it, and they have been addressing the kinds of things that we suggested.

My impression is that more recent NIEs have begun to take account of some of the suggestions made, and that I would think, if you dropped a plumb line through the international community today and asked where they are on this issue, I would think that they are probably a lot closer to where we were than they used to be.

Senator ALLARD. I have not had a chance to completely review your Space Commission report, but from my briefings I am going to be, I think, pleased with its findings. One of the areas you talked about is vulnerability of our space assets, and I am wondering if you can comment about the vulnerability of our space assets and how you would manage that.

Mr. RUMSFELD. Well, I have not had a chance to see the final report, either. I was asked to become the nominee and I had to resign from the commission, and the following days they have completed it and printed it and they are now in the process of briefing Members of the House and Senate and the executive branch on that report.

Senator WARNER. If I can interrupt, we are going to release it at 2:30, and I am going to absent myself to go over for a few minutes.

Mr. RUMSFELD. Adm. Dave Jeremiah, Steve Cambone, the staff director, other members of the commission are going to be doing that, but one of the things that became fairly clear is that we have seen a significant growth in the use of space assets for all kinds of things, clearly from a military standpoint but also from a civil governmental standpoint as well as a civilian private sector standpoint, and as you end up with this greater degree of dependence on these assets you obviously become more vulnerable to interruptions of those capabilities.

I forget what the number is, but something like 70 or 80 or 90 percent of the pagers in the country were out for a period because of an interruption on a Galaxy satellite. We know that Russia or former Russian republics are selling, in effect, hand-held jammers that can jam satellite signals. We know that.

There is an organization in England that makes and puts in space microsatellites that have a variety of capabilities for lots of countries. They do it for—China has a relationship with them, and many other countries do as well, and if you are as dependent as our country is on space, you are, by definition, vulnerable, more vulnerable than others, and it seemed to the commission, unanimously, I might say, that that calls for attention on the part of our country to see that we have the ability to preserve those assets and defend the assets in a way that we could have reasonable assurance that we are going to not be dramatically inhibited, for example, in presidential leadership during a pre-crisis buildup, that we are going to be able to communicate with our military forces in a way that is appropriate in a conflict, to say nothing of the fact that our economy is so dependent today that significant economic disruptions could occur, and I am not just referring to space assets and space systems. I mean, ground stations as well as these systems.

Senator ALLARD. Mr. Chairman, my time has expired. Thank you.

[The prepared statement of Senator Allard follows:]

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Thank, you Mr. Chairman.

Secretary Rumsfeld, good morning and welcome to the committee. I enjoyed our meeting last week and during the course of today's hearing, I will broach a few of the issues we discussed.

I again look forward to hearing your views on the many important subjects facing America and the military, but I hope the presence of the media means that all of America will be introduced to you and your achievements for the country. Further, I always look forward to any opportunity when we have a chance to publicly discuss the many crucial issues facing America's national security and military service members.

Mr. Secretary, as we all know, for the last several years you have been involved with numerous commissions and studies, most notably your work on the "Commission to Assess the Ballistic Missile Threat to the United States", and most recently the Space Commission. I carefully studied the missile threat report, found it detailed, thoughtful, well researched, and credible. I have been operating with it in my mind whenever this committee deals with the missile defense issue. A new administration is seen by many as our only chance for fixing a critical flaw in our defense—a lack of NMD. Many of us are breathing a sigh of relief that we might finally be entering a phase of concrete actions. Better yet—actions with concrete.

Your other recent project, the Space Commission, is also of great interest to myself and many others in Colorado. Colorado has a close connection to military and civilian satellite launch and control. We are aware of the competing needs of civilian, military and intelligence. I don't want to get into the report too much for it is to be released today. While I do not have all the details of the report but from the briefing I received earlier, I am encouraged by the findings and the forward thinking recommendations. I hope we can continue to work together on these issues.

Finally, I note that at the press conference announcing your nomination, President Elect Bush mentioned that one of his defense goals was to "strengthen the bond of trust between the American president and those who wear our Nation's uniform." There has been a real degradation in that area. I hope to see this rapidly addressed. I will bring up this issue later in my questions.

Mr. Secretary, I look forward to your second tenure in the Pentagon. I hope we have a productive hearing today and have already concluded you run a tight ship. I am looking forward to hearing what your "Rumsfeld's Rules" might be.

Chairman LEVIN. Thank you very much. Senator Landrieu is next.

Senator LANDRIEU. Thank you, Mr. Secretary. Congratulations on your nomination. I look forward to working with you through these hearings, and I just want to say that Senator Durbin's and Senator Fitzgerald's comments go a long way with me. They are a ringing endorsement, and my own personal knowledge of your good work.

I just have a few questions. The first two have to deal with the nuclear policies of our Nation. In your opening statement, you made an excellent point about our need to invest more money and more resources in our defense. I could not agree with you more, and have a voting record to support that.

We need to make sure our money is spent wisely and well, but the need to make new investments, to shore up our defenses and to modernize them I think are crucial, and so I want to commend you for that, and one of the ways that we will be able to do that, there are really only two ways to identify new moneys, or to redirect some of the moneys we are spending now in new ways to make that goal that you have stated actually come to pass, and of course one of the big cost drivers is our nuclear strategic defenses.

Given that, and you are aware, because you served in this position before, that we are prohibited by law from falling below our START II levels, but we are coming upon several crucial and costly, and our underlying costly decision points, particularly regarding our Peacekeeper missile system, which the Defense Department has recommended that we move past, if you will.

I believe that it would make sense for our Nation to establish a cost-effective and appropriate deterrent, independent of anything Russia may do, because they have already provisionally ratified the levels indicated by START II, but it does not comport with our law, and so my question is, do you believe that we need to hold to some artificially mandated level of nuclear weapons, or in light of our great need to find resources within our budget as well as add to them, that there is some potential here for not only strategic thinking but some good cost savings could be applied in other ways, and would you be willing to explore or to comment today about some of your thoughts regarding that?

Mr. RUMSFELD. Well, I certainly agree with you, we are going to have to do both. We are going to have to find new dollars in nontrivial amounts, and we also have to see that the defense establishment functions in as cost-effective a way as is humanly possible, and that we find savings, and third, we are going to have to undoubtedly not do some things we have been doing, because the nature of our world has changed, and we are going to do some other things, and it certainly is at least logical, although I cannot tell you what that is, it is logical that we ought to be able to not keep on doing some of the things we have been doing.

With respect to the numbers of weapons, it is not a subject that I have engaged since the announcement a week or so ago. The President-elect has commented on the subject of numbers of weapons. We know that the Russian systems are very likely to be declining in some numbers, apart from negotiations, apart from agreements, simply because of their economic circumstance.

We also know that Russia is not the only nation in the world that one needs to be attentive to. The Chinese are increasing their—they have a very modest nuclear capability at the present time, but they are increasing their budget in double digits. They do have at least a publicly pronounced desire to be a factor in strategic nuclear weaponry.

I do not know whether we can reduce or not. I suspect that that will be part of the review, and in what numbers. I am afraid that the likelihood is that any reduction—there is a minimum below which you can go and maintain the kind of target list that rational people think is appropriate. My guess is that there are very likely not a lot of savings in that, but I do not know that.

Senator LANDRIEU. Well, I look forward to working with you on that, I think to be open to evaluate these questions from the bottom up, because it brings me actually to my next point, which is our targeting plan, which is our single integrated operational plan, our SIOP plan which actually lays out the nuclear targets and is one of the, for obvious reasons one of the most carefully guarded secrets of our Nation.

I raise this issue to you today because one of our most distinguished departing Members, Senator Bob Kerrey, who served for

many years on the Intelligence Committee, has been very frustrated publicly and privately. Many times publicly on the floor of the Senate and other places he has expressed his great concern, and I wanted to express it for him as if he were here today. This particular plan of targeting our nuclear weapons has been unavailable to be reviewed by the leadership of our committee, either Republican or Democrat, or even to the highest level of congressional Intelligence Committee members.

While it is claimed under our law or rules that he has to have reason to know, he, as the highest ranking member, was not given the information in order to make rational decisions, exactly what you said about not only what can we afford, but what is an effective deterrent, what do we need to do to maintain the safety of our citizens.

So my question would be, if you wanted to make a comment about it today, but at least could you assure this committee that you would be willing to work with the appropriate Members of Congress, and not all Members would be on an equal footing here, but the leadership of our committee and the Intelligence Committee members particularly, to jointly review that, because it has a direct bearing on the strategic posture that we either take or not take, and is driven by the target.

So could you make a comment, please, for the record?

Mr. RUMSFELD. Yes. For the record, those are decisions that I think are the President's, and it is not for me to opine as to what extent, if at all, the current procedures ought to be changed.

I do know that the U.S. plans are reviewed, admittedly by a very small number of people in the executive branch, the National command authorities. They are reviewed regularly. They are changed as circumstances change in the world. As you suggested, they are highly classified, and that is about all I can say.

Senator LANDRIEU. My third question is, again commenting on your opening statement, on your phrase that you would like to try to help us develop weapons systems, I think—I do not know the exact term you used, but taken off the shelf as opposed to the more traditional ways we have developed, to try to get weapons systems more quickly and more cost-effectively. I would like to commend our current Under Secretary, Rudy de Leon, for suggesting that we apply that same principle to the Reserve units in trying to combat terrorism in cyber space, to actually be able to access the brain power of the American people by developing more strategic smart Reserve units instead of developing that intelligence within the Defense Department to actually, if you would, Mr. Secretary, be able to pull it off the shelf.

So have you given any thought to perhaps strengthening our Reserves in this way, that we could get the best and the brightest minds in the United States to apply their great ability and intellect to help us to fight this new front in a smart, cost-effective way for the American people, and one that I think would tend to be more successful, perhaps, than the old ways that we are used to doing? Have you been briefed much about this, or know much about what I am suggesting?

Mr. RUMSFELD. I have not been briefed on it, and it is not a subject I have engaged personally. There is no question but that cyber

attacks and information warfare are an exceedingly important subject for the country. They are important for the private sector. They are important for the Government. They are certainly important for the military. I had not addressed the subject as to what role the Reserves and the Guard might play in that, but it certainly is worth exploring.

Senator LANDRIEU. My time has expired. I would just urge you to think about the strategy to solicit service from a core of very talented, well-skilled individuals to bring to bear the new abilities or talents we are going to need to fight the threats of the future.

Thank you very much.

Chairman LEVIN. Thank you, Senator Landrieu.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. Before I ask a question, I wonder where we are on the possibility of moving this nomination? I think it would be well if we have as much support as it appears we have today for this extraordinary nominee I think the world would well receive the fact that we could promptly confirm him. Do you have any thoughts about how we could move this nomination, if there are no objections, as there appear to be? I think it would help the President-elect and his team to get started as early as possible.

Chairman LEVIN. Technically, I think the nomination has to be submitted by the new President. I think the first thing he usually does after being sworn in is to sign a number of nomination sheets and nominate his Cabinet officers. The nomination then has to be received technically by the Senate. Then, I believe it will be Chairman Warner's plan at that time, probably the same day, but I do not want to speak for him, that we try to meet even on Inauguration Day, if possible, to act on and confirm, if we are ready at that point to act on and confirm.

There is significant paperwork which we must go through. The nominee is working very hard on it with all of us. It has to be finished, too. I hope we can complete the hearing today, but there is no guarantee of that. It depends upon how many questions need to be asked that we have not had a chance to ask. That is our goal. I agree with your point, in any event even though it is not technically possible to even receive a nomination until Inauguration Day, or act on it. We will act promptly after we are legally able to act on this nomination, because it does have, indeed, broad bipartisan support.

Senator SESSIONS. Thank you, Mr. Chairman. I really believe we should move on that, and there might be some uncertainty in the world among those who—we had a prolonged election process, and I think it might be good for stability if we could move as promptly as possible.

I remember, when I was back in college, at Huntington College where I attended, they introduced the old president as a president proven and the new one as a president challenged, and you are both a proven Secretary of Defense and a challenged Secretary of Defense, so we are delighted to have you here. I think your testimony has been superb. It is wise and thoughtful and strong, and I know you know there are some real challenges out there that have to be met.

One thing I would say is that Senator Lieberman's comments really went to the heart of where we are, in my opinion. I think this Nation has a serious problem with our defense funding and structure, that in the past decade we have failed to maintain adequate funding streams. We are paying salaries and the like and that kind of thing, but really, recapitalizing the military has not occurred as it should, and I asked Secretary Cohen, your predecessor—who by the way was extraordinarily cooperative with this Senate.

I was a new member of this committee and he just did a great job of being forthcoming and helpful, and I would ask you to do the same, and want to compliment him on the work that he did, but he said this in answer to a question of mine. He said, as I indicated before, Senator Sessions, ever since the height of the Cold War we have seen a tremendous decline in defense spending.

This was last year, and many on this committee and throughout this body were urging a peace dividend, and we have been enjoying the fruits of that peace dividend, but it has come at the cost of relying on what President Reagan did in the 1980s as far as the buildup. We have been living off that, and now we are at the point where we have to replace it.

Do you understand what he is saying, and would you tend to agree with that?

Mr. RUMSFELD. I do, indeed. It is a surprise to me, when you think about it, but when I was Secretary of Defense I went to the roll-out for the F–16 and made the decision on the M–1 tank and the B–1 bomber, and that was a long time ago.

Senator SESSIONS. What we have is the question of how much needs to be spent. It is my understanding that the number of $45 billion that President Bush was reported to have estimated that he would have to spend in addition was based on several programs he intended to initiate, did not represent his full commitment to spending more for defense, but I think Senator Lieberman rightly suggests it is going to take a lot more than that and a lot more than the $100 billion over 10 years that was—and I think, Mr. Rumsfeld, that it—and I will ask you to respond to it, it is going to be your duty, and I think you have the credibility and the competence to evaluate this Defense Department to analyze the threats we are facing in the world, to comprehend what can be done technologically and how much money can be saved wherever it can be saved, and then I think it will be your duty to come back to this committee and use all the credibility that you have to sell this committee and this Nation on the amount of funding we are going to need to maintain the strength of the United States in the 21st century.

How would you respond to that?

Mr. RUMSFELD. First, your understanding of President-elect Bush's comments about budget are exactly mine, that he identified some particular things he wanted to see funded. He priced them, and he mentioned the price tag. I do not believe that he suggested that that was the totality of what he had in mind, because he was asked for a defense review and promised that as well, and that is something that of course has not been done, and until that has been done, it is clearly not possible to come up with the numbers.

I think second, with respect to the numbers, I do not know what the number is, but I have an impression that goes not to the total number over the 5-year period, but the impression is that we need some money up-front, and we may very well have to come back with a supplemental or something that would indicate the needs that exist now so that—because there have been things that have been pushed off, as has been mentioned here, for example, the shipbuilding budget and some other things, science and technology and others that have been mentioned.

Senator SESSIONS. There has been a lot put off and, in fact, we had testimony from one official, one General on research and development. He used the phrase, we are eating our seed corn. I am now looking at a National Association for the Advancement of Science survey, historical table on the amount of money spent for research and development. Since 1989 in real dollars, not inflated dollars, in actual dollars, the amount of DOD research has dropped 20 percent, while other research in nondefense departments and agencies are up 50 percent. Senator Bingaman raised that point.

I really do believe that we got squeezed to pay for lights, to pay for salaries. We were cutting, eating our seed corn. We were cutting back on things that are going to come back to haunt us and are going to cost us more money today than it would have if we had started on a 6 or 8-year program of research and development.

One more thing and I will give up this questioning. One expert has said that the post-Cold War, the references to the post-Cold War foreign policy are really a statement, an admission that we have not developed a post-Cold War foreign policy. Is it your opinion, briefly, that we do need to develop a more comprehensive foreign policy in this post-Cold War environment that the American people and this Congress can rally behind?

Mr. RUMSFELD. I certainly agree, but by agreeing I do not want to suggest that it is easy. There are some who look at our current period and characterize it as a transition out of the Cold War into something that is still ahead. There are others who suggest that possibly history might indicate that this is it, that we are not transitioning to something else, but what we are in now is what we will be in for a period, and that if that is true, and I am certainly not one who can suggest that I know the answer, but if it is true, it puts a much greater urgency on fashioning policies and standards and some flags we can plant down ahead so that we as a country can point directionally and know how to arrange ourselves to function and live with a maximum degree of safety and stability during that period.

Senator SESSIONS. Thank you.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Byrd.

Senator BYRD. Mr. Secretary, you have been around this track before, and I appreciate your presence here today, and I compliment the President-elect on nominating you. Certainly it is my present intention to support you.

My time is brief, and so I will get right into a question. The Department of Defense continues to confront pervasive and complex management problems due to its inadequate financial management

systems. This can greatly diminish the efficiency of the military services operations.

Since 1995, the DOD's financial management has been on the General Accounting Office's list of high-risk areas vulnerable to waste, fraud, abuse, and mismanagement. While the Department has made progress in a number of areas of its financial management operations, no major part of DOD's operations has yet been able to pass the test of an independent financial audit.

The Chief Financial Officers' Act of 1990, as amended by the Federal Financial Management Act of 1994 requires the Department of Defense to prepare annual audited financial statements. Nevertheless, 10 years after the enactment of the CFO Act of 1990, the Department of Defense has yet to receive a clean audit opinion on its financial statements.

A recent article in the *Los Angeles Times,* written by a retired vice admiral and a civilian employee in the Office of the Secretary of Defense, accused the Secretary of Defense of being unable to account for the funds that Congress appropriates to it. The authors wrote, and I quote in part, quote, the Pentagon's books are in such utter disarray that no one knows what America's military actually owns or spends. That is the close of my extract.

The thrust of this *Los Angeles Times* article is backed up by the DOD's own Inspector General's financial audit for fiscal year 1999. I have a copy of that here in my hand. I assume you have seen it.

Mr. RUMSFELD. I have not. I cannot even say I look forward to seeing it. [Laughter.]

Senator BYRD. Well, I will look forward to hearing what you have to say about it after you have seen it. [Laughter.]

That audit report found that out of $7.6 trillion in Department-level accounting interest, $2.3 trillion in entries either did not contain adequate documentation or were improperly reconciled, or were made to force buyer and seller data to agree.

This DOD IG report is very disturbing. Last year, according to the General Accounting Office, the Pentagon reported that it did not expect to have the necessary assistance in place to be able to prepare financial statements for 3 more years. That was last year. We are now advised that the Pentagon is currently telling the Office of Management and Budget that it will take them until the year 2005 or 2006.

Now, I also note in the *Washington Post* of January 9, 2001, this sentence, which I extract from an article titled, "Bush Talks Defense with Key Members of Congress." Here is the sentence: The chiefs of the Armed Services have said that they need a budget increase of more than $50 billion a year to modernize their forces. That figure dwarfs the $4.5 billion in added defense spending proposed by Bush during the campaign.

Now, if the Pentagon cannot account for what it is doing this year, how can it hope to improve its operations next year? As Chairman of the Appropriations Committee, thank God, now for 17 days——[Laughter.]

I seriously question an increase in the Pentagon budget, and in the face of the Department's recent Inspector General's report how can we seriously consider a $50 billion increase in the defense

budget when DOD's own auditors say the Department cannot account for $2.3 trillion in transactions in 1 year alone?

Now, $2.3 trillion I would readily assume is a large amount of money. According to my old style math, there have been 1 billion minutes, give or take a little, it will not make much difference, since Jesus Christ was born, 1 billion minutes, and according to that same old math, $2.3 trillion, which the Department cannot account for in 1 year alone, would amount to $2,300 per minute for every minute since Jesus Christ was born. Now perhaps we can begin to understand the magnitude of $2.3 trillion.

So why is this happening? Of course, I would not expect you to be able to answer that question. The state of affairs did not occur on your watch, but you are inheriting it. Now, my question to you is, Mr. Secretary, what do you plan to do about this?

Mr. RUMSFELD. Decline the nomination. [Laughter.]

Chairman LEVIN. We will stand adjourned in that case. [Laughter.]

Mr. RUMSFELD. Senator, I have heard some of that and read some of that, that the Department is not capable of auditing its books. It is—I was going to say, terrifying. It is such a monumental task. I have met with two former officials of the Pentagon who served in the budget and control areas, and I have mused over the fact that I have read some of these things and asked what they thought.

One insight that I got was that to a certain extent the financial systems have been fashioned and designed to report on requirements that they receive from various organizations and they have not been fashioned and designed for financial management the way you would in a corporation. I do not know whether that is a useful insight or not, but it is something that is rattling around in my head, and certainly something that I think—I doubt, to be honest, that people inside the Department are going to be capable of sorting this out.

I have a feeling it is going to take some folks from outside to come in and look at this and put in place a process that over a period—and I regret to say, but I have seen how long things take. I think it is going to take a period of years to sort it out, and it will probably take the cooperation of Congress to try to get the system so that you can actually manage the financial aspects of that institution, rather than simply report on things that have happened imperfectly.

That is not a satisfactory answer, but I hear you. I recognize the problem and, if it is not solved, I hope at least that when I leave, if I am confirmed, that it will be better than it was when I came in.

Senator BYRD. My time is up, but Mr. Secretary, I have every confidence in you. I think I have the duty to request and to urge, and I am sure that my colleagues on both sides here join me, and I am sure as well that you do, because you have indicated the enormity of the task, and I think this may have come, perhaps, not as a surprise to you, but you have not seen it. Will you pledge to make balancing the Pentagon's books a topmost priority? The simple answer is yes, but I would like to hear your answer.

Mr. RUMSFELD. Well, I do not know that I can assure you it will be the topmost priority, but it will certainly be among the top priorities. It simply must be done for the National security interests of the country, as well as from the standpoint of the taxpayers of the country.

Senator BYRD. Absolutely, and let me close by saying that, as an appropriator, I cannot have much confidence in the budget request when we have such a track record as we see here, and the Joint Chiefs come up here and ask for $50 billion, even $4.5 billion more, whatever it is. I, as an appropriator, and I would think every member of the Appropriations Committee, would have to look with a jaundiced eye, perhaps not on some specific items, with which they are perhaps more acquainted, but with the overall—it is a terrible record, and it is preposterous that the Defense Department does not know what has happened to this money.

But I thank you for your testimony, and I hope you will do everything you can to set this thing in order and put the Pentagon's house in order in this regard.

Mr. RUMSFELD. Thank you, sir.

Chairman LEVIN. Thank you, Senator Byrd. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Mr. Rumsfeld, I want to start by echoing the praise of my colleagues in congratulating you on your appointment, which I hope very much that you will not decline, and to also commend the President-elect for making such an outstanding choice.

I want to start with a comment before going to a couple of other issues, and I want to follow up with the exchange you had with Senator Kennedy, in that I share both yours and Senator Kennedy's concerns about the current shipbuilding rates. They do not support the goal of a 300-ship naval fleet, as identified by the last QDR and the Clinton administration's defense budgets have been gradually taking the Navy not toward a 300-ship Navy but ultimately toward a considerably smaller fleet.

To make the challenge confronting the new administration and the new Congress even more stark, even a 300-ship Navy has been increasingly recognized as inadequate to meet the increased operational and deployment requirements that we face. In addition, recent press reports indicate that the DD–21, the Navy's revolutionary new destroyer program, may be among the Pentagon programs most at risk of procurement budget cuts.

Now, I know from our brief conversation that you have not yet had an opportunity to review specific procurement programs, but I do want to express my concern about the direction that shipbuilding is heading, or has been heading in, and seek your commitment to reverse that direction, and to look to increasing our shipbuilding budget. I believe you gave that kind of commitment to Senator Kennedy in your earlier exchange, is that correct?

Mr. RUMSFELD. Indeed, I share your interest and concern, and if we are each year building fewer ships than are necessary to maintain the kind of Navy that this country needs, then we are damaging ourselves, and we are damaging our national security.

Senator COLLINS. Thank you. I look forward to working with you closely in that area.

Last month, Mr. Rumsfeld, I accompanied Secretary of Defense Bill Cohen on a holiday trip to visit our servicemen and women in Kosovo and Bosnia. We brought with us entertainers such as the Dallas Cowboy cheerleaders, which I will readily concede the servicemen were far more interested in talking to than they were in talking to United States Senators and Members of Congress.

Nevertheless, I did have the opportunity to speak with members of our active duty components, as well as reservists and members of the National Guard who were stationed in Bosnia and Kosovo, and while morale generally appeared to be high, I nevertheless heard many accounts of the effects of the increased operational tempo on the lives of those who are serving, their families and, in the case of reservists and guardsmen, their employers.

I was concerned about what I heard, because of the implications for retaining and recruiting men and women to serve in the military. For example, I spoke to one young Reservist from my home State who had returned to his family after an assignment in the Middle East, only to be called on again to be sent to the Balkans.

In addition, a young naval officer from my home State recently resigned after 12 years in the Navy because continuous 9-month periods of sea duty proved too great a burden on his growing family.

I am told that the Army is currently considering reducing its overseas assignments to periods of 120-days, and that other services, including the Guard and the Reserves, may adopt similar models. I realize that this issue really ties to the underlying issue of peacekeeping forces and these daunting and protracted missions we have undertaken, but I wonder if you support looking at ways that we can ease the burden on our young men and women who are serving so far from home for such protracted periods.

Mr. RUMSFELD. Yes, indeed. In any organization that does not use conscription or force to have people work there you have to fashion the sort of incentives that will enable you to attract and retain the people you need to run that activity in an efficient and cost-effective way. I do not know what the number is, but I think it was Senator McCain who mentioned the attrition rates with respect to our young captains. I think it is something like 12, 13, 14 percent.

My goodness. That has to tell anybody that we are doing something wrong. We simply cannot have that kind of churning when you train and develop and have this fine talent and then lose it. It costs so much to bring people through the intake, bring them along, get them experience, train them, and then you lose them, and so we have to arrange ourselves so that we have a high confidence that we can attract and retain the people we need, and that is a mixture of things.

It is a mixture of how they feel about their Government, and how they feel about the defense establishment. It is partly how their families are functioning and whether or not they feel that they are able to do what they need to do for their families. As you suggested, the operations tempo can be a difficult thing, time away from families. It is pay, it is health, it is education, it is a whole host of things, opportunity, and it is also feeling that the country

cares and appreciates what they have done and what they are doing.

Senator COLLINS. You are absolutely right about that, and I did in my discussions with the young men and women whom I met—I was so impressed with their pride and their professionalism, their dedication to their jobs, and many of them want to stay in the service, or they want to continue in the Guard, and we need to figure out ways to deal with the very real family concerns they have, and I appreciate the fact that you obviously acknowledge that and are committed to looking at that.

I want to raise quickly just one final issue. The Defense Department has for years tried to take steps to reduce the physical and electronic security, or the vulnerability of its communications satellites, but in recent conflicts such as Kosovo, and even in peacetime, it is my understanding that the military has come to depend more and more heavily upon commercial communications satellites.

It seems to me the Defense Department needs a stronger effort to work with the private sector and other appropriate parties to improve the safety, not just of our military satellite communication links, but of civilian ones as well, and I would be interested in knowing whether this is a priority area for you and whether you have any plans in this regard.

Mr. RUMSFELD. It is an area of interest to me. I am certainly not an expert. We do know that commercial capabilities in this area have for the most part no hardening or no ability to survive mischief and attacks. We also know that properly, in my view, the United States Government, including the military, are using more and more and should use more and more civilian capabilities for communications, for imagery, for a variety of things. It is efficient. They are good at it.

On the other hand, we have to be certain that we have secure systems so that we are not blinded at critical times. It is an area that I do intend to interest myself in, and I thank you for bringing it up.

Senator COLLINS. Thank you, Mr. Rumsfeld. Thank you, Mr. Chairman.

Chairman LEVIN. Senator Collins, thank you.

Senator Akaka.

Senator BYRD. Mr. Chairman, before the Senator responds, may I ask consent that the audit report to which I referred in my questions be included in the record, report number D–2000–179, dated August 18, 2000?

Chairman LEVIN. It will be made a part of the record.

[The information referred to follows:]

Audit Report

DEPARTMENT-LEVEL ACCOUNTING ENTRIES FOR FY1999

Report No. D-2000-179 August 18, 2000

Office of the Inspector General
Department of Defense

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Acronyms

DFAS	Defense Finance and Accounting Service
ODO	Other Defense Organizations
WCF	Working Capital Fund

INSPECTOR GENERAL
ARLINGTON, VIRGINIA 22202-2885

August 18, 2000

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER)
AND CHIEF FINANCIAL OFFICER
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING
SERVICE

SUBJECT: Audit Report on Department-Level Accounting Entries for FY 1999
(Report No. D-2000-179)

We are providing this report for your information and use. We conducted the audit in response to the Chief Financial Officers Act of 1990, as amended by the Federal Financial Management Act of 1994. We considered management comments on a draft of this report when preparing the final report.

The Under Secretary of Defense (Comptroller) comments conformed to the requirements of DoD Directive 7650.3; therefore, additional comments are not required.

We appreciate the courtesies extended to the audit staff. For additional information on this report, please contact Mr. Richard B. Bird at (703) 604-9159 (DSN 664-9159) (rbird@dodig.osd.mil) or Ms. Cindi M. Miller at (317) 510-3855 (DSN 699-3855) (cmiller@dodig.osd.mil). See Appendix C for the report distribution. The audit team members are listed inside the back cover.

Robert J. Lieberman

Robert J. Lieberman
Assistant Inspector General
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Office of the Inspector General, DoD

Report No. D-2000-179 **August 18, 2000**
(Project No. D2000FI-0063.004)
(formerly Project No. 0FI-2115.04)

Department-Level Accounting Entries for FY 1999

Executive Summary

Introduction. The Chief Financial Officers Act of 1990, as amended by the Federal Financial Management Act of 1994, requires DoD to prepare annual audited financial statements. This is the third in a series of reports related to the DoD Agency-Wide financial statements for FY 1999. In Inspector General, DoD, Report No. D-2000-091, "Internal Controls and Compliance With Laws and Regulations for the DoD Agency-Wide Financial Statements for FY 1999," February 25, 2000, we identified $6.9 trillion of department-level accounting entries. An additional $0.7 trillion identified after the issuance of the first report, bringing the total to $7.6 trillion. On February 16, 2000, we issued a disclaimer of opinion on the DoD Agency-Wide financial statements for FY 1999.

The Military Departments, Defense agencies, and the Defense Finance and Accounting Service (DFAS) are responsible for the reliable processing of financial management data reported on the DoD financial statements. When DoD Components input data into the finance and accounting systems, the reliability of the data as they are further processed becomes the responsibility of DFAS. The DFAS centers provide finance and accounting support to DoD organizations, including maintaining department-level accounting records and preparing financial statements. The DFAS centers use amounts reported through the accounting systems and information collected from data calls and from other sources to compile the annual financial statements for DoD. The compilation process is complicated because much of the financial data submitted to the DFAS centers are not generated by integrated, transaction-driven, general ledger accounting systems.

Objectives. Our overall objective was to determine whether the DoD Agency-Wide financial statements for FY 1999 were prepared in accordance with Office of Management and Budget Bulletin No. 97-01, "Form and Content of Agency Financial Statements," October 16, 1996, as amended January 2000. In support of the objective, we identified the department-level accounting entries made to the DoD Component financial data that were used to prepare departmental reports and the DoD financial statements for FY 1999. We also reviewed the management control program as it related to the audit objective. This audit was originally announced under Project No. 0FI-2115.04.

Results. The DFAS centers processed approximately $7.6 trillion in department-level accounting entries to DoD Component financial data used to prepare departmental reports and DoD financial statements for FY 1999. Of the $7.6 trillion in department-level accounting entries, $3.5 trillion were supported with proper research, reconciliation, and audit trails. However, department-level accounting entries of $2.3 trillion were made to force financial data to agree with various sources of financial data without adequate research and reconciliation, were made to force buyer and seller data to agree in preparation for eliminating entries, did not contain adequate documentation and audit trails, or did not follow accounting principles. We identified but did not have adequate time or staff to review another $1.8 trillion in department-level accounting entries. The DoD Agency-Wide financial statements for FY 1999 were subject to a high risk of material misstatement. The sheer magnitude of department-level accounting entries required to compile the DoD financial statements for FY 1999 highlights the difficulties and problems that DoD encountered in attempting to produce accurate and reliable financial information using existing systems and processes. The largest number of department-level accounting entries were made for the Navy General Fund because DFAS Cleveland Center processed both monthly and year-end department-level accounting entries for the Navy General Fund. For details of the audit results, see the Finding section of the report. See Appendix A for details of the management control program as it relates to the processing of department-level accounting entries.

Recommendation. We recommend that the Under Secretary of Defense (Comptroller) establish an implementation strategy to eliminate unsupported department-level accounting entries and to minimize other department-level accounting entries to the data used to compile the DoD financial statements.

Management Comments. The Under Secretary of Defense (Comptroller) agreed that DoD lacked integrated financial and non-financial feeder systems that would minimize the need for department-level accounting entries to prepare financial statements. He stated that DoD has drafted an implementation strategy to address the issue of unsupported accounting entries during the preparation of financial statements. He also stated that the $1.4 trillion of accounting entries for the Navy General Fund were related to Marine Corps budgetary data that are entered and later reversed, and the data have no impact on the official Navy General Fund financial statements. See the Finding section for a discussion of management comments, and the Management Comments section for the text of the comments.

Audit Response. The Under Secretary of Defense (Comptroller) comments on the recommendation are responsive, but the statement regarding the $1.4 trillion of Navy General Fund accounting entries is incorrect. Only approximately $948 billion of the accounting entries were related to Marine Corps appropriations, and not all of the accounting entries affecting Marine Corps appropriations came from budgetary data. DFAS Cleveland Center was given the opportunity to provide evidence documenting the reversal of the accounting entries and was not able to do so. Our audit of accounting entries for the FY 2000 financial reporting cycle will include a more detailed review of the process the DFAS Cleveland Center uses to make accounting entries for the Marine Corps budgetary data.

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Background

The audit was performed in response to the Chief Financial Officers Act of 1990, as amended by the Federal Financial Management Act of 1994. This report is the third in a series of audit reports related to the FY 1999 DoD financial statements. The first report discusses the internal controls and compliance with laws and regulations for DoD and includes audit results of our review of department-level accounting entries. The second report discusses the preparation of the DoD Agency-Wide and DoD Components' Statements of Net Cost and the reporting of performance measures in the Overview section of the DoD financial statements. This report discusses the department-level accounting entries for FY 1999 and incorporates the results of additional audit work completed since the issuance of the first report.

Chief Financial Officers Act. The Chief Financial Officers Act of 1990, as amended by the Federal Financial Management Act of 1994, requires DoD to annually prepare audited financial statements. For FY 1999, DoD prepared financial statements for the following reporting entities: the Army, Navy, and Air Force General Funds; the Army, Navy, and Air Force Working Capital Funds (WCFs); the Army Corps of Engineers, Civil Works Program; and the Military Retirement Fund. Those financial statements, as well as accounting data from Other Defense Organizations (ODO) General Funds and WCFs, were used to produce the DoD financial statements for FY 1999.

Responsibility for Reliable Financial Management Data. The Military Departments, Defense agencies, and the Defense Finance and Accounting Service (DFAS) are responsible for the reliability of financial management data reported on the FY 1999 financial statements. DFAS reported that approximately 80 percent of the data on the financial statements originated in the mixed systems owned by the Military Departments and Defense agencies. Mixed systems contain the day-to-day operating information to be translated into financial information and processed in finance and accounting systems to be useful for financial managers. Some examples of mixed systems are the acquisition and logistics systems. The reliable input, processing, and eventual reporting of financial data into the finance and accounting systems are the responsibility of the Military Departments and Defense agencies. When data are supplied to the finance and accounting systems, the reliability of the data as they are further processed becomes the responsibility of DFAS.

Role of the DFAS Centers. The DFAS centers provide finance and accounting support to DoD organizations. Support includes maintaining department-level accounting records and preparing financial statements from general ledger trial balances and other financial data submitted by DoD field accounting entities and other sources. DFAS uses amounts reported through the accounting systems and information collected from data calls and from other sources to compile the annual financial statements. The compilation process is complicated because much of the financial data submitted to the DFAS centers are not generated by integrated, transaction-driven, general ledger accounting systems.

The DFAS centers processed department-level accounting entries for the DoD reporting entities and ODO financial data. The DFAS centers did not prepare

accounting entries directly to the DoD financial statements for FY 1999. Accounting entries were processed into the DFAS accounting systems both by manual entries and system-generated entries.

Previous Fiscal Year Review of Department-Level Accounting Entries. In FY 1998, DFAS processed department-level accounting entries to make financial data agree with various data sources and to add new data. DFAS made department-level accounting entries without properly researching and reconciling differences between the accounting data and other data sources or providing adequate audit trails. We identified $1.7 trillion in department-level accounting entries that were not supported by proper research, reconciliation, or adequate audit trails. Department-level accounting entries were made to the financial data for the Army General Fund, the Army WCF, the Navy General Fund, the ODO General Fund, and the Defense Logistics Agency WCF.

DoD Financial Statements for FY 1999. The DoD financial statements for FY 1999 reported $599 billion in total assets, $999 billion in total liabilities, $378 billion in total net cost of operations, and $628 billion in total budgetary resources. On February 16, 2000, we issued a disclaimer of opinion on the DoD financial statements for FY 1999.

Implementation Strategies. DoD acknowledged that financial management system deficiencies prevent it from producing auditable financial data. As an interim solution until compliant financial management and mixed systems are in place, DoD has been improving other aspects of its financial management through the development of DoD implementation strategies. In May 1998, the Deputy Chief Financial Officer began developing implementation strategies to achieve a favorable audit opinion on the DoD financial statements until compliant financial management and mixed systems were in place. As of January 2000, DoD had developed and approved a total of 12 implementation strategies.

Objectives

Our overall objective was to determine whether the DoD Agency-Wide financial statements for FY 1999 were prepared in accordance with Office of Management and Budget Bulletin No. 97-01, "Form and Content of Agency Financial Statements," October 16, 1996, as amended January 2000. In support of the objective, we identified the department-level accounting entries made to the DoD Component financial data used to prepare departmental reports and the DoD financial statements for FY 1999. In addition, we categorized the department-level accounting entries based on the reason for the entry. We also reviewed the management control program as it related to the audit objective. See Appendix A for a discussion of the audit process and our review of the management control program at the DFAS centers. See Appendix B for a list of prior audits at the DFAS centers related to the audit objectives.

Department-Level Accounting Entries

During FY 1999, the DFAS centers processed approximately $7.6 trillion in department-level accounting entries to DoD Component financial data used to prepare departmental reports and the DoD financial statements for FY 1999. Of the $7.6 trillion, $3.5 trillion were supported, $2.3 trillion were unsupported or posted to invalid general ledger accounts, and $1.8 trillion were identified but not reviewed. Although some department-level accounting entries will always be necessary through the normal course of accounting operations and because of the complexity of DoD business practices, there are major concerns about the accounting entries because:

- The DFAS centers had to process 451 department-level accounting entries, valued at $1,525 billion, to add new data. Many entries were made because DoD did not have adequate integrated systems for compiling accurate and reliable financial data.
- The DFAS centers processed 360 department-level accounting entries, valued at $602.7 billion, to correct errors.
- The DFAS centers processed 10,161 accounting entries, valued at $2,306 billion, for which DoD did not perform proper research and reconciliation, maintain adequate documentation and audit trails, and follow accounting principles.

As a result, the DoD financial statements for FY 1999 were subject to a high risk of material misstatement. The sheer magnitude of department-level accounting entries required for FY 1999 highlights the significant problems that DoD encountered in attempting to produce more accurate and reliable financial information using existing systems and processes.

Guidance

Section 35, Title 31, United States Code. The requirements of the Federal Managers' Financial Integrity Act of 1982 for an agency's internal accounting and administrative controls were incorporated in section 3512, title 31, United States Code (31 U.S.C. 3512). That section requires DoD to establish and to implement internal accounting and administrative controls to provide reasonable assurance that ". . . revenues and expenditures applicable to agency operations are recorded and accounted for properly so that accounts and reliable financial and statistical reports may be prepared and accountability of the assets may be maintained." In addition, 31 U.S.C. 3512 requires DoD to assess the effectiveness of the internal accounting and administrative controls established and implemented.

Office of Management and Budget Circular No. A-123. Office of Management and Budget Circular No. A-123, "Management Accountability and Control," June 21, 1995, provides guidance to Federal managers on improving the accountability and effectiveness of Federal programs and operations by establishing, assessing, correcting, and reporting on management controls. Office of Management and Budget Circular No. A-123 requires Federal managers to promptly record, properly classify, and account for transactions to prepare timely and reliable accounts and reports.

General Accounting Office "Standards for Internal Control in the Federal Government." The General Accounting Office publication, "Standards for Internal Control in the Federal Government," November 1999, provides an overall framework for internal control. The standards state the following:

> Control activities occur at all levels and functions of the entity. They include a wide range of diverse activities such as approvals, authorizations, verifications, reconciliations, performance reviews, maintenance of security, and the creation of related records which provide evidence of execution of these activities as well as appropriate documentation.

In addition, the standards require clear documentation of all transactions and other significant events, and the documentation should be readily available for examination.

DoD Guidance. DoD has issued guidance for the proper execution of department-level accounting entries. The DoD Financial Management Regulation, DoD Regulation 7000.14-R, volume 6A, "Reporting Policy and Procedures," January 1998, addresses documentation and audit trails necessary to support department-level accounting entries. In addition, DFAS headquarters policy guidance issued in October 1999 established requirements for processing department-level accounting entries.

Department-Level Accounting Entries

Department-Level Accounting Entries for FY 1999. The DFAS centers processed approximately $7.6 trillion in department-level accounting entries to the DoD Components' financial data used to prepare departmental reports and the DoD Agency-Wide financial statements for FY 1999. The department-level accounting entries were processed to force financial data to agree with various data sources, to correct errors, and to add new data. Of the $7.6 trillion, proper research, reconciliations, and adequate audit trails supported $3.5 trillion of the department-level accounting entries. However, accounting entries of $2.3 trillion were made to force financial data to agree with various sources without adequate research and reconciliation, were made to force buyer and seller data to agree in preparation for eliminating entries, did not contain adequate audit trails and documentation, or did not follow accounting principles. Because of time and staff constraints, we identified but did not review $1.8 trillion of accounting entries and, therefore, we did not determine whether they were adequately supported. The following table identifies the results of our

review of department-level accounting entries made to the DoD Components' financial data. The data contained in the table have been updated to incorporate the results of our additional audit work completed since the issuance of Inspector General, DoD, Report No. D-2000-091, "Internal Controls and Compliance With Laws and Regulations for the DoD Agency-Wide Financial Statements for FY 1999," February 25, 2000. That report addresses $6.9 trillion in entries, which consisted of $2.6 trillion of supported accounting entries, $2.3 trillion of unsupported accounting entries, and $2.0 trillion of unreviewed entries.

Department-Level Accounting Entries for FY 1999
(dollars in billions)

Department-Level Accounting Entries	Supported (entries)	Unsupported or Invalid (entries)	Not Reviewed (entries)	Total (entries)
Army General Fund	$ 175.4 (176)	$ 290.2 (192)	$ 4.1 (12)	$ 469.7 (380)
Army Working Capital Fund	54.0 (90)	127.8 (105)	0 (0)	181.8 (195)
Navy General Fund	158.9 (276)	1,463.2 (9,348)	1,781.5 (4,789)	3,403.6 (14,413)
Navy Working Capital Fund	549.5 (35)	48.0 (39)	7.3 (159)	604.8 (233)
Air Force General Fund	1,156.1 (363)	66.6 (89)	0 (0)	1,222.7 (452)
Air Force Working Capital Fund	90.5 (293)	79.1 (245)	11.2 (32)	180.8 (570)
ODO General Fund	557.9 (62)	179.9 (24)	0.5 (19)	738.3 (105)
ODO Working Capital Fund	65.7 (77)	51.0 (119)	4.7 (4)*	121.4 (200)*
Military Retirement Fund	661.7 (1)	0 (0)	0 (0)	661.7 (1)
Total	**$3,469.7 (1,373)**	**$2,305.8 (10,161)**	**$1,809.3 (5,015)**	**$7,584.8 (16,549)**

*The scope of accounting entries reviewed for the ODO WCF was limited to Defense Logistics Agency entries processed by the DFAS Columbus Center ($12.2 billion) and ODO WCF entries processed by the DFAS Denver Center ($109.2 billion). Therefore, the total amount of accounting entries to the ODO WCF financial statements is unknown.

The reason the number and value of accounting entries for the Navy General Fund is so much larger than for the other reporting entities was in part because of the way financial data are processed by DFAS Cleveland Center. DFAS Cleveland Center uses general ledger accounts and posts Navy financial data, some of which impact the financial statements, every month and at year-end in preparation for monthly and year-end reporting. The process used to prepare financial statements varies from center to center and thus by Service and fund. As a result, the number of department-level accounting entries processed by

each of the centers varies significantly. Monthly posting of financial data is in fact preferable to a once-a-year summary process as it provides an opportunity to adjust accounting reports to reflect the most current data.

Comparison of Audit Work Performed for FYs 1998 and 1999. We reviewed portions of the department-level accounting entries for DoD reporting entities and identified approximately $1.7 trillion in unsupported entries made to selected reporting entities for FY 1998. Because of problems noted, we expanded the scope of our audit work for FY 1999. The DFAS Indianapolis Center made progress in reducing the unsupported department-level accounting entries that affect the Army General Fund financial statements. The DFAS Indianapolis Center decreased the amount of unsupported department-level accounting entries processed into the financial data used to compile the Army General Fund financial statements from $673 billion in FY 1998 to $290 billion in FY 1999.

For FY 1999, we attempted to identify all the department-level accounting entries that the DFAS centers made. However, because of resource constraints and other accounting classification issues, we were not able to identify the total number of department-level accounting entries and their dollar values that the DFAS centers made to DoD Component financial data used to prepare departmental reports and the DoD financial statements for FY 1999.

Supported Department-Level Accounting Entries

The DFAS centers processed 1,373 department-level accounting entries, valued at $3,470 billion, for which proper research and reconciliations were performed and adequate audit trails existed. The department-level accounting entries were made to do the following:

- enter new data into the accounting records,
- correct errors, and
- meet the requirements of accounting principles and other guidance.

Data Entries. The DFAS centers processed 451 department-level accounting entries, valued at $1,525 billion, to add new data into the accounting records. The DFAS centers were required to process some department-level accounting entries, such as actuarial estimates, that could not be generated through transaction-driven integrated accounting systems. The data came from outside sources over which the DFAS centers had little or no direct influence. For example, DFAS processed a department-level accounting entry for $661.7 billion to record the liability for military retirement pensions. The department-level accounting entry was properly supported, and we verified that the amount was accurate. Although some department-level accounting entries were properly supported, they could not be verified through audit. For example, the DFAS centers processed department-level accounting entries, valued at $79.7 billion, to record environmental liabilities based on documentation that the Military Departments provided. However, because of

insufficient controls that DoD used to develop the estimates, auditors could not verify the accuracy of the reported amount. Also, DFAS processed a department-level accounting entry to record the $196 billion Military Retirement Health Benefits Liability. The Assistant Secretary of Defense (Health Affairs) acknowledged that the reported amount was unreliable.

The DFAS centers also processed department-level accounting entries to add new data into the accounting records that normally should be generated through a transaction-driven integrated financial management system. Instead, the DFAS centers were forced to prepare data calls for field organizations to obtain amounts to be reported on line items such as property, plant, and equipment and inventory because the current financial management systems were not capable of generating that information. The information should be available to DoD managers throughout the year, not just reported through data calls conducted once a year. DoD developed long-term plans to correct all critical financial management system deficiencies. We will assess the adequacy of DoD long-term plans in separate audit reports. Therefore, we are not making recommendations in this report regarding DoD plans to correct financial management system deficiencies.

Corrections of Errors. The DFAS centers processed 360 department-level accounting entries, valued at $602.7 billion, to correct accounting errors. Errors were created by field and department-level personnel and by deficiencies in automated systems. Errors should be minimized to ensure the integrity of the data used to prepare the financial statements. DoD should establish an implementation strategy addressing department-level accounting entries, including minimizing errors.

Entries Required by Guidance. The DFAS centers processed 562 department-level accounting entries, valued at $1,342 billion, to record entries required by guidance. They included department-level accounting entries that were required by the DoD Financial Management Regulation and were properly supported. For example, the DoD Financial Management Regulation volume 11, chapter 55, requires that DoD inventory be valued at the latest acquisition cost for financial statement presentation. However, to record inventory on the financial statements at latest acquisition cost, DoD organizations that maintain inventory values at the selling price adjust the inventory values to latest acquisition cost by removing operating cost recovery amounts.

Unsupported or Invalid Department-Level Accounting Entries

The DFAS centers processed 10,161 unsupported or invalid department-level accounting entries, valued at $2,306 billion. The department-level accounting entries were unsupported or invalid because of the following:

- they were made to force general ledger data to agree with data from other sources without adequate research and reconciliation;
- they were made to force buyer and seller data to agree in preparation for eliminating entries; and

- they did not follow accounting principles, did not contain adequate supporting documentation, or did not contain adequate audit trails.

Entries to Force Financial Data to Agree With Various Sources. The DFAS centers processed department-level accounting entries, valued at $431 billion, to force financial data from various sources to agree without performing the proper research and reconciliations. DFAS headquarters guidance requires that, when accounting personnel process accounting entries made to force financial data from various sources to agree, they must document the reason for the discrepancy and explain how they determined the proper source to be correct. For example, DFAS Indianapolis Center identified $148.5 billion of differences between various financial data sources used to prepare the Army General Fund financial statements. Instead of conducting the proper research to identify the correct amount to be reported, the DFAS Indianapolis Center processed 51 department-level accounting entries to force the various amounts to agree without performing the proper reconciliations. Without proper research and reconciliation, management's ability to support the financial data is impaired. Proper research and reconciliation are important management responsibilities and control required by the Office of Management and Budget and the General Accounting Office.

Entries to Force Buyer and Seller Data to Agree. In FY 1999, DoD conducted $111 billion worth of business between DoD Components. When DoD prepared the DoD Agency-Wide financial statements for FY 1999, it eliminated the effects of financial transactions among the DoD Components. Amounts reported for revenues, expenses, assets, and liabilities should be reported based on transactions with outside parties. Guidance that the Office of the Under Secretary of Defense (Comptroller) issued requires that the DFAS centers, in conjunction with the DoD Components, accumulate seller data and use them to adjust the buyer accounts at the reporting entity level. We identified department-level accounting entries, valued at approximately $140 billion, that the DFAS centers processed to force buyer data to match seller data in preparation for the eliminations on the DoD financial statements for FY 1999 without conducting the proper research and reconciliations. The Office of the Under Secretary of Defense (Comptroller) stated that the guidance requiring the buyer and seller data to match was the result of U.S. Treasury requirements. Even though DoD was making the entries as a result of requirements over which it had no control, it made the entries without performing the proper reconciliations as required by the Office of Management and Budget and the General Accounting Office. Further details on entries to force the buyer and seller data to agree and eliminations will be addressed in a separate report.

Other Unsupported or Invalid Department-Level Accounting Entries. The DFAS centers processed 9,755 department-level accounting entries, valued at $1,735 billion, that did not follow accounting principles, did not contain adequate supporting documentation, or did not contain adequate audit trails. For example, DFAS Cleveland Center processed 9,348 department-level accounting entries, valued at $1.5 trillion, that posted transactions to invalid general ledger accounts. The transactions were not logical accounting and did not follow accounting principles. Additional information on the entries to invalid general ledger accounts is contained in Inspector General, DoD, Report No. D-2000-137, "Accounting Entries and Data Processing for the FY 1999

Department of the Navy General Fund Financial Statements," June 1, 2000. In addition, we identified numerous examples of documentation and audit trail problems. For example, DFAS Denver Center processed a department-level accounting entry for the Air Force WCF for which no documentation was attached to support the entry. Another example involved a department-level accounting entry that DFAS Cleveland Center processed for the Navy WCF that also did not have supporting documentation of any kind.

DoD Implementation Strategies

As an interim solution until compliant financial management and mixed systems were in place, DoD was improving other aspects of its financial management through various initiatives. One such initiative was the development of DoD implementation strategies for financial management areas needing improvement. The implementation strategies are a step toward achieving a favorable audit opinion. However, the Inspector General, DoD; the Under Secretary of Defense (Comptroller); the Office of Management and Budget; and the General Accounting Office believe that the long-term plan needs to address additional areas related to financial management systems and processes. Although DoD developed 12 implementation strategies for various financial management areas needing improvement, it did not address department-level accounting entries. The department-level accounting entries is an area that DoD should address.

Summary

DoD will always make some department-level accounting entries to reflect needed adjustments to the accounting data. However, DoD made many of the accounting entries to add new data into the accounting records because DoD lacked integrated financial management systems that meet Federal financial management system requirements and accounting principles. DoD acknowledged that deficiencies exist and developed long-term plans to correct all critical financial management systems.

Although DFAS adequately supported $3.5 trillion of accounting entries, many could not be verified through audit, and $602.7 billion in entries were made to correct errors. In addition to its long-term system correction plans, DoD should focus efforts on improving the accuracy of accounting entries made and minimizing error corrections.

DoD did not perform proper research and reconciliations, did not follow accounting principles in making accounting entries, and did not maintain adequate documentation and audit trails for $2.3 trillion of department-level accounting entries. The accounting entries indicate potential problems in DoD financial management systems and processes. Until compliant financial management systems are in place, DoD could improve the accuracy of its financial data by following accounting principles and including the proper support for any accounting entries made to the accounting records.

As a result of processing $7.6 trillion of department-level accounting entries, of which $2.3 trillion could not be supported or were made to invalid general ledger accounts, the DoD Agency-Wide financial statements for FY 1999 were subject to a high risk of material misstatement. The lack of research, reconciliation, and audit trails impaired the auditors' ability to validate the department-level accounting entries. The magnitude of department-level accounting entries required to compile the DoD financial statements highlights the significant problems that DoD had in producing accurate and reliable financial statements with existing systems and processes.

Management Comments on Finding and Audit Response

Management Comments. The Under Secretary of Defense (Comptroller) stated that the $1.4 trillion of department-level accounting entries for the Navy General Fund were related to the process that DoD used to reflect the Marine Corps budgetary data on monthly budgetary reports and that none of the $1.4 trillion was used to prepare the Navy General Fund financial statements. In addition, the Under Secretary of Defense (Comptroller) stated that the discussion of the accounting entries to record environmental liabilities and the Military Retirement Health Benefits Liability was contradictory and a source of confusion because the entries were classified as supported and suggested that we delete the discussion from this report.

Audit Response. The Under Secretary of Defense (Comptroller) statement that the $1.4 trillion of Navy General Fund department-level accounting entries were related to Marine Corps budgetary data is incorrect. Only approximately $948 billion of the department-level accounting entries were related to Marine Corps appropriations, and based on our review of accounting during FY 2000, not all of the entries affecting Marine Corps appropriations that DFAS Cleveland Center entered came from the Marine Corps budgetary data. DFAS Cleveland Center was given the opportunity during the audit to provide evidence documenting the reversal of the department-level accounting entries for the Marine Corps budgetary data and was not able to do so. Our audit of department-level accounting entries for the FY 2000 financial reporting cycle for the Navy General Fund will emphasize a review of the process the DFAS Cleveland Center uses to make department-level accounting entries for the Marine Corps budgetary data.

The $1.4 trillion in department-level accounting entries for the Navy General Fund are discussed in Inspector General, DoD, Report No. D-2000-137, "Accounting Entries and Data Processing for the FY 1999 Department of the Navy General Fund Financial Statements," June 1, 2000.

All of the $1.4 trillion of unsupported accounting entries that DFAS Cleveland Center processed for the Navy were made to invalid general ledger accounts. We classified the entries as "unsupported" because they were made to invalid general ledger accounts, and because DFAS Cleveland Center did not provide supporting documentation for the accounting entries. DFAS Cleveland Center has begun to initiate changes in how it processes and explains accounting

adjustments for FY 2000 department-level accounting entries. We are also working with DFAS Cleveland and Kansas City centers to eliminate the need for using invalid general ledger accounts.

The amounts included on the financial statements for environmental liabilities and the Military Retirement Health Benefits Liability were estimates developed by outside sources, such as the Military Departments, and provided to DFAS. DFAS then processed the accounting entries using the correct debits and credits. However, because of insufficient controls used to develop the estimates, auditors were unable to verify whether the estimates provided to DFAS were accurate. It is significant to note the issues in this report because although DFAS followed proper procedures to record the liabilities, it had no certainty that the estimates themselves were reliable.

Recommendation and Management Comments

We recommend that the Under Secretary of Defense (Comptroller) establish an implementation strategy to eliminate unsupported department-level accounting entries and to minimize department-level accounting entries to the data used to compile the DoD Component and DoD financial statements. The implementation strategy should include, but not be limited to the following:

- **review and clarification of policies related to department-level accounting entries,**
- **review of financial management system plans to ensure requirements are included to eliminate unsupported and minimize other department-level accounting entries, and**
- **development of a metric to measure progress in eliminating unsupported and minimizing other department-level accounting entries.**

Management Comments. Although the comments from the Under Secretary of Defense (Comptroller) did not state specific concurrence with the recommendation, the Under Secretary of Defense (Comptroller) drafted an implementation strategy to address the issue of unsupported accounting entries during the preparation of financial statements. The Under Secretary of Defense (Comptroller) stated that DFAS; the Inspector General, DoD; and other DoD Components will meet to attempt to address the level of documentation to support accounting entries. In an attempt to reduce the number of unsupported accounting entries, the draft strategy requires that guidance be developed requiring approving officials to certify all categories of accounting entry vouchers.

The Under Secretary of Defense (Comptroller) stated that the current process used to prepare the financial statements relies heavily on department-level accounting entries because the systems used to generate the financial data are not integrated. As system improvements are made, the financial statement process will become less dependent on department-level accounting entries.

To measure progress in eliminating unsupported and minimizing other department-level accounting entries, DFAS intends to use the Defense Departmental Reporting System to produce the FY 2000 financial statements and to identify the number and types of accounting entries processed.

Appendix A. Audit Process

Scope

Work Performed. We reviewed $5.8 trillion of the $7.6 trillion department-level accounting entries that the DFAS centers processed. The department-level accounting entries adjusted financial data used to prepare the DoD Component financial reports and financial statements for FY 1999. We reviewed guidance requiring or resulting in department-level accounting entries in addition to guidance on the documentation necessary to support the entries. We developed categories for use in classifying the department-level accounting entries that the DFAS centers processed and identified the type and scope of department-level accounting entries for FY 1999. We reviewed the department-level accounting entries to determine whether they were adequately supported, maintained adequate audit trails, and were in compliance with accounting principles.

Limitations to Audit Scope. We attempted to identify all the department-level accounting entries made by the DFAS centers that impacted the DoD financial report and financial statements for FY 1999. However, because of resource constraints and other accounting classification issues, we were not able to identify the total number of department-level accounting entries and their dollar values made by the DFAS centers that may have impacted the DoD financial statements for FY 1999.

DoD-Wide Corporate-Level Government Performance and Results Act Coverage. In response to the Government Performance and Results Act, the Secretary of Defense annually establishes DoD-wide corporate-level goals, subordinate performance goals, and performance measures. This report pertains to achievement of the following goal, subordinate performance goal, and performance measures.

- **FY 2001 DoD Corporate-Level Goal 2:** Prepare now for an uncertain future by pursuing a focused modernization effort that maintains U.S. qualitative superiority in key warfighting capabilities. Transform the force by exploiting the Revolution in Military Affairs, and reengineer the Department to achieve a 21st century infrastructure. **(01-DoD-2)**

- **FY 2001 Subordinate Performance Goal 2.5:** Improve DoD financial and information management. **(01-DoD-2.5)**

- **FY 2001 Performance Measure 2.5.1:** Reduce the number of noncompliant accounting and finance systems. **(01-DoD-2.5.1.)**

- **FY 2001 Performance Measure 2.5.2:** Achieve unqualified opinions on financial statements. **(01-DoD-2.5.2.)**

DoD Functional Area Reform Goals. Most major DoD functional areas have also established performance improvement reform objectives and goals. This report pertains to achievement of the following functional area objectives and goals.

- **Financial Management Area. Objective:** Strengthen internal controls. **Goal:** Improve compliance with the Federal Managers' Financial Integrity Act. **(FM-5.3)**

General Accounting Office High-Risk Area. The General Accounting Office has identified several high-risk areas in the DoD. This report provides coverage of the Defense Financial Management high-risk area.

Methodology

Use of Computer-Processed Data. We could not rely on the computer-processed data used to prepare the DoD Component and DoD Agency-Wide financial statements for FY 1999. DoD financial management systems were unreliable. DoD candidly addressed deficiencies in its financial management systems in the Annual Statement of Assurance, the DoD Financial Management Improvement Plan, and the management representation letter for the DoD financial statements for FY 1999. Unreliable computer-processed data were used in preparing the departmental entries, the financial statements, and this report because they were the only data available. We planned to continue to review the adequacy of existing and proposed financial management systems.

Audit Type, Dates, and Standards. We performed this financial-related audit at the DFAS centers from July 13, 1999, through April 12, 2000. The audit was made in compliance with auditing standards established by the Comptroller General of the United States, as implemented by the Inspector General, DoD, and with Office of Management and Budget guidance; however, we limited our scope as noted in this appendix. The audit included tests of management controls as we considered necessary.

Contacts During the Audit. We visited or contacted individuals and organizations within the DoD. Further details are available on request.

Management Control Program

DoD Directive 5010.38, "Management Control (MC) Program," August 26, 1996, requires DoD organizations to implement a comprehensive system of management controls that provide reasonable assurance that programs are operating as intended and to evaluate the adequacy of the controls.

Scope of the Review of the Management Control Program. We reviewed management controls over the DFAS centers' processes and procedures for

recording department-level accounting entries into the financial data used to compile the DoD Component and the DoD financial statements for FY 1999. We also reviewed management's self-evaluation of controls over the DFAS centers' processes and procedures for department-level accounting entries.

Adequacy of Management Controls. We identified a material management control weakness as defined in DoD Instruction 5010.40, " Management Control (MC) Program Procedures," August 28, 1996. Management controls at the DFAS centers were not adequate to ensure that all department-level accounting entries were adequately supported. The details and results of management control reviews at each of the DFAS centers will be addressed in the reports on the financial statement compilation process at the individual DFAS centers. The control weakness identified and our recommendation for improvements are discussed in the finding in this report. The recommendation, if implemented, will improve the controls over processing and adequately supporting department-level accounting entries. A copy of this report will be provided to the senior official responsible for management controls at the DFAS centers.

Adequacy of Management's Self-Evaluation. DoD identified in the Annual Statement of Assurance for FY 1999 inadequacies in its accounting processes and systems. However, the Annual Statement of Assurance does not specifically address processing of department-level accounting entries. The adequacy of management's self-evaluation over the processes and procedures for department-level accounting entries at each of the DFAS centers will be addressed in the reports on the financial statement compilation process at the individual DFAS centers.

Appendix B. Prior Coverage

Inspector General

Inspector General, DoD, Report No. 99-258, "Compilation of the FY 1998 Army Working Capital Fund Financial Statements," September 23, 1999.

Inspector General, DoD, Report No. 99-191, "Compilation of the FY 1998 Financial Statements for Other Defense Organizations," June 24, 1999.

Inspector General, DoD, Report No. 99-180, "Journal Voucher Adjustments and Processing of Data for the FY 1998 Navy General Fund Financial Statements," June 7, 1999.

Inspector General, DoD, Report No. 99-153, "Compilation of the FY 1998 Army General Fund Financial Statements at the Defense Finance and Accounting Service Indianapolis Center," May 12, 1999.

Appendix C. Report Distribution

Office of the Secretary of Defense

Under Secretary of Defense (Comptroller)
  Deputy Chief Financial Officer
  Deputy Comptroller (Program/Budget)
  Director for Accounting Policy
Director, Defense Logistics Studies Information Exchange

Department of the Army

Auditor General, Department of the Army

Department of the Navy

Naval Inspector General
Auditor General, Department of the Navy

Department of the Air Force

Assistant Secretary of the Air Force (Financial Management and Comptroller)
Auditor General, Department of the Air Force

Other Defense Organizations

Director, Defense Finance and Accounting Service
  Director, Defense Finance and Accounting Service Cleveland Center
  Director, Defense Finance and Accounting Service Columbus Center
  Director, Defense Finance and Accounting Service Denver Center
  Director, Defense Finance and Accounting Service Indianapolis Center

Non-Defense Federal Organizations and Individuals

Office of Management and Budget
General Accounting Office
National Security and International Affairs Division
Technical Information Center

Congressional Committees and Subcommittees, Chairman and Ranking Minority Member

Senate Committee on Appropriations
Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Governmental Affairs
House Committee on Appropriations
House Subcommittee on Defense, Committee on Appropriations
House Committee on Armed Services
House Committee on Government Reform
House Subcommittee on Government Management, Information, and Technology, Committee on Government Reform
House Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform

Under Secretary of Defense (Comptroller) Comments

OFFICE OF THE UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

JUN 23 2000

MEMORANDUM FOR DIRECTOR, FINANCE AND ACCOUNTING DIRECTORATE, OFFICE OF THE INSPECTOR GENERAL

SUBJECT: Office of the Inspector General, Department of Defense Draft Audit Report, "Department-Level Accounting Entries Impacting the DoD Financial Statements for FY 1999," Dated April 12, 2000 (Project No. D2000FI-0063.004)

This is in response to the subject Office of the Inspector General, Department of Defense draft report.

The process of preparing financial statements for the Department is dependent on department-level accounting entries. Currently, the Department's financial and nonfinancial feeder systems lack the integration that would minimize the need for these accounting entries. The Department has drafted an implementation strategy that has the objective of better ensuring accounting entries are supported by appropriate documentation. Detailed comments on the finding and recommendation contained in the report are provided in the attachment.

The point of contact for this matter is Ms. Barbara Zientek. She may be reached by e-mail: zientekb@osd.pentagon.mil or by telephone at (703) 697-8618 (DSN 227-8618).

Nelson Toye
Deputy Chief Financial Officer

Attachment

OFFICE OF THE INSPECTOR GENERAL DRAFT AUDIT REPORT

"DEPARTMENT-LEVEL ACCOUNTING ENTRIES IMPACTING THE DOD FINANCIAL STATEMENTS FOR FY 1999"
DATED APRIL 12, 2000
(PROJECT NO. D2000FI-0063.004)

*****

COMMENTS ON THE FINDING

Finding page 5: The table on page 5 shows that the Navy General fund has $1,463.2 billion in unsupported accounting entries. Page 5 also contains the following statement regarding these accounting entries: "DFAS Cleveland uses general ledger accounts and posts Navy financial data which impacts the financial statements every month and at year-end in preparation for monthly and year-end reporting."

Management Comments: The $1.463.2 billion reported as unsupported accounting entries for the Navy General fund are related to the process that the Department of Defense (DoD) used to reflect the Marine Corps budgetary data on monthly Department of the Navy (DoN) budgetary reports. The Defense Finance and Accounting Service (DFAS) Cleveland Center prepares consolidated departmental reports for the DoN that include both Navy and Marine Corps data. Marine Corps data is prepared by the DFAS Kansas City Center. At the DFAS Cleveland Center, hard copy Marine Corps Report on Budget Execution (SF 133) data is used to prepare the Navy SF 133. The Marine Corps SF 133 budgetary data input from the DFAS Kansas City Center is entered via a journal voucher process and then reversed after the SF 133 report preparation. About three or four days later, the DFAS Kansas City Center provides the DFAS Cleveland Center a detailed electronic budgetary trial balance dataset at the level necessary to produce the Appropriation Status by Fiscal Year Program and Subaccounts (DD Form 1002). Therefore, the data from the SF 133 is replaced by the detailed data when it becomes available. Since the SF 133 data is replaced, it has no impact on the financial statements. The annual audited financial statements are prepared using the detail-level year-end amounts. Therefore, none of the referenced $1.463.2 billion was used to prepare the Navy's official financial statements.

This office does not agree that the entries were unsupported. The Office of the Inspector General (OIG), DoD claimed that all of these entries were unsupported because (1) there was not a fully integrated system to enter budgetary trial balance data from the DFAS Kansas City Center to the DFAS Cleveland Center departmental system, and (2) the DFAS Cleveland Center used a pseudo general ledger account in the journal voucher process to establish budgetary accounts based on the SF 133 data. The entries were supported by the hard copy SF 133s provided by the DFAS Kansas City Center. The use of a pseudo general ledger account had no effect on the Marine Corps SF 133 data reflected in the Navy departmental SF 133. This office agrees that the use of the hardcopy SF 133 and the journal voucher process is not the most efficient process to enter Marine Corps data into the Navy SF 133. The DFAS is reviewing the process and plans to have

Attachment

a better procedure in place before the end of FY 2000 for the DFAS Kansas City Center to provide budgetary trial balance data to the DFAS Cleveland Center departmental system.

The accounting entries had no effect on the published annual financial statements. The summary entries only affected the monthly SF 133. All the entries had been reversed before preparing the annual financial statements. The Navy's Statement of Budgetary Resources was compiled using the detailed electronic dataset that has all the DFAS Kansas City Center trial balance data, not the summary information.

Finding pages 6 and 7: Supported Department-Level Accounting Entries. "Although some department-level accounting entries were properly supported, they could not be verified through audit. For example, the DFAS Centers processed departmental-level accounting entries, valued at $79.7 billion, to record environmental liabilities based on documentation that the Military Departments provided. However, because of insufficient controls that the DoD used to develop the estimates, auditors could not verify the accuracy of the reported amount. Also, the DFAS processed a department-level accounting entry to record the $196 billion Military Retirement Health Benefits Liability. The Assistant Secretary of Defense (Health Affairs) acknowledged that the reported amount was unreliable."

Management Comments: The sentences appear contradictory and are a source of confusion. This office recommends that they be deleted. Since the OIG, DoD has determined that these entries were supported entries, addressing them in this context unnecessarily complicates the discussion of the need for improved processing controls and documentation for department-level accounting entries.

*****

COMMENTS ON RECOMMENDATIONS

RECOMMENDATION 1: The OIG, DoD recommended that the Under Secretary of Defense (Comptroller) (USD(C)) establish an implementation strategy to eliminate unsupported department-level accounting entries and to minimize department-level accounting entries to the data used to compile the DoD Component and DoD financial statements. The implementation strategy should include, but not be limited to the following:

- Review and clarification of policies related to department-level accounting entries,
- Review of financial management system plans to ensure requirements are included to eliminate unsupported and minimize other department-level accounting entries, and
- Development of a metric to measure progress in eliminating unsupported and minimizing other department-level accounting entries.

OUSD(C) Response: An implementation strategy which addresses the issue of unsupported accounting entries during the preparation of financial statements has been drafted. The draft implementation strategy states that the DFAS; the OIG, DoD; and other DoD Components will

Attachment

meet to attempt to address the level of documentation that is desired by the OIG, DoD in order to state that applicable accounting entries are supported. The draft implementation strategy states that guidance will be developed requiring all categories of accounting entry vouchers to be certified by approving officials. This control is expected to significantly reduce the number of alleged unsupported accounting entries.

The current process used to prepare financial statements is dependent on department-level accounting entries because financial and nonfinancial feeder systems are not integrated. Therefore, the only way to compile the information necessary to produce financial statements is through department-level accounting entries. As system improvements are implemented, the financial statement process will become increasingly less dependent on the department-level accounting entries. However, it should be noted that accounting entries are normal in the preparation of financial statements for both government entities and private sector companies and always will be part of the process.

With regard to the alleged unsupported adjustments, one reason that a full audit trail may not exist is that the detail data that is desired by the auditors may not be available in the current systems. As a result, management estimates are used in some cases to allocate amounts for which the lower level of detail is not available. As improved systems are implemented, more detailed data and better audit trails will become available.

For fiscal year 2000, audited financial statements are expected to be produced using the Defense Departmental Reporting System (DDRS). The DDRS is expected to capture transaction information in such a manner that the DFAS should be able to determine how many accounting entries were processed individually through the DDRS. Additionally, the DDRS will require that each accounting entry be classified into one of the following categories: identified errors and reasonableness checks, reconciliation of trial balance and budget execution reports, balancing entries for eliminations, supply management inventory, reclassification of accounts, audit recommended journal vouchers, customer requested journal vouchers, data call entry, recognition of undistributed disbursements and collections, and other accruals and reversals. Based on the information provided by the DDRS and management reviews, the DFAS is expected to be able to measure the progress in eliminating any unsupported entries, as well as minimizing other department-level accounting entries.

Attachment

Audit Team Members

The Finance and Accounting Directorate, Office of the Assistant Inspector General for Auditing, DoD, prepared this report.

F. Jay Lane
Salvatore G. Guli
Richard B. Bird
Jack L. Armstrong
Cindi M. Miller
Cheri D. Givan
John E. Aber
Noelle Blank

Chairman LEVIN. Senator Akaka.

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

Mr. Chairman, I ask my opening statement be placed in the record.

Chairman LEVIN. It will be.

[The prepared statement of Senator Akaka follows:]

PREPARED STATEMENT BY SENATOR DANIEL K. AKAKA

Thank you, Mr. Chairman.

I am honored to join the committee for today's hearing. I want to thank you, Mr. Chairman, for providing me with the opportunity to participate today.

I look forward to working with you and Senator Warner and the other distinguished members on this committee to address issues involving our National Security and our Armed Forces, beginning with the confirmation hearing for the Secretary of Defense.

The Department of Defense has a substantial impact on my home State of Hawaii. We proudly have military installations from every Armed Service branch in the State of Hawaii.

We have traditionally had a very good relationship with the United States military, and I look forward to continuing to work with the Department of Defense in fostering these relationships.

I am familiar with Mr. Rumsfeld's experience, accomplishments and impressive record, including his service as the chair of the U.S. Ballistic Missile Threat Commission.

I look forward to hearing more from Mr. Rumsfeld on his vision for our Nation's security and military preparedness, and again, I thank my colleagues on the committee for welcoming me to participate today.

Senator AKAKA. Mr. Chairman, we are sitting in this hearing with a man who has had tremendous experience, and has had lots of confidence given by others, and is now being considered for Defense Secretary. After reading your bio, I think that this is the kind of person we would expect much from because of your experience. I think, talking about deals, I think we have a good deal in hand with you.

In the Pacific and in other areas, we have had some issues, and besides issues of appropriate funding, issues of the criteria for the deployment of U.S. troops, and necessary situations. There have been issues in the community regarding encroachment, including the importance of dealing with communities surrounding military installations and training ranges, and the environmental constraints on training ranges.

I must tell you that in Hawaii we have had over the years, as long as I can remember, very, very good relationships with the

military. We work well together. We live well together. We respect the leadership of the military, and they have helped us out in many ways.

Now, they have really tried to deal with our communities as well, so encroachment is an issue. I understand you intend to deal with these issues in a more comprehensive and systematic fashion, and that you are open to work with all parties involved, so my question to you is, how do you intend to implement a more comprehensive approach to these issues?

Mr. RUMSFELD. Well, I wish I had an answer that represented a solution to the problems. As you properly point out, not just in the United States, including Puerto Rico, and Japan, and in other parts of the world where the United States Armed Forces has a presence there are pressures and difficulties that run to this issue that is characterized as encroachment.

I do not know the way the encroachment goes, whether the base is encroaching or the community is encroaching on the base, which happens to be historically the case in most instances, but it is a problem that is real, it is serious. The United States needs bases, it needs ranges, it needs test ranges, and it cannot provide the training and the testing that people need before they go into battle unless those kinds of facilities are available, and each year that goes by there are greater and greater pressures on them.

Admittedly, I suspect, and I do not know enough to say, but I suspect that, as with many things, there are ways that technology can assist us in these areas that will enable the military to do things that they need to do that they used to do physically that they will be able to do with computers and various other types of technologies. Certainly that is true with all kinds of simulations and what-have-you, but you cannot do everything, and you do need to do live fire for people before they go into battle to have some sense of what that is like.

I am afraid it is not so much a problem as a fact of our times that, not to be solved, but to be coped with over a period of time. I think it is going to be a constant pressure on the defense establishment, and all we can do is our best.

Senator AKAKA. I was glad to hear your commitment to research and development, and how you feel about not standing still, or static, but in order to move ahead we must move into areas like that.

You also mentioned in your response to Senator Kennedy the book on the Corona satellite program. I feel that space and the military, of course, can work so much together. What role, if any, do you see for the new commercial satellite imaging industry to supplement our classified systems?

Mr. RUMSFELD. My impression is that the United States Government, including the military, will and should be increasingly using commercially available capabilities, satellite capabilities. Whether it is communications or imagery, there are a great many instances when you could take available off-the-shelf products and services of the type and use them to great effect.

Senator AKAKA. I know you are well-versed in missile defense. In your response to the committee's advance policy questions you state, before deploying a national defense, missile defense, a factor to be considered is, and I quote, "the urgency of the ballistic missile

threat to the United States." How do you assess the urgency of that threat now, and has it changed since the Rumsfeld Commission report?

Mr. RUMSFELD. The Ballistic Missile Threat Commission I think have the subject right, and I think that has been agreed to by both Secretary Cohen and by others. What has happened in the intervening 2 years is that time has passed. Proliferation has continued. People have advanced in their development programs of missiles and weapons of mass destruction.

I do not believe it possible to stop the proliferation of things we do not want proliferated. I think we ought to try, and we ought to work hard at it, but the reality is today that in this relaxed environment, and so much available on the Internet, and so many people willing to sell almost anything for a price, that we have to learn to live in that world, and we are capable of living in that world. There is no question but that we can do it, and so I think that time passes, and capabilities grow.

Senator AKAKA. Thank you very much. My time is up. I just want you to know that you have my support.

Mr. RUMSFELD. Thank you, sir.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Bunning.

Senator BUNNING. Thank you, Mr. Chairman. I first want to say that I am honored to serve with all of the other people on this committee, this esteemed Senate Armed Services Committee. It has been a promise I made to my constituents, and a desire of mine since coming to the Senate 2 years ago, to serve on this great committee, and I am very happy to be here.

Second, Secretary Rumsfeld, welcome. It is good to see you. Assuming you are confirmed as the next Secretary of Defense, I am looking forward to working with you and your Department of Defense.

Of course, the United States has the strongest military in the world. There is no arguing that fact. However, our biggest challenge may be to keep it strong, and to redefine it in this new century.

It has been said that our military is stressed, overdeployed, and underfunded. Many talk of the last 10 years as the decade of decline for our military. I hope you find it not to be true.

I look forward to this committee and Congress working with you to take on the tough issues regarding missile defense, the readiness of our military, particularly recruitment and retention, and the overall wellbeing and safety of our citizens, soldiers, and Nation.

Over the past 8 years, I have watched generals and officers come before this committee and testify about the readiness and overall strength of the military. Time and facts have proven that they were either ill-informed or not giving Congress the full picture as to what really was happening, for whatever reasons, with our military.

I simply ask you that you urge those under your watch to tell us the truth, the good, the bad, and sometimes the ugly, for only with the truth can we help to shape a military through policy and funding that is strong and ready to protect this Nation with peace through strength throughout the world.

Now, I am looking forward to working with you. As I stated, over the last 8 years many generals have testified before this committee regarding the overall readiness, strength, and quality of our military. Time and facts have proven the generals were either ill-informed or not fully up-front with the committee, and things turned out worse than they had testified. Therefore, we in Congress made decisions about funding and policy based on the words of those generals. What will you do to make sure that this does not happen again under your watch?

Mr. RUMSFELD. Well, I suppose for one thing, if I find that people are telling Congress something that is not so, you will not find them back up here telling Congress anything.

Senator BUNNING. We can count on that?

Mr. RUMSFELD. Yes, sir.

Senator BUNNING. Senator Allard talked about this, but I think it needs to be reiterated, about the military ballots, particularly voting by our soldiers on bases. We know that there was a proposal to not allow our military to vote on bases, and Congress stopped that and allowed it to happen for one more year.

I would like to ask you the question if you think that is the right or wrong thing to do, that we continue to extend the privilege to our military to vote on base?

Mr. RUMSFELD. I do not know enough about it to answer. I am not an attorney. I do not know the extent to which State law governs, and I am simply not current, and I should be, and I will get current.

Senator BUNNING. Can you give me a general idea about your thinking about military people voting on bases, if it is legal?

Mr. RUMSFELD. If it is legal, sure. I just do not know enough about the legalities, but I think that in our country we like to have people participate in the elections of our country, and certainly people who are serving in the Armed Services ought to be treated at least equally in terms of having an opportunity to vote.

To the extent the defense establishment can find ways to facilitate the ease of that voting, I think we ought to try to do that, and to the extent we cannot because of legalities, I think it is perfectly proper to recommend to other entities, whether it is the White House or State and local governments, that this is our view and we would hope that they would take steps to provide so that men and women of the Armed Forces can, in fact, vote.

Senator BUNNING. This is a more localized question. This is about Fort Knox, which is a training and doctrine post, and the U.S. Army Recruiting Command is located there as well. When initial entry trainees come to Recruiting Command at Fort Knox they see 50-year-old barracks that are run down and literally patched together. Fort Knox has the oldest entry training barracks in the Army, with no barracks being built since before the Korean War.

Despite that fact, Knox has been absent on TRADOC's list of recommended posts to receive new training barracks or a Starbase complex which integrates barracks, classrooms, and dining facilities and other soldier components. How will you go about assessing the condition of trainee barracks in recommending new construction of training barracks complexes for the Army?

Mr. RUMSFELD. Well, I suppose the first thing to do would be to try and see if we can find the best possible people to serve in the posts of leadership in the Army that share the concern you have expressed about the circumstances of these barracks. That is a part of the broader question we were talking about earlier.

This establishment will not function if we do not have talented people, and talented people are simply not going to accept an environment for themselves and their families and a circumstance that drives them away from the military. We need people who we can attract and retain, and who are proud to be there and available to be there.

Senator BUNNING. My last question, I read in your answers to the committee policy questions that you cannot fully give your opinion on whether you do or do not support another round of base closures because you are awaiting the DOD's next defense review. I have been seeking answers as to whether or not the last round of BRAC has saved money, or whether or not we have reduced our strength and readiness. I have never received any real answers with numbers either way.

We all know the policies of BRAC, but I hope in your tenure as Secretary of Defense you can illustrate to us the realities and simple facts as to how past base closures and possible future ones have and will affect the taxpayers and the military, because no one has ever shown me actual numbers on the actual savings of the last BRAC, so before I ever look at anything new I want to see the old.

Mr. RUMSFELD. Well, I am sure that there must be data. My general impression on the subject is that there is no question but that savings result from adjusting base structures to fit force structures. There is also no question but that they tend not to occur in the first or second year. They tend to come out over a period of time, so there is a cost factor. There is also a factor of military efficiency, and both benefit, the former being somewhat more easy to quantify than the latter.

Senator BUNNING. Thank you very much.

Chairman LEVIN. Thank you, Senator Bunning.

Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. I welcome this opportunity to appear at today's confirmation hearing, even though my membership on the committee is not fully official, and should I serve on the committee I would be honored to be a part, and I look forward to it.

I have been tremendously impressed, Mr. Rumsfeld, with your knowledge of the whole subject of national defense, your concern about readiness, your concern about budget realities, the external and internal security risks, and those unpredictable circumstances which are always there, and at this point in time virtually every question that could be asked seems as though it has been asked, and I do not want to be redundant, but there are a couple of questions that I would like to ask you.

First of all, I think it was Senator Cleland who mentioned that defense does not poll very high among the public. Maybe that is because the public seems to be falsely secure when we are not. There are different kinds of threats today, as you have indicated, and there are limited resources to deal with those threats, so my first

question is, do you have some plans that would engage and raise the public awareness and interest in the importance of the kind of defense we need to provide for today's world to get more resources and more money to be supported for national defense?

It is always a challenge when there are limited resources and seem to be unlimited demands in all kinds of areas, and I wonder if you do have some specific plans to make the public far more aware of the need for these increased resources.

The second question is, it has been often said that someone who takes on a new challenge can bring to it one big idea, and while you have been very generous with your thoughts about all of the realities that we are dealing with and what you propose to do, to the extent that you know at the present time, I would like to ask, do you have one big idea, and if you do, what is it? You can choose which order you prefer to respond.

Mr. RUMSFELD. Well, let me just make a comment on the first point you have posed while I think about the second. With respect to the first, I do not think there is any one person who is going to help our country and, indeed, our allies as well fully understand what needs to be done and why. It is a task that takes a lot of people, multiple centers of leadership in Europe and Asia and in this Congress, in the executive branch.

I give President-elect Bush high marks on the pronouncements he has made with respect to national defense, and I think that that is a good start. That bully pulpit of the White House is an important place, and we need leadership there that is sensitive to these issues and concerned about them.

We all know that history is filled with instances where people were surprised. There were plenty of signals, plenty of warnings, plenty of cautions, but they were not taken aboard. They did not register. They were not sufficient to cause a person to act on those concerns. It was not that the information was not there. It just did not register.

It happens to people in businesses. They go along, and pretty soon they do not see all those warning signs out there and they do not act on it. We see it in families when a youngster goes wrong, and when do you step in and do something, or try to do something?

We know that the thing that tends to register on people is fear, and we know that that tends to happen after there is a Pearl Harbor. It tends to happen after there is a crisis, and that is too late for us. We have to be smarter than that. We have to be wiser than that. We have to be more forward-looking.

So I would throw that back and say, it is going to take you, and it is going to take every member of this committee, and it is going to take Presidents, and it is going to take our friends in other countries to make sure that we understand that it is a world full of hope and opportunity, but it is also a world filled with dangers, and there are different kinds, and we need to be attentive to them, and I think we can be wise enough to do that.

There is a wonderful book on Pearl Harbor by Roberta Wohlstetter, and a forward by Dr. Schelling, that talks about this problem of seeing things happen and not integrating them in your mind and saying, yes, we need to be doing something about that now, that I reread periodically because it is so important.

As to a single big idea, I do not know, but it may be this. It may be that one of the biggest things we have to do is what I mentioned earlier, and that is, recognize that the deterrence of the Cold War worked. Those deterrents very likely will not work as well or as broadly as we will need during the period of this era of globalization, or post-Cold War period, or whatever we are going to end up calling it, that the problems are different, and the demands will be different, and that we as a people have an obligation to be smart enough to think about those things and to see that we get arranged as a defense establishment with our allies so that in fact we dissuade people from doing things.

We do not want to win wars, we want to prevent them. We want to be so powerful and so forward-looking that it is clear to others that they ought not to be damaging their neighbors when it affects our interests, and they ought not to be doing things that are imposing threats and dangers to us, and I think we can do that, but I think it is going to take some fresh thinking.

Senator BEN NELSON. Thank you.

Chairman LEVIN. Thank you very much, Senator Nelson.

Next, under our early bird rule, is Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman, and I want to thank you very much for your support in my obtaining a spot on this esteemed committee. I understand Senator Warner's dismay about the expansion of the membership after seeing how long it takes to move once around the cycle here.

Senator WARNER. I did not express dismay, I expressed appreciation to so many Senators wanting to come on. In years past we used to be like the old Navy. We went out and pressed them out of the bars and dragged them in. [Laughter.]

Chairman LEVIN. He was not referring to Senators in bars, by the way.

Senator DAYTON. As you can see, if you were to cut it any finer, I would be the one who would be cut off, but feeling my lofty 100th position in seniority I can see I am going to be sitting at the end of a lot of tables for the next couple of years.

But Mr. Rumsfeld, I join with the others in congratulating you for your willingness to take on this huge responsibility. Your career in both the public sector and the private sector is certainly admirable, and as a citizen and a public servant I think to combine those careers with the longevity of years is extraordinary, and I wish you well, and I do not presume to have the expertise that my colleagues here or you have, so my questions are inquisitory, not meant to be presumptive.

I know that you said in your opening statement, you talked about the timetable, the cycle time for the development of new major projects, now 8, 9 years, and how that pace has slowed while technology has accelerated. To what do you attribute that lengthening delay, and what would you think might be some of the approaches to improving it?

Mr. RUMSFELD. It is interesting to me that this is the case. We have seen in the sixties things could go from concept to deployment in a very short period of time. They had much more flexibility with respect to acquisition.

There was much greater secrecy, and there was much greater urgency, quote-unquote, perceived urgency which allowed much more flexibility in acquisition rules and much greater secrecy, so at a time when those numbers have gone from a year or 2 to 8 or 9, and in a period when technologies—in those days took 5, 10, 8 years to change.

Today they are changing in a year, so you have those two things conspiring to produce equipment that when it is there is not the most advanced possible. There has to be a way to shorten that process.

Business is finding ways to do it. Silicon Valley has dozens of ways to do it. I do not know, beyond what I have said, that in some cases I think you leapfrog systems, but in other cases I think you probably keep platforms and leapfrog elements of that and provide flexibility as advanced technologies come along.

We are going to have to do it. We cannot simply be spending money to produce things that are going to be behind the curve. We have to find ways to do it.

It sure will not be Don Rumsfeld that will figure it out, but if I am lucky we will find people who are smart enough and a lot smarter than I am to put down and screw their head into it and then come up to Congress and talk about how we can adjust these systems so that they will work in the environment we are in, which is much more rapidly paced.

Senator DAYTON. It has certainly done a lot for Minnesota business. The difficulty and the length of time and the cumbersome procurement requirements, bidding contracts, procedures, anything that can be done it seems to me to reduce by two-thirds or more the amount of paperwork requirements and therefore the timetables involved will benefit the private sector as well as the Government.

Perhaps related to that, you talked also about the need to try to have the technological systems of the various services better coordinated. You talked about, I think your phrase was, borne jointly, where they would start again, given the disparity of the services and the contracting procedures, like, how realistically are you going to effectuate it. I cannot get my Washington office computers and my Minnesota office computers joint at this point yet, so when you talk about the complexity of what you are doing, isn't that problem going to get worse?

Mr. RUMSFELD. I am having the same problem with my computers, but it could. I mean, we have to see that the services can talk to each other. They simply must be able to do that, and the effort that occurred really well after my watch on, quote, jointness, has I think made strides in that direction.

But I mean, your point about the private sector, the Government of the United States has not been a good customer. We have not been a good interactor with the defense industry. It is not an accident. The last time I looked the three top defense contractors in size, Boeing and Raytheon and Lockheed, had a market cap that was less than Wal-Mart. Now, why is that? Because doing business with the Government is not a great deal.

Senator DAYTON. I might prefer that you stick with the analogy of Target, but I would not quarrel with you. [Laughter.]

In your response to the questions you were asked about the international criminal court, and particularly the Rome Accord. You said you opposed it. Is it that you oppose that concept in the entirety, or oppose the particular framework of the Rome Accord? What is your position, sir?

Mr. RUMSFELD. I do not have the letter I signed along with George Shultz and a host of Republicans and Democrats expressing our concern about that, but if I am not mistaken President Clinton has recently signed that and announced he was not going to send it to the Senate, is that correct? I think that is right.

Again, I am not an international lawyer, but my view of it was that it posed a risk to the men and women in the Armed Services that they could be doing the bidding of the United States Government and the United States Senate and be hauled before an international court for war crimes, and it concerned me, and it concerned a whole series of former Secretaries of State and Secretaries of Defense, which is the reason we signed the letter.

The current status of the situation as I understand it is that the President has signed it and said that he had concerns about it and was not going to send it to the Senate for ratification. I am further advised that a signed agreement like that, even though not ratified, has standing, standing in the sense that if you sign it and it is not ratified, you take unto yourself the obligation not to undermine it and to support it and to behave reasonably in accordance with it. That concerns me, so I am uncomfortable with the position that President Clinton has taken.

I am not the nominee for Secretary of State, nor am I the President-elect. It is up to them to take—in the National Security Council context to consider this, and my understanding is that President-elect Bush has indicated that is what will happen, that he will not send it up either, but whether or not he wants to leave it stand I think is an issue that the National Security Council would engage at some point in the future, and I would need to know a lot more than I currently know.

Senator DAYTON. My time has expired. Just quickly, we are sending you up there with all of the responsibilities, all this good advice. We talked just before this afternoon about your going there essentially by yourself. What can this committee do to help you get underway most productively over the next couple of months?

Mr. RUMSFELD. If I get through this process and it looks like I am going to be confirmed, then the next order of business is twofold. One is to get briefed up by the fine people who have been serving there and understand what the circumstance is, and the second is to come to some judgments as to who I think ought to be recommended to President-elect Bush for nominees, and there are an enormous number of critical jobs that need to be filled.

With a backlog in clearances and a backlog in FBI approvals, and the amount of time it takes to get through the Office of Government Ethics, and the amount of time it takes to process a human being through this thing, the odds are, if I get there, I will be there alone, without another soul that has been brought in to help, and you have to be very careful about bringing people in on a temporary basis to help you, because of the assumptions and presump-

tions, and because they have not been confirmed by the Senate they are really not in a position to make decisions.

So we have a strange complication here, where we are kind of tangled up on ourselves. On the 20th we are going to have a President of the United States in office, and who knows how many of his Cabinet will be there. He cannot even nominate until he is sworn in, as the chairman said. I do not know what the answer is.

As I said earlier, I know that I am just one human being, and there is no way I can do that job down there. The only way I can ever do anything in my life is to find the best talent around.

Chairman LEVIN. Senator Nelson.

Senator BILL NELSON. Mr. Chairman, this is a pleasure for me to be a member of your committee, one in which you and the next chairman operate in such a bipartisan manner, and I am privileged and honored to be a part of the committee.

Mr. Secretary—I will call you that ahead of time—welcome. Clearly, the issue of terrorism is going to be one that is going to be facing us quite a bit in the future.

As we look back in the breakup of the Soviet Union, it is questionable whether the United States moved quickly enough to do what it could, as in the resulting chaos, where people utilizing money perhaps spirited away nuclear weapons, tactical nuclear weapons, the command and control system, all of the temptations that came into the system at that time, I would like to have your comments on that, and what you think we should be thinking about in this committee, assisting you as we try to confront this issue of containing this proliferation.

Mr. RUMSFELD. The problem of terrorism is an exceedingly serious one. It is a problem for us in our homeland. It is a problem for deployed forces. It is a problem for our friends and allies, and I think it was Lenin who said that the purpose of terrorism is to terrorize, and that is what it does. It changes people's behavior, and the wonderful advantage is, a terrorist can attack at any time in any place using any technique, and it is physically impossible to defend at every time and every place against every technique.

In Beirut, I watched a process where they first used trucks with explosives to drive into a barracks and kill 241 American Marines. The next thing, people started putting barricades up like we have around the White House, and what do they do then? Well, you change your method.

What you do is, you start using rocket-propelled grenades and lobbing them over, so the next thing, you look at the embassy, the British Embassy in Beirut, and they have wire nets hanging off the building to reject rocket-propelled grenades. Fine. It did not happen again.

The next thing, they go after targets. They go after people, families, going to and from their place of work. So it is not something that ends. It is something you need to be attentive to. It is something we need to have vastly better intelligence than we do today, and it is something that needs to not simply be a Defense Department problem, or a homeland defense problem, but it is also a diplomatic problem.

We have to find ways to function in this world where we work with people and try to create an environment that is less hos-

pitable to terrorists and to terrorism. I do not know the number, but I have something rattling in my head that we are spending today something like $11 billion on this problem, and I do not have any idea if that is the right number or the wrong number, but it is a lot, and it is a lot more, for example, than is being proposed to spend on some other defense techniques, but it is a problem.

Senator BILL NELSON. Well, we are looking forward to working with you on this. Down in Florida we had an interesting election this year.

Mr. RUMSFELD. I noticed that.

Senator BILL NELSON. Part of the problem was military overseas ballots, and I want to work with the committee particularly in devising a way that—in Florida, for example, 42 percent of the ballots were not counted, of the military overseas ballots were not counted because they did not qualify under Florida law, even though the Attorney General issued a ruling in the midst of all the controversy actually changing the effect of the law so that it did not have to be just a postmark, that it could be a signature, a date, and a witness, and what we need is some uniform procedures, and I am going to propose to the committee that we have voting by military overseas personnel by the Internet.

It is interesting that just today a consortium of companies, both software and hardware companies, are proposing to do software for Internet voting for the entire country. Well, that is on down the road, but I think we ought to look at the Internet for our military overseas personnel. We can discuss that later.

Finally, I have some knowledge of launch vehicles and the competition of American launch vehicles with foreign launch vehicles, and we are getting into a situation, as you have responded to other questions on space-based assets, of, we have to have the assurance that we can get those assets to space and now it is not necessarily the DOD payloads that we have to have on expendable booster rockets, which are Government vehicles, but we have a great reliance now of getting our commercial satellites on orbit, many of whom perform a function that is absolutely essential to the functioning of the free world, and we are relying on foreign competitors getting over half of those payloads to orbit.

So I am going to look forward to working with you and your staff on this, and this committee as well on that. I would love to have any comments you have.

Mr. RUMSFELD. Well, you are of course exactly correct. There is no question but that the launch capability of the United States has been diminishing relative to the rest of the world, and there have been three or four studies that have analyzed in some depth the nature of the problem with respect to U.S. launch capabilities, and I think it is important you have raised it, and certainly I am aware of those studies.

Our Commission on Space Management and Organization did not go into detail on it because it had been addressed by so many previous organizations, and I think the problems are fundamentally rather well-known. They are not being attended to, but they are rather well-known.

Senator BILL NELSON. Did your report get into the transfer of technology by putting American spacecraft on the top of foreign vehicles, particularly the Chinese?

Mr. RUMSFELD. It did not. There have been others who have looked at that, and there is no question but that if you are going to marry a payload with a launch vehicle, that it requires inevitably a certain amount of technology transfer.

Senator BILL NELSON. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator Carnahan.

Senator CARNAHAN. Thank you, Mr. Chairman.

Mr. Rumsfeld, you have certainly shown this committee impeccable credentials, and you have shown a great deal of candor and forthrightness in answering all of the questions that have been presented to you today, and I thank you for that and for your patience.

Because of the length of the day and the brevity of my seniority I will confine myself to just one question. Fort Leonard Wood in Missouri is a major part of the Army training system, with a chemical school, an engineering school, and an MP school and I have been told that, from Congressman Ike Skelton, that the readiness level at this TRADOC post is not all that it should be, as it is not in other posts as well. I was wondering what your thoughts might be on how we would address the readiness level at TRADOC posts.

Mr. RUMSFELD. Well, I am certainly not knowledgeable about that particular situation, but people are aware of their circumstance, and to the extent readiness levels in an institution like that, an organization like that are not what they ought to be, the people there know they are not what they ought to be, and it affects their attitude, it affects their morale, it affects their feeling about their jobs, and whether or not they want to stay in the service, so it seems to me it is part of a much broader problem that we must address, and certainly if it is true there, as I understand that it is, then it is very likely true in other locations.

I would say one other thing about readiness. It is one thing to say, here are our readiness categories and here are the levels of readiness that we need to meet, and that is well and good, but the first thing to do is say, ready for what? We need to make sure what we are getting ready for, and that they are not simply categories that existed in the prior period that are not well-adapted to the future, because people understand that, too, the people who have the responsibility for that.

It is not good for morale if you know you are breaking your neck trying to get your readiness level up for something that in fact made a lot of sense yesterday but may not make as much sense tomorrow.

Senator CARNAHAN. Thank you.

Chairman LEVIN. Thank you, Senator Carnahan.

Mr. Rumsfeld, let me go back to national missile defense. I want to press that issue with you. I want to follow up on a number of questions which I, Senator Cleland, Senator Reed, and others have asked here.

First, you said this morning that your experience led you to the view that in a crisis, that a President should not be presented with

just two options, either capitulation or a preemptive strike. I could not agree with you more. But there is a third option that is missing from your response, which is to pursue the policy of the United States and not be deflected by any threat with a real level of confidence that it would be a totally irrational act for anybody to carry out that threat.

You this morning said those dictators you enumerated are rational folks. We do not like them. We do not like what they do, but that they act rationally.

Mr. RUMSFELD. Maybe not rational in our context, but by their standards.

Chairman LEVIN. We have been told over and over again by our intelligence sources and otherwise that the first goal of these regimes is survival and self-perpetuation. This third option, which you did not address this morning, which is to pursue the course we are on and not be deflected by that threat, seems to me to be a very important and most likely option. We should not signal in any way to any of these folks that one possibility of their having such a weapon of mass destruction would be that we might acquiesce.

I think Senator Reed made reference to that point. It seems to me it is absolutely critical, number 1.

Number 2, you indicated that we should consider certain adverse effects if we fail to deploy a national missile defense, and I agree with that. I think the pros and cons of deployment at a time when we have a technologically feasible missile defense, when that time comes, if it comes, that the pros and cons should all be on the table.

Mr. RUMSFELD. I agree.

Chairman LEVIN. What is essential is to consider the effects you made reference to. It seems to me those are important effects, that we also have to consider the negative effects of a deployment if it is unilateral—if it requires us to pull out of the ABM Treaty that we have with Russia—and if it results in a larger number of weapons on Russian soil and Chinese soil.

We had a report yesterday referred to in this morning's paper by the writers, Howard Baker and Lloyd Cutler. I referred to it this morning, but I just want to read one thing to you, that the most urgent unmet national security threat to the United States today is that weapons of mass destruction, or weapons-usable material located in Russia, could be stolen or sold to terrorists or hostile nation-States and used against American troops abroad, or citizens at home. Now, whether that is the most urgent unmet national security threat or not, and I happen to think it certainly ranks near or at the top, I think you would agree that it is a serious concern. I qualify this. I say, if the effect of our deployment of a national missile defense would be to increase the proliferation threat of a weapon of mass destruction, or material that is involved in a weapon of mass destruction by Russia responding to our unilateral withdrawal from this treaty by no longer reducing the number of weapons she has, or increasing the number of weapons she has, that is a factor which I hope you would consider. Would you agree it is a legitimate factor to consider, however you come out in the end?

Mr. RUMSFELD. I agree completely that in this process the advantages and disadvantages of deployment should be considered and

the advantages and disadvantages of not deploying should be considered.

Chairman LEVIN. I welcome that. It seems to me that is important. But there are some other disadvantages I just want to throw in there, and I happen to agree with you that we should look at all the advantages and disadvantages. But I want to mention a couple of others.

Our allies have urged us not to unilaterally deploy this system, not to leave them out of any system. They have not urged us, as far as I know of, in any case to unilaterally deploy. I use the word unilateral to mean that we would pull out of the treaty with Russia and proceed on our own, without being able to modify it.

Now, you have said in your answers to the questions to the committee that you would seek modification of that treaty with Russia. I believe that was in your answers. It seems to me that is the course which should be followed. If it was not in your answers, then it was the President-elect that made reference to an effort to modify the treaty.

Mr. RUMSFELD. It may have been the President-elect.

Chairman LEVIN. Now, there is one other factor which I think should be placed on the table.

Mr. RUMSFELD. Am I going to get a chance to comment?

Chairman LEVIN. Absolutely, and if you cannot remember all of these points, then I will remind you of them. But there is another consideration here which seems to me that should be put on the table. Even if we are willing to take those adverse effects because we think that the positives outweigh the negatives, we are still left with the fact that there are other means of delivery besides missiles, trucks, and ships, which are cheaper, more reliable, have no return address.

In the case of a truck, we could be threatened by one of these dictators with the kind of ultimatum like, I just invaded Kuwait. If you try to throw me out of Kuwait, there is a truck going around the interstate of the United States that has a biological or chemical weapon on it. You are going to lose part of your major cities, or you are going to see your air poisoned, for example.

We are going to face potential threats even if we successfully create a national defense technologically, and even if we decide to take the risk of proliferation, which might result, if Russia's response is what she said that it will be, which is, forget the reductions, forget START II, forget START III. Rather than building down she is going to build up, creating the threat which Baker and Cutler talked about in their report.

I would urge you to read the President's signing statement when he signed the Missile Defense Act, by the way. I think it is really important that you read that statement.

I made reference this morning to the Missile Defense Act. Those factors which I have tried to enumerate in the last couple of minutes are all on the table before a deployment decision would be made by the current administration. Of course, it later on decided to delay it because of the failure of the tests. But I would urge you to read that statement before he signed the act, relative to the meaning of those two clauses, before you reach any final conclusion on the meaning of those two clauses yourself.

I will stop there. I will help you to remember all of these factors if you were not able to write them all down, but I surely want to give you a chance to respond.

Mr. RUMSFELD. Thank you. I think I have them all down. My question is, can I read my handwriting, I was writing so rapidly here.

I think we have to begin with the fact that the President-elect has indicated that he intends to deploy a missile defense capability. I do not want to get ahead of myself and argue in any way that suggests that I know what the outcome of the review will be or what he means by that, or what the National Security Council will end up recommending, and I understand that Congress has a role in this. The authorization and appropriation process is there.

First, with respect to the concept of unilateral, I may overstate for emphasis a little bit, but I have the impression that for at least a period of 4, 5, or 6 years the argument has been made by the United States Government that missile defense would be destabilizing, that missile defense would be a bad thing, and that it could be, and the feedback we got was yes, that is right. The Russians say, we do not like it, and the allies say, we do not want the Russians to be unhappy and we do not want the agreements between the United States and Russia to be ruptured by the United States doing something unilaterally.

There is no way I can prove what I am going to say, but I have a feeling that once the Russians understand that the United States is serious about this and intends to deploy, as opposed to the reverse of that, that they will in fact find a way in the negotiations—I do not know quite how, or when, or in what way—in the discussions that take place to accept that reality, recognize that there are threats from States with capabilities that not only threaten us and our allies and our friends, but over time will threaten the Russians as well. They are worried about terrorism. They are worried about military capabilities.

Second, the implication has been set forth that we would do something precipitous or unilateral with respect to our allies. That is just not going to happen. We understand how important that alliance is. We understand that our allies need to be consulted. We also understand that to some extent the allies' concern is twofold. One is that—and I am meandering off into the Secretary of State-designate's area of responsibility and not mine, but—and I will tighten this up a little bit, but the allies are concerned, and I have talked with a number of them, about being disconnected.

Our program, as it is currently on path, could conceivably have the effect of providing States with protection, but leaving our allies with less protection, and that kind of decoupling would be unwise by us. It would be unhelpful to the alliance, and I do not think you will see things happen—I think you will see a much closer consultation take place.

Next, you mentioned the Baker-Cutler thing and connected it to this in some way. I do not see the connection. My impression is that—and I did not read the article. I was so busy getting ready for today that I did not read it carefully, but I was under the impression, at least, that they were talking about the loose-nuke problem, the risk that in fact nuclear materials and nuclear weap-

ons and nuclear competence in terms of people, could and are and may to a greater degree lead to proliferation. I agree with that completely.

The Russians have been telling us they have not been doing it, and they have been doing it. They have been helping Iran. They have been helping other countries. Certainly they have been helping India, and we know it and they know it, and they know we know it.

Is it because they are actively trying to make mischief? Is it because they're making money, or is it because they do not have the kinds of controls over what is taking place in that country and there is a demand for that kind of assistance, or is it some combination of those? I do not know for sure, but I know that they in fact are active proliferators.

The Baker issue is, I think, a somewhat different one, is my impression. You are right, there are other means of delivery, we know that. We know anything other than fighting armies, navies, and air forces is attractive because they are all cheaper. They are all more readily available, and they all offer the prospect that even without doing it you can affect people's behavior because you can threaten the use of a terror weapon and terrorize others and alter their behavior.

My view of that is simply because you cannot do everything does not mean you should not do anything. I mean, I agree to the extent it is unattractive to work one end of that spectrum or some place along the spectrum. It inevitably will lead people to look for the weak link, to look for another part of that asymmetrical spectrum to assert their influence. I agree with that. That is a fact, and yet that does not say to me that it makes sense for us to remain vulnerable to ballistic missile attack if we do not have to.

Chairman LEVIN. Thank you. I am sure my time is up.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. I think everyone realizes our second round is 6 minutes.

Chairman LEVIN. Yes. I should have announced that.

Senator WARNER. Mr. Chairman, I certainly want to compliment you and others. This has been an excellent hearing, and I have moved about a little bit in the course of this hearing and wanted to go over and welcome your Space Council and they are carrying on, as you might expect, quite well, and others, and throughout the whole way this compliment is being paid to this committee as a whole for undertaking a very thorough and in-depth hearing.

I shall proceed quickly, under my 6 minutes. Did you want a seventh-inning stretch here?

Mr. RUMSFELD. No, I am fine.

Senator WARNER. As you can clearly see, there is a diversity of views on this very important subject. For the 23 years my good friend and I have been here in this Senate together, we have from time to time been on opposite sides on this question of missile defense, but listening to this very important colloquy between the two of you, let us also include the following category, and that is accidental.

Military men and women training all over the world on all types of systems, accidents happen. No treaty is going to stop that. No

form of deterrence is going to stop that, and I have often said that every President better have a draft statement on his desk to explain to a half-million American people who lost their lives and their families and survivors why we were not prepared to stop an accident, so that is a factor we had better figure in.

Now, I want to cover some very important subjects that we touched on, and our very valued ally, Israel. As we have had a strategic relationship with them for many, many years. Unfortunately that area of the world is embroiled in conflict, one which you, as a former negotiator and troubleshooter, have a clear understanding of the origins. Regrettably, many of those origins are still there.

I would like to have your views on that, and in the gulf region we have done our best. We have formed a magnificent coalition under President Bush. Some 13 nations came together to stop the aggression of Saddam Hussein, and send his forces back in-country, and we are in there alone today, except for some help from Great Britain in the air campaign and from some other nations in the sea campaign, to contain him. I would like to have your views on how we approach that.

As I stated this morning, President-elect Bush has put together an extraordinary and superbly well-qualified national security team. These questions are going to be on their desk on the day of arrival.

I would like to also explore with you the relationship between the People's Republic of China and Taiwan. Again, we have had a longstanding relationship with the people of Taiwan. We have in place certain agreements, and lastly I think we should cover the policy that you would hope to recommend to the President with regard to the withdrawal of our peacekeepers and our timetable, maybe not specifically, but the general discussion of the withdrawal from Bosnia and Kosovo. This is a subject I have been active in.

Last year, I and other colleagues—Senator Byrd joined with me and I joined with him on separate pieces of legislation to try and bring to the attention of our allies the commitments they made, the fact that we were trying to fulfill our commitment, and somehow if they did not continue to live up to those commitments we would have to address a withdrawal policy.

Well, guess what happened. Very quickly the allies came in and fulfilled their commitments in terms of money in Kosovo and troops and likewise, and that situation righted itself.

I think it is important that the United States keep some presence in both the Kosovo and Bosnian military forces so long as our allies are there, perhaps not to the level that we have today, but we do not want to give the perception that we are not a reliable partner in all of these, so if you would sort of kick off, and we will take the first one.

Mr. RUMSFELD. OK. Most of what you have posed, well, falls over in the area of the Department of State and the National Security Council as much or more than it does the defense establishment.

Senator WARNER. But you are a team, and you are at that table.

Mr. RUMSFELD. I understand, and I am going to reach out and comment, but I want to preface it by saying that we are not in of-

fice. We have not had meetings. We have not talked about these things.

Senator WARNER. I understand that.

Mr. RUMSFELD. It would be wrong for me to try to think I could sketch out policy, so whatever I am saying is coming from Rumsfeld.

Senator WARNER. That is clear, but we have an obligation under advise and consent to get your views, because you are one of the most experienced, if not the most experienced person on that team.

Mr. RUMSFELD. Well, with respect to Israel, the situation is very difficult. The hostilities are obvious. People die in that region regularly. Israel is a very small country. They cannot make many mistakes about what they give up. There is a feeling I have had, watching that process, that to the extent someone leans forward, someone leans back, to the extent someone leans back, someone leans forward, and it goes that way.

I do not think it is possible for the United States of America to go in and grab people by the scruff of the neck and think they could put them together and have something stick. It has to make sense on the ground.

I have questions about Mr. Arafat's ability to manage his affairs, his circumstances, and I think to be dealing with him as though he were a State in control of his circumstance may not—may be somewhat unrealistic. I am hopeful. I think that it is an important issue that I am sure Secretary of State-designate Colin Powell and Condy Rice and the President will engage, and certainly I will be happy to be a participant.

The gulf coalition is in fact unraveling and there is no question but that Saddam Hussein's appetite for weapons of mass destruction has not disappeared. Under the agreement, he was allowed to continue working on ballistic missiles below a certain range and, of course, the weight of the warhead affects range, so he has his team together, and he is working aggressively to make better relationships with Syria under the new Assad, and I suspect that we will not have heard the last of him by a darned sight.

The control over assets and funding I think is rather important and fundamental, and ought not to be let go. There is a lot of pressure from various coalition partners to ease up, but I think that central principle is one we ought to think about.

Senator WARNER. We have over 20,000 U.S. troops in that region containing these policies.

Mr. RUMSFELD. They are risking their lives in the north and south with flights. It is a dangerous situation.

The PRC and Taiwan, so much has been said I think there is not much I can add. Clearly, we have laws, we have obligations, we have hopes, and that situation also seems to ebb and flow in terms of the volume of the words coming out of the PRC on that subject, and at the moment they seem to have ebbed rather than flowed.

Senator WARNER. But the one thing certain is a steady buildup in the PRC military capabilities.

Mr. RUMSFELD. Not just generally, but in that area.

Senator WARNER. That is correct.

Mr. RUMSFELD. Third, peacekeepers in Bosnia. The first thing I would say is that we have forces on the ground. We have troops

there, and we ought to be supporting them, and I worry about forums like this where we talk about altering what we have, the Government, the President, Congress.

We have to decide what we want to do on these things, but discussions that lead to uncertainty harm the people on the ground who are trying to do things, and I went into Bosnia sometime back and visited with people from various factions, and they are either leaning forward or they are leaning back, and you can be sure the more there is talk about departure, the more they wait you out. It is true across the globe.

I have never been a fan of deadlines. I mean, the original deadline that we would be out by Christmas was not wise, not good policy in my judgment. We ought not to do that. It tells everybody, wait for a year, go on.

I think what we ought to do—and I know the President has said he will review it. He will. When he has a view—you can be certain he will not do anything precipitous. He understands the importance of the relationships with our allies. What he will decide, I have no idea. He will certainly consult with Congress as well as allies, and we will all know when that process has completed.

Senator WARNER. I think that term, consult with Congress, is a very reassuring one, Mr. Chairman and members of the committee, and I thank the distinguished witness for those replies.

Chairman LEVIN. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman. I had to leave for a while. I apologize for that. I must say, coming back, I thought I would find you weary, mentally worn, but I am discouraged to find that you are as sharp as you were when I left this morning. [Laughter.]

I want to thank you particularly for some of the straight talk. As another member of the committee was fond of saying earlier last year, you have been on the straight talk express here for part of today, and I appreciate it.

Chris Williams, sitting behind you, worked with Senator Lott, and Senator Lott and I have sponsored some legislation on our concern about proliferation to Iran, and you were dead right that the Russians have just continued to do that. Sometimes we do not like to deal with that reality, but it is real, and I appreciate the straight talk that you gave, and I hope that we will continue to work on that, because it threatens our security and the security of our allies.

The same is true of your answer just now on the question of our forces in the Balkans, and I thank you for it. We made a serious mistake here some years ago, under political pressure, where we did set a deadline, and it created a real credibility gap that we are still fighting to overcome.

Believe it or not, I want to come back to national missile defense in a slightly different way and make this statement and ask you for your reaction. I accept the reality of the threat. I think it is a serious one. I was an original or early cosponsor of the National Missile Defense Act. I was pleased when it went through Congress and pleased when the President signed it, and I was up in my office for meetings, listening to your earlier testimony, and if I understood correctly, in response to a question from Senator Akaka

you indicated logic would tell us that in the time since your commission's report the threat has just naturally become more serious because proliferation goes on.

My concern is about the timeliness of a response, and just to say that I am concerned, as the new administration comes in and thinks about the layered approach to national missile defense, that if you think about the 2005 date, or whatever date, even earlier by some estimates, which some of these folks who have hostile intent toward us could get capacity to do our homeland damage, I think that one of the reasons—not all, but one of the reasons the Clinton administration chose the land-based alternative for national missile defense because it was possible, assuming technological abilities, to get, if you will, online earlier. Sea-based is essentially a concept now, and estimates I have seen say that it will not come online any earlier than 2010, space-based probably later than that.

So my concern is, as you think about the alternatives you have as you come into office, that you take a look at the fact that while the land-based system missile defense may not be the best, it may be the one that we can get operating earliest.

Mr. RUMSFELD. I do not disagree with that. I do not know enough to know, of certain knowledge, that that is right, but I have a set of impressions, and they are these, that the current program may very well have been something that could be done sooner than some of the other alternatives such as sea-based or space-based capabilities.

On the other hand, my further impression is that the current system was designed to fit within the treaty. I have never believed—I mean, that treaty is ancient history. It is almost—it dates even back farther than when I was last in the Pentagon. That is a long time.

Think what has happened to technology in the intervening period. I mean, to try to fashion something that fits within the constraints of that, and expect you are going to get the most effective program, the earliest to deploy, and the most cost-effective, it is just—it boggles the mind. That is not how people do advance technologies, is to sit down with those kinds of constraints and try to fit it in that straitjacket.

I do not disagree that at this stage it may be something that could be done earlier than other alternatives, but I would say it may very well be that pieces of it might very well fit in what one might ultimately want to do.

Now, this is all sheer speculation on my part. I mean, the press has kind of played me up as an expert in missile defense, and I am not. I know a lot about the threat, and I spent a lot of time on it, but I have spent much less time on the ways of dealing with it, and that is something I have simply got to wrap my head around.

Senator LIEBERMAN. I have one more question. Incidentally, enjoy whenever the press plays you up as an expert on anything, because it will not last long. [Laughter.]

I want to come to the fifth of your priorities in the opening statement you made, reform of DOD structures, processes, and organization. One of the things that struck me in my years on the com-

mittee is the extent to which the goals of the Goldwater-Nichols Act have not yet been realized.

That is one of them, which is one of the central ones, which is based on the conclusion, I think correctly, that warfighting would be joint, that therefore more of the operation of our military should be joint, and there has been a natural institutional resistance to that, and look, the four services have extraordinary histories of capability and unique functions to play, but I was thinking, in terms of your background, in this case in the private sector, that too often probably I found myself saying, I do not think any CEO of a big company—and there is no company as big as the Pentagon. You are about to become the CEO of the largest company in the world, but would tolerate that kind of overlap.

We have made some progress lately, particularly through the establishment of the Joint Forces Command in Norfolk, and I really commend it to you and hope you can get to know it well, but ideally we should be having more joint experimentation, joint acquisition, joint training, so that when we come to warfighting we will not only have avoided redundancy and saved some money along the way to do some of the many things that we have all said today we want you to do, but we will be better able to fight jointly.

Mr. RUMSFELD. I do not disagree at all. I think warfighting is inevitably going to involve all of the services, and to the extent they have not trained and exercised and equipped for interoperability in that kind of an environment they are not going to do what they could do had they done that.

Senator LIEBERMAN. My time is more than up. Thank you very much.

Chairman LEVIN. Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. I know that the chairman has been a skillful questioner, let us say on national missile defense.

Now, we went through a long battle on it. Senator Lieberman and Senator Cochran formed an opinion, as did a number of us, that we needed to move forward. We accepted your bipartisan unanimous report that by the year 2005 we did have a threat that we needed to be prepared to defend against, and in the Senate I think Senator Roberts had over 90 votes, maybe 3 dissents, to deploy and follow through on this.

The President did, in fact, drag his feet. We did not do the Alaska radar work that we hoped to have done this summer, so we have already missed the 2005 year that your commission, your report suggested we should try to meet, and so we are now at 2006, and I believe this summer we will have another date that we will need to make a decision soon to get started with the Alaska base or we will be at 2007.

I just wanted to say, to follow up on Senator Roberts, I believe this Congress is for this. I believe we voted overwhelmingly for this, and with determined leadership, the technological problems will be overcome, and I think we need to move forward.

Most Americans have no idea we have no defense to incoming missiles, absolutely none. They saw in Israel, in the Gulf War, some Patriot and Scuds, and think maybe we have that here. We really have none of that here, and I believe we need to move for-

ward on that. I salute you for coming to it with the background you do, and I salute you for the report that you issued, and your fellow members, which we acted on, and the President did sign.

I would like to pursue a little bit—and by the way, on national missile defense, we are talking about a $3 billion a year expenditure, maybe $4. That is hardly 1 percent of the total defense budget. It is not going to drain our defense resources to deploy national missile defense.

Colombia has 38 million people. It is a significant trading partner of the United States, but 40 to 50 percent of that country is now being held by Marxist guerrillas who are working with the narcotraffickers. Venezuela is showing some strange activity.

At best, I do believe we need to give more attention to our hemisphere, and when you compare that to Kosovo, there are 2 million people we have no trading relationships with, and it is clearly in the backyard of the Europeans.

Would you share with us your view about the importance of our involvement in this hemisphere in general?

Mr. RUMSFELD. Well, in general is about what I can do. Again, I am reluctant to be continuously infringing on my friend Colin Powell's areas of prospective responsibility. We live here. It is important to us, there is no question that this hemisphere is, and I think that successive administrations in both parties have recognized that and addressed that over my adult lifetime.

That is a very complicated problem down there, and I need to get steeped in it. We have talked a bit about what is going on. I understand there are a limited number of U.S. military forces, that the State Department has the lead, that a lot of what is being done there is being done by contract personnel, that there is fear around the periphery that whatever is done in Colombia is not going to end the problem but move the problem geographically.

I have read the same speculation you have about the Venezuelan involvement. I do not know much about it beyond that. It is going to take a lot of very careful thought, and a combination probably of the kinds of things that are being done as well as diplomacy, to see if we cannot have that situation begin to get better rather than worse, thus far.

I have seen the maps that show the minimal control that the Government is currently exerting in the country, and it tends to be urban areas, as I understand it.

Senator SESSIONS. It is a disturbing situation, and I do not know the answer to it. I do not believe it requires troops, but I do believe we need to say, which Ambassador Pickering would not say in one of these hearings when I asked him, that we endorse—perhaps they have sense, but we need to endorse unequivocally the oldest democracy in the hemisphere, except ours, Colombia, in their struggles with the Marxist guerrillas, in my view, and we need to encourage them to be aggressive, and if they are not going to defend their country, I do not see how we can defend it for them.

But I believe they are going to be reaching a point soon where they are going to decide they have to fight to preserve their democracy, and if they do not fight they are going to lose it. At that point I think we are going to have to help them. I wish we did not, I wish it was not a problem, but I am afraid it is.

Finally, I would say I agree with you totally that this treaty with Russia and the missile defense question is ancient history. It was with a dead empire that no longer exists. Surely we will deploy the best system and work and just deal with the Russians in a fair and objective way, tell them we love them, we want to be partners and friends with them, but we are going to do what is in our interests to protect our American citizens, and I think they will accept that if we will quit waffling and be clear, and I hope that you will do that.

Mr. RUMSFELD. Thank you.

Chairman LEVIN. Senator Cleland.

Senator CLELAND. Thank you, Mr. Chairman. Just for the committee's information, I do understand that under the voting of military ballots and the counting of military ballots overseas, with your help, Mr. Chairman, and myself and Senator Hutchison and Senator Warner, we have asked for the GAO to do an independent investigation on this whole issue of military ballots being counted, and how military votes overseas, and that that report will be to us in a matter of months.

Mr. Secretary, let me just say, thank you very much for waiting us out and for being so patient. A couple of years ago you signed a letter along with Dick Cheney supporting full funding for the F–22, which is advanced technology for our tactical aircraft. I would like to, Mr. Chairman, submit that letter for the record, if there is no objection.

Chairman LEVIN. It will be made a part of the record.

[The information referred to follows:]

Former Defense Secretaries' Statement on F-22

April 27, 1998

The nation's defense needs have changed considerably since the end of the Cold War. New threats, new technologies and new ideas about how to define national security have led to a rethinking of military requirements.

Wherever this debate may lead, it should not be permitted to obscure the enduring importance of preserving American command of the air. The contribution of air superiority to national military success can hardly be overstated: no U.S. soldier has been killed by hostile air power in over forty years.

But command of the air requires that the U.S. possess unrivaled tactical aircraft, and the U.S. has not developed a new air-superiority fighter since the 1970s. It has one such aircraft under development today, the F-22 Raptor, and it is essential that this program succeed. If it does not, a half century may pass between when the last generation of fighters was fielded and when a new generation becomes operational.

It is unlikely that U.S. command of the air could survive such a delay in the development of new systems. Even in a period of diminished threats, other nations will gradually overtake and surpass the fighting effectiveness of current U.S. fighters. Therefore, the stealth, agility, firepower and situational awareness embodied in the F-22 must be funded.

It is not enough to say that something better may be available in the future. Something better is always available in the future. Serious threats to American air superiority may arise sooner, and the nation's security cannot tolerate a loss of command of the air. Congress and the Administration must focus on this fundamental reality, and fully fund the nation's only truly stealthy air superiority fighter.

William Perry

Richard Cheney

Caspar Weinberger

Harold Brown

Frank Carlucci

James Schlesinger

Donald Rumsfeld

Senator CLELAND. Mr. Secretary, thank you for your support of the F–22 in the past. I hope we can count on your continued support for the F–22. Any remarks you would like to make on that?

Mr. RUMSFELD. No, sir, other than that I said what I said, I believed it when I said it, I am now in a circumstance where I have to take a review and look at that and other things and try to come to some rational conclusions, and I shall do so.

Senator CLELAND. Thank you very much. In terms of airlift capability, it is interesting that the fiscal year 2000 defense authorization bill did direct the Secretary of Defense to submit a report to this Congress no later than February. The airlift requirement report is in. The current requirement for airlift in the Pentagon is almost 50 million ton-miles, and a mobility requirement study esti-

mates the requirement may rise to around 54 or 55 million ton-miles.

With the move away from more forward-deployed forces, an airlift and air mobility more and more important, the C–130J is integral to our rapid deployment operations. The last administration proposed some 24 new C–130Js over the next 4 or 5 years. I have a special interest in this program, Mr. Secretary, and would hope that you would continue to look hard at the C–130J program, particularly in terms of its critical role in moving our forces abroad.

Finally, Warner-Robbins is one of three remaining Air Force depots. There used to be five. Now there are three. Part of the challenge here, it seems to me, is to determine if the Pentagon is going to continue to keep core capability in its maintenance and depot facilities, and in determining that core capability I just hope you would work with all of us so that our military commanders will have the ability in a crisis to ramp up and work 7 days a week, 24 hours a day, to meet the needs of our servicemen and women overseas.

So I will just have those thoughts, and any response from you would be welcome.

Mr. RUMSFELD. I have not engaged this subject of depots. I understand that among all the caucuses in Congress these days the depot caucus may take the cake as being the largest one. It is a subject that—let me phrase it this way. There is no question but that the United States military needs to have what they need to have, and the question is, in what way can they assure that they have that so that their capabilities, and our capabilities as a country to contribute to peace and stability are assured?

I have not looked at it. I understand it is there and will certainly address it.

Senator CLELAND. Thank you very much. We talked about one big idea, and when I heard that I thought about maybe a question on deterrence in this new globalized era, and defining what could maybe deter the terrorist or the biochemical attack and so forth, and I appreciate your views on that and look forward to that continued discussion.

But one of the big ideas I would just like for you to think about in the challenge of dealing with an all-volunteer force, and now a married all-volunteer force in terms of a big idea, in the last few years, in looking at the GI bill and its power to attract young men and women to the military, maybe one of the big ideas we ought to explore together is in the American military being the greatest university in the world.

In other words, we are going to have to train constantly, and there probably already is the greatest university, certainly the biggest university in the world, but education begets education. If the American military can become known not just as a good place to get a couple or 3 or 4 years of education and then get out, but some place to educate yourself and your family over the long haul, then maybe we can work in a wonderful way on our retention problem as well.

Because people who get out that contact me, get out basically with tears in their eyes. They love the military, they love the serv-

ice, but they get out because they have pressures on their families. One of the pressures on their families is their kids' education.

So I would just like to throw that out as an interesting big idea that we can explore as we walk down this road together, because it does seem to me that the power of the GI bill, or the power of education and the military can be a powerful tool to keep people—I mean, to attract people and to keep people in that otherwise would get out, but we have to broaden it so that it includes their families as well.

I might say one of your colleagues in the Cabinet will be Tony Principi, who was the author a couple of years ago of the Principi Commission report, which actually recommended the concept that a serviceman or woman can take their unused GI bill assets and transfer them to their spouse or to their kids, thereby creating a college fund for them. Tony Principi was the author of that idea, and he will be in the Cabinet with you as head of the Veterans Administration, so I wanted to throw that out as a big idea that you might consider.

Mr. RUMSFELD. Thank you very much.

Senator CLELAND. Thank you very much for your patience, Mr. Chairman. No further questions.

Chairman LEVIN. Thank you, Senator Cleland. Let me also add our thanks for your continuing leadership on the broadening of the GI bill. It is a very important initiative. You have had a little success. You deserve a lot more success, and hopefully will achieve a lot more success in that area.

Senator Nelson.

Senator BEN NELSON. Mr. Secretary, in Nebraska we have the Joint Command and Strategic Command. The military for the last several years and the civilian leadership have worked toward finding ways to marry the military establishment in a way that certainly will work better for cooperation and collaboration, and obviously under a Joint Command you tend to get that. It surprises people in Nebraska to see the Strategic Command under the control of an admiral from the Navy, because Nebraska may be nearly landlocked, except for the Missouri River.

I have a question that really relates to how you develop an exit strategy without showing your hand. We have a civilian military. We have a citizen Government, and yet we know that the right of the public to know is there, and this body provides oversight so that when you come with an idea that you would like to provide some knowledge about, the first question is, what is your exit strategy? Once you have tipped your hand, there is no going back. The genie does not go back in the bottle, whether you say we are not going to use any land forces, we are going to be out by December—are we somewhat relegated to going back to 1968? When nominee President Nixon was running and said, "I have a plan to end the war," he would not tip his hand.

I think when you have this challenge it is very easy for people to put you in the box, where they want to know that you have a plan, they want to know what it is, but once you have told them, it is like the coach giving his playbook to the other team, the other coach.

Mr. RUMSFELD. You have put your finger on an enormously difficult problem. I was chief of staff in the White House when Vietnam ended, and you had all of these fine people who had supported that effort, and at some point you pulled the plug, and when you do, people are killed, people are hurt, people are damaged, and the reputation of our country for following through and for consistency and for being a reliable partner is damaged for a period.

I was the one who had to go tell President Jamail of Lebanon that the United States and the President and Security Council had decided to withdraw support, and walked into his office, and it was a heartbreaker, just an absolute heartbreaker. There were a whole host of people who had stepped forward and relied on us to help him try to get the Syrians out of his country, and at a certain moment it is gone.

You are right, if you talk and if you telegraph something more people get killed, more people are damaged, and the hardship is much greater.

What is the answer? Well, I do not know what the answer is. I think part of the answer is, let us try not to get into things we cannot get out of. Let us try not to get into things we cannot finish well.

We are still going to have this happen. We are not always going to be right. We are going to end up trying to do things because we are concerned and we care, and it will not work because we miscalculated. We thought there was a greater possibility that there could be an institutional capability to sustain itself and create a nation that could build and go forward, but that is hard.

We are not geniuses at nation-building, institutional capabilities. There has to be something where people say, my gosh, the Marshall Plan, goodness gracious, those countries there, they were capable, they were competent, we gave them money. They did what they did, and the analogy of the Marshall Plan to some of the kinds of continents that we have been dealing with and problems that we have been dealing with I think is a mismatch.

You are right, I think that about all you can do is if you have been wrong, do it fast, confess, and get out. That is all you can do, and try not to get yourself in a situation where you cause other people to support you and then you leave them in the lurch, which is just a heartbreaker.

Senator BEN NELSON. Thank you.

Chairman LEVIN. Thank you. Senator Dayton.

Senator DAYTON. Mr. Chairman, I believe that a member of President Kennedy's Cabinet said that as Secretary you have one boss and 535 advisors, and I think you have received enough advice for one day. I wish you well, and I would cede the rest of my time unless there is anything you would like to say, sir.

Mr. RUMSFELD. I would like to say something, Senator, and I thank you for that opportunity.

Chairman LEVIN. By the way, there will be another round of questions.

Mr. RUMSFELD. Maybe I will save it, then. [Laughter.]

Well, I will say it right now. I must say, if I know anything I know that you do not tackle Defense Department problems and issues and challenges by political party. You do it on a bipartisan

basis, and I respect the way you and Senator Warner have handled your back-and-forth chairmanships, and I admire it, and I assure you that I approach these issues in a nonpartisan way, and I intend to work with the committee in that way and look forward to it.

Chairman LEVIN. We are going to have a third round for those who might be interested in asking additional questions.

First, on the space policy question. There was a report in *Defense Daily* recently—it quoted—I do not know who was saying these words, but here are the words: "Rumsfeld understands the need for militarization of space." My question is, do you see the need for the "militarization of space"?

Mr. RUMSFELD. I did not say it, and I do not know who wrote it, and I do not know quite what it means. Let me see if I can put some words around my thoughts on the subject. We know what has been done on land by way of military conflict, we know what has been done on the sea, and we know what has been done in the air. I think it would be a stretch to suggest that space will not at some point in the future find itself receiving similar attention.

Why do I say that? Well, if, for example, we have an interest on the sea to maintain the sea lanes open and to create an environment that is hospitable to sea traffic for international intercourse, and we have a lot of assets in space, one would think we would feel or share a similar view about having the assets in space free to provide these services and the capabilities that they do, and to the extent we do, as we do, both civilian and military space assets, and to the extent they conceivably, as with ships and tanks and planes, become a target at some point, there is no question in my mind but that it is in our interest to create the kinds of deterrence and capability so that it is not attractive to disable the United States and our enormous dependence on space assets.

I do not know quite what that means in answer to that article, but those are my views, and I should say these were my views as a member of the commission. They are not the views of the administration, since I have not had a chance to even discuss these things with President-elect Bush or the National Security Council.

Chairman LEVIN. Thank you. You made, I think, brief reference to this today. That the United States and North Korea signed an agreement in 1994 which provides that North Korea will end and disband its plutonium production capacity. By the way, I actually went up to see with my own eyes that that was being done. It also called for the United States to lead a coalition with South Korea and Japan to provide North Korea with proliferation-resistant light water reactors if it complies with every step of the agreement, and it also provides for some fuel, I believe, to substitute for the loss of that capacity. Assuming that both sides comply with this agreement, in your judgment does this agreed framework serve our national security interest?

Mr. RUMSFELD. I will offer some personal views, but I have to again begin with the beginning, and that is, this is quite a distance off my turf, and certainly the National Security Council and President and Secretary-designate Colin Powell will be addressing it.

My view on North Korea is that they have been as active a proliferator of technologies across the globe as any country that I

know of. It is hard to believe that a country that cannot feed its people, that has a dictatorship that is as repressive and damaging to its country as anything on the face of the earth, could be developing and marketing and benefiting financially from the proliferation of these technologies, but it is a fact.

I was very impressed with the Senator's photograph of the Korean peninsula earlier today, where it showed lights in the south, and lights in China, and black, and it is a wonderful metaphor for the problem.

I think talking is fine. I am glad they are talking. I think there has not been, to my knowledge, changes in their military posture with respect to South Korea or with respect to their activities of proliferation. It is good to be hopeful. It is good to talk. I am not an expert on the agreed framework. I have not been there, as you have. I am not sure I would be welcome.

Chairman LEVIN. As far as you know, have they dismantled their plutonium production capacity?

Mr. RUMSFELD. I know that—I know what I know and I know what I do not know, and I do not know what I do not know. Specifically, they are world-class tunnelers. They have gone underground across that country in a way that few other nations have done. They have underground emplacements that have enormous numbers of weapons.

For me to sit here, having never been there, and not being a sufficient expert to know anyway, and say that I have high confidence that they are doing what the agreed framework suggested would be foolhardy. They do not have a record of behaving well, and we know they are a secretive, closed society, and it is perfectly possible for Americans to go milling around there, think they see something, and it is over there. It is a shell game with those folks.

Chairman LEVIN. Let me try a different question. Is it in our interests to try to find a way to eliminate North Korea's plutonium production capacity so they cannot build nuclear weapons? Is it in our interest to do that?

Mr. RUMSFELD. I would broaden it. I think it is in our interest, and our Asian allies' interests, and our antiproliferation interest across the globe that North Korea stop proliferating, stop threatening South Korea, and begin to behave rationally to its people and stop having them die of starvation.

So I guess the answer is, sure it is in our interest, but there are a lot of things that are in our interest with respect to North Korea, and I do not know that I would stick one ahead of the other.

Chairman LEVIN. I would agree with you there are a lot of things that are in our interest, but it is in our interest to end the plutonium production?

Mr. RUMSFELD. You bet.

Chairman LEVIN. There are a lot of other things in our interest as well, but at least you would agree that it is in our interest?

Mr. RUMSFELD. Yes.

Chairman LEVIN. Senator Warner.

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

Just to put on our old Navy hats for a moment, and that is the shipbuilding program in the Navy. Any reasonable analysis of the curves in the outyears, the current projection? We are going to be

moving down precipitously close to the 300 level, and I just think at the moment the most you can say is, again climbing back into our purple suits so we are fair to all, we have to address the level of naval ship construction, and we have to do it early on. Do you not agree with me?

Mr. RUMSFELD. I agree. I think that the pressures we face around the world with respect to bases suggest that we do need to be able to have capabilities that are afloat.

Senator WARNER. My follow-on for that, of course, is that—and these are true stories—Presidents, when they are awakened at night by that phone, either you on the other end or someone else, the Secretary of State advising them of a crisis somewhere in the world, as Senator John Stennis, the very valued and wonderful chairman of this committee used to say, the Presidents would always say to me, well, the first thing that comes to mind, where is the nearest U.S. aircraft carrier? Do you recall that?

Mr. RUMSFELD. I do indeed. Mr. Stennis was chairman when I was last Secretary.

Senator WARNER. I testified before him, as did you, many times. We have to keep that carrier level up. We have 12 now, one in training capacity, several in upkeep, some in transit, four to five at max on station throughout the world, and I would hope that you would indicate to me now that your preliminary thinking is, we have to maintain that minimal level, in my judgment, of that key asset of our arsenal of deterrence.

Mr. RUMSFELD. Senator, as an ex-Navy pilot I am not unaware of the value of aircraft carriers, but the last thing I am going to do is start speculating about one weapons system. I have an enormous task to gather some folks and look at the whole picture and see that they come into a coherent whole, and I am reluctant to start piecing things out.

Senator WARNER. That is all right, my good friend. You maintain your reluctance, and I will not have any reluctance to continue to bring that subject up with you repeatedly from time to time. [Laughter.]

South Korea. It is so interesting, my modest experience in the U.S. military, and I have said this before, it did a lot more for me than I was able to return to them on Active Duty, but anyway, with South Korea, in the Marines in 1951. We are still there, 50-plus years, and we have a very significant number of our troops there.

Now, you have covered the North. Let us talk a little bit about the South and its importance as our strong ally, and its importance for the forward-deployment of our troops to be in that region. I think this record should reflect some of your views on that.

Mr. RUMSFELD. Well, I think the U.S. presence in Asia since, essentially since the Korean War and World War II, has been a superb investment in the sense that we have, without question, contributed to a more stable region.

Their presence there is still useful in that regard, and I think that—I am trying to think where I heard it or read it, but there have been comments to the effect that in conversations between the North and the South, both have indicated that the U.S. presence is a useful thing, and I find that very interesting. The rhetoric

sometimes from the North is a little different, but my impression is that realistically we are wanted and it is a good thing for us to be there.

I also think it has been helpful from the standpoint of Japan.

Senator WARNER. I do, too, and indeed they are very valuable allies for the security of that region out there, and we should really touch a little bit on our valuable allies, Australia and New Zealand, and you will undoubtedly be visiting that region of the world, where we have had to dispense some of our troops not long ago for a contingency situation, but they are valued allies.

Mr. RUMSFELD. As you look at what is happening in that part of the globe, and the periodic difficulties that the People's Republic of China has had with its neighbors, whether it is the Spratly Islands, or difficulties with India, difficulties with Russia, difficulties with Vietnam, there is no question but that Australia is a truly important nation, and it is important to that region, it is important to us, and it seems to me that it merits a priority from the standpoint of the United States of America.

Senator WARNER. Mr. Chairman, again, an excellent hearing. I would yield back the balance of my time. I think our witness has more than fulfilled our expectations, and the endurance test he has withstood indicates he can handle that department pretty well.

Chairman LEVIN. Just a few more questions. Senator Sessions, would you like to go first?

Senator SESSIONS. You go ahead.

Chairman LEVIN. The Army has been in the process of transforming itself into a lighter and more agile force that can deal with the challenges posed by threats in the uncertain future. In response to the pre-hearing questions, you stated you would not be in a position to evaluate the Army's plans until you have conducted a complete review of all the services' investment programs. That review is expected to take several months, and therefore I have the following questions.

Does your answer mean that we should not expect any changes to the Army's transformation plans in this budget cycle?

Mr. RUMSFELD. I just do not know.

Chairman LEVIN. Are you open to the possibility of reallocation of resources among the military departments, if your review points in that direction?

Mr. RUMSFELD. It would be foolish for me to say that I was not open to anything at this stage, because I really am coming out of civilian life into an institution that is not easily understood.

Senator WARNER. Or managed. [Laughter.]

Chairman LEVIN. You have been asked a number of questions about the U.S. and China, and I have one additional one in that area. What approach would you take with respect to military-to-military contacts between the United States and China? Do you have any feelings?

Mr. RUMSFELD. We have had some, and I have been there myself.

Chairman LEVIN. Do you have any feelings about continuing or expanding those contacts?

Mr. RUMSFELD. I have not thought about it. Off the top of my head, I have no reason to believe that they are undesirable.

Chairman LEVIN. Just a couple of questions to follow up Senator Sessions' questions on the missile defense issue. I want to read just a portion of the statement of the President when he signed the Missile Defense Act. I think it is important.

Mr. RUMSFELD. I would like a copy of it, if you have it.

Chairman LEVIN. We will provide that to you.

Before I do that, though, I want to ask you a question again. I think you answered it clearly this morning, but given something which was said just a little while ago, did your report on the North Korean or on the missile threat in general suggest anything relative to the deployment of missile defenses?

Mr. RUMSFELD. Not that I can recall.

Chairman LEVIN. Now, this is just a part of the President's statement. I am going to give you the whole thing to read after the hearing. I am going to be putting the whole thing in the record.

[The information referred to follows:]

Statement on Signing the National Missile Defense Act of 1999

July 22, 1999

I have signed into law H.R. 4, the ``National Missile Defense Act of 1999.'' My Administration is committed to addressing the growing danger that rogue nations may develop and field long-range missiles capable of delivering weapons of mass destruction against the United States and our allies.

Section 2 of this Act states that it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense (NMD) system with funding subject to the annual authorization of appropriations and the annual appropriation of funds for NMD. By specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation makes clear that no decision on deployment has been made. This interpretation, which is confirmed by the legislative record taken as a whole, is also required to avoid any possible impairment of my constitutional authorities.

Section 3 of the Act states that it is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces. Thus, section 3 puts the Congress on record as continuing to support negotiated reductions in strategic nuclear arms, reaffirming my Administration's position that our missile defense policy must take into account our arms control and nuclear nonproliferation objectives.

Next year, we will, for the first time, determine whether to deploy a limited National Missile Defense, when we review the results of flight tests and other developmental efforts, consider cost estimates, and evaluate the threat. Any NMD system we deploy must be operationally effective, cost-effective, and enhance our security. In making our determination, we will also review progress in achieving our arms control objectives, including negotiating any amendments to the ABM Treaty that may be required to accommodate a possible NMD deployment.

William J. Clinton

The White House,
July 22, 1999.

We have been talking about two sections. One is the "policy of the United States to deploy as soon as technologically possible an effective national missile defense system with funding subject to the annual authorization of appropriations and the annual appropriation of funds for NMD. By specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation makes no clear decision on the deployment has been made." We call that the first point.

Mr. RUMSFELD. This is reading from his statement?

Chairman LEVIN. I am. This is part of what the President said relative to the second policy that was in that National Missile Defense Act.

Section 3 puts Congress on record as continuing to support negotiated reductions in strategic nuclear arms, and he also said our missile defense policy must take into account our arms control and nuclear nonproliferation objectives. At the end he said: "Any NMD system we deploy must be operationally effective, cost-effective, and enhance our security. In making our determination, we will also review progress in achieving our arms control objectives, including negotiating any amendments to the ABM treaty that may be required to accommodate a possible NMD deployment."

I offer you an opportunity to react as to whether you disagree with any of that. It is kind of hard, because maybe I read too many excerpts for you to follow. In any event, do you wish to comment now or not as to whether you have any disagreement with that. I really would urge that you read the President's statement after this hearing so that you are familiar with the thinking of both the administration in signing that act, but also the thinking of many of us—I will not say a majority, necessarily—but many of us in supporting that act after section 3 was added in the Senate.

It is a very important part of the history of that National Missile Defense Act. Now, let me give you an opportunity to comment if you want.

Mr. RUMSFELD. Well, Mr. Chairman, I will read it. As you went through it I was trying to parse it in my mind, and clearly, while President Clinton is President that is his view. We have a President-elect coming in who has expressed some views that are somewhat different from that.

Chairman LEVIN. I am talking about the view of the President about the act he was signing. I do not know if the President-elect has any different view about this act. He has not spoken, as far as I know, on that issue. Maybe he has. But I am talking about just what the President who signed the act said when he signed it.

Senator Sessions, do you have anything more?

Senator SESSIONS. I do not.

Chairman LEVIN. Let me just make a very quick final statement. First, we will include any statements in the record by committee Members who either were not able to be here today or who were here today but would want to expand on any statements they made. There were a number of Members who had other commitments. This hearing came up quickly and a number of our Members were unable to make it, although they are occupied in a number of instances on business that relate to this committee's work.

Second, several Senators have indicated that they have some questions that they would like to submit to you for the record. We will ask for those questions, if possible, by the end of this week. You have many things to do. I do not expect there will be a lot, but there could be some, and I want to keep that record open. I know Senator Thurmond asked me to keep the record open for questions he wanted to ask. There may be others that want to ask questions. The record will be kept open for that purpose.

We will keep the record open at least through tomorrow. We urge everybody to get their questions in by tomorrow, and then urge you to respond by the end of the day next Wednesday. If any questions come in after that, we will just give you additional time. We do not expect there will be a lot.

We look forward to getting all of that paperwork you made reference to.

Mr. RUMSFELD. We have it over at the other places. Before they want to release it they want to try and massage it.

Chairman LEVIN. As always, there is an FBI report which we will receive and we will review. We again want to recognize your family for your attendance and your patience. You may not have noticed, but the audience has significantly dwindled. What has not dwindled is the love, affection, and support of your family, and we thank them for that. We will now stand in recess subject to the call of the chair. We do not expect we are going to need another hearing, but I do not want to preclude that possibility because we do not know what events may transpire. We will, therefore, stand in recess subject to the call of the chair.

We want to thank you for your testimony today. Again I think you feel that there is broad support to move this nomination quickly out of this committee as soon as that can legally happen, after receipt of all the materials and after the President-elect formally sends in your nomination after he is inaugurated.

Senator Warner, I do not think you were here at that moment, but I am sure that you, as our chairman-to-be, will move expeditiously, within moments after receipt of that official nomination on the 20th, to convene this committee. That is going to be his call because it will be his gavel.

Senator WARNER. Let us elaborate, because a lot of people are quite interested in that. What we did last time was, President Clinton came off the dais after the inaugural ceremonies and went up and signed a series of documents. Among them were the nominations of several Cabinet members.

The committees voted, and then the Senate voice-voted that day, and in discussion with our distinguished Majority and, indeed, Minority Leaders, I think that is their intention to do just that, so I think we will follow the protocols that we have had through the years, and the Good Lord willing, and your endurance and that of your family, things should be in place Monday afternoon.

It is important we do that, that the security team, particularly of the President of the United States, irrespective of the President, be in place.

I remember our old boss one time, President Nixon, I happened to be with him one day and he said that the order of the succession of the presidency should never be in doubt for a minute. I remember that very well, and the same way with the team in the National security.

So I congratulate you, I join my colleagues in congratulating you for a very, very good hearing. Both of us have been through hearings now for 23 years, and we put this one at the very top. Again, you and your family have stood the test side by side.

Chairman LEVIN. If this ideal process works as outlined, the Inaugural Ball you will be going to a week from next Saturday night will be at the Pentagon. [Laughter.]

Mr. RUMSFELD. Mr. Chairman, Senator Warner, thank you.

Chairman LEVIN. We stand in recess.

[The prepared statements of Senators Smith, Santorum, and Hutchinson follow:]

PREPARED STATEMENT BY SENATOR BOB SMITH

Secretary Rumsfeld, I thank you and your family for coming before the Senate Armed Services Committee today. I am very pleased with your nomination. President-elect Bush has made an excellent choice to bring you onto his national security team. I can think of no one more qualified. You bring to the office your great experience, having held the position of Secretary of Defense previously in the Ford Administration. As a former White House Chief of Staff, you bring to the office your knowledge of the challenges faced by our President. As a former Congressman, you bring to the office a knowledge of the Hill. You also bring to the office your experience as a highly successful businessman. When confirmed, you will be running an organization larger than any business in the world, an organization chartered to defend the United States of America. Most of all, you bring to the office a great appreciation for the two major threats this Nation will face in this new century which I have long fought to address on this Committee and in the Senate, namely the threat to our Nation's growing reliance on space and the threat from missile attack.

Coincidentally, today also marks the release of the report from the Commission to Assess United States National Security and Space Management and Organization, more commonly known today as the Space Commission, which I worked to create in the Fiscal Year 2000 Defense Authorization Act. You chaired that bipartisan group composed of the Nation's leading military space experts. The Space Commission's findings confirmed my long-held view of the growing importance of space to the nation and my belief that space management and organization reforms are urgently needed as America's commercial, civil, and military reliance on space assets expands. The Commission's recommendations lay the foundations for what I have said may be necessary—the eventual creation of a separate Space Force. These near-term management and organization reforms will begin to put in place the leadership and advocacy for space programs that have long been lacking.

The United States has shown the world the value of space in providing information superiority on the modern battlefield. As we move into the new century, we need to defend our space-based information superiority, be able to deny our adversaries that same capability, and leverage the uniqueness of space to be able to rapidly project military force around the world. We need a strong advocate for space to fight for and justify new space programs needed for the 21st century in competition with many other pressing military investment requirements. I salute your leadership on the Space Commission, and I am grateful for the knowledge and appreciation of the issue you will bring to your new office.

Another of your many recent activities serving the nation was your chairing the 1998 Commission to Assess the Ballistic Missile Threat to the United States. The unanimous finding by that Commission served as a wake-up call to the nation and set us on a course that I hope will lead to a robust multilayered national missile defense capability in the near term.

I thank you for your service to the nation and your willingness to take on the daunting task of Secretary of Defense again. I look forward to your testimony.

PREPARED STATEMENT BY SENATOR RICK SANTORUM

Senator Levin and Senator Warner, thank you for scheduling this hearing today. I believe it is important that this committee do all that it can to assist the new administration on helping to address pressing issues facing our military forces. This confirmation hearing will help begin that process.

Members of this committee are familiar with Secretary Rumsfeld from his service in the Legislative Branch, the Executive Branch and as a private citizen. Based on Secretary Rumsfeld's past record of service to this country, President-elect Bush has made a wise choice in nominating him to be our next Secretary of Defense.

There are significant issues that the next secretary will be forced to confront. For example, there is the issue of military readiness. Five times, under the leadership of both Senator Thurmond and Senator Warner, this committee has examined the

status of U.S. military readiness. To fully examine reports concerning the decline of military readiness, the committee received the testimony of the Service Chiefs and asked for their views on these reports.

As you are probably aware, the Department of Defense's most recent Quarterly Readiness Report indicates that risk factors for executing ongoing operations and responding to a Major Theater War (MTW) are moderate, while risk for a second MTW is high. The committee also learned that of the Army's 20 schools for critical military skills such as field artillery, land combat and helicopter aviation, 12 have received C–4 ratings. The most recent readiness hearing confirmed what members of this committee suspected—that non-forward deployed forces are being "raided" for resources needed to maintain the readiness levels of our forward deployed forces.

One of the biggest challenges facing the next secretary concerns the need to adequately fund not only our readiness accounts but also our modernization accounts. As chairman of the Subcommittee on Airland, I pay close attention to the modernization needs of the Services. I am troubled by a recent CBO report which notes, at a minimum, a $50.0 billion disparity between the funds appropriated for fiscal year 2000 and the level of funding needed to sustain our defense forces in a steady state. The largest gap identified by CBO concerns the funds needed to modernize our military. Under a worst case scenario, CBO identifies a gap as large as $62 billion between current funding and the funding needed to modernize at a "steady state."

It will also be necessary to review and scrutinize those programs and weapons systems currently under development. This will be particularly important with respect to the development and procurement costs associated with three tactical aviation programs being pursued by the military Services. The total costs associated with developing and procuring the F–22 Raptor, F/A–18E/F Super Hornet, and Joint Strike Fighter will total upwards of $350 billion. It will be important to view the affordability of these programs against the full range of requirements facing the Department of Defense.

In addition to the financial burden associated with our TACAIR programs, the Army has recently unveiled a new transformation initiative. In late 1999, General Eric Shinseki announced that the Army intended to embark on an effort to transform the Army to better respond to today's conflicts. The transformation process includes three elements: modernization of the current legacy force, establishment of rapidly deployable Interim Brigade Combat Teams (IBCTs), and research and development investments in the Objective Force.

The Fiscal Year 2001 National Defense Authorization Act (NDAA) authorized $637 million for the fielding of the first IBCT, $300 million to begin fielding the second IBCT and another $200 million for related equipment. The fiscal year 2001 NDAA also required an acceptable form of side-by-side test against the current inventory of armor vehicles as well as additional field trials to examine the IAV's conventional warfare capabilities against a conventional force.

One of the concerns expressed by this committee has been a perceived reluctance on the part of the Office of the Secretary of Defense to support the Army's transformation effort with sufficient resources. In order to fund the effort for fiscal year 2001, the Army was required to terminate or restructure a number of important programs. Congress subsequently restored many of these cuts. It is unclear to this committee whether there are sufficient funds to support modernization of the legacy force, fielding IBCTs and R&D efforts on the Objective Force. It is essential that you review all aspects of the Army's plan—fielding schedule, resourcing, testing plan, threat assessment, acquisition plan and lift requirements—if you are confirmed by the Senate.

An area of keen interest to this committee has been the need to protect our critical infrastructure from being attacked or compromised by enemies, terrorist organization or individuals.

The committee has also been interested in seeing improved coordination between the public sector and private sector with respect to identifying threats to our critical infrastructure and in efforts to safeguard these important networks.

As part of the fiscal year 2001 NDAA, the committee authorized funding for two important programs which will help address our current weakness in addressing "cyber threats." First, the committee authorized $10.0 million for the creation of an Institute for Defense Computer Security and Information Protection to conduct research and technology development in the area of information assurance and to facilitate the exchange of information regarding cyber threats, technology, tools, and other relevant issues.

Second, the committee authorized $15.0 million to support the establishment of a Information Security Scholarship Program. The program would authorize the Secretary of Defense to award grants to institutions of higher learning to establish or

improve programs in information security and to provide financial assistance to persons pursuing a baccalaureate or advanced degree in information assurance. The Department's support for both these efforts is vital to address this critical problem.

The Clinton administration elected to approach this problem with a government-sponsored entity, the Institute for Infrastructure Information Protection. Such an approach fails to capitalize on the abilities of our Nation's federally Funded Research and Development Centers (FFRDCs) to disseminate information on cyber threats, promote best practices to industry, and provide a safe meeting place for discussions about cyber threats. I hope that you will do all you can to tap the resources of these FFRDCs in helping to counter cyber threats.

Again, Senators Levin and Warner, thank you for convening this hearing and I look forward to the testimony of Secretary Rumsfeld.

PREPARED STATEMENT BY SENATOR TIM HUTCHINSON

Mr. Chairman, members of the Committee, Mr. Secretary, I regret that I could not attend today's hearing. President-elect Bush's decision to designate an individual as experienced and as capable as Don Rumsfeld to serve as our Nation's 21st Secretary of Defense sends an unmistakable signal that this Administration is committed to tackling the tremendous challenge of transforming our military from the force that defended our Nation during the Cold War to a force capable of deterring and winning the wars of the 21st century.

While I look forward to working with the Secretary on all of the national security-related challenges facing this great nation of ours, I am particularly anxious to begin addressing a number of critical personnel issues. Implementation of the Warner/Hutchinson "TRICARE-for-Life" plan must proceed carefully and expeditiously. Equitable compensation for senior enlisted members of our Armed Forces must be restored. New programs must be developed so that the men and women who choose to make a career of the military are able to provide college educations to their dependents.

I am equally committed to working with the Secretary on a number of Arkansas-specific matters. Enhancing the continuing missions of Little Rock Air Force Base and the Pine Bluff Arsenal are two of the main reasons that my constituents sent me to Washington, DC, and I intend to continue to work every day to exceed their expectations.

Mr. Secretary, I have every confidence that you will be able to satisfactorily answer all of the questions put to you by my colleagues, and I look forward to casting my vote in favor of your nomination. Good luck, and thank you for your continued dedication to public service.

[Whereupon, at 5:05 p.m., the committee adjourned.]

[Prepared questions submitted to Donald H. Rumsfeld by Chairman Levin prior to the hearing with answers supplied follow:]

January 9, 2001

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC

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

Sincerely,

DONALD H. RUMSFELD.

cc: Hon. John Warner

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly the focus on "jointness" out-

lined in the Defense Reorganization Act of 1986 has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. I have had no personal experience with these reforms, but it is my understanding that these reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improving the ability of the Department to protect America's security and further its vital interests. It apparently has helped improve the interaction among the services in conducting military operations by making joint operations the norm.

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

Answer. The goals of Congress in enacting these reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation. But it must be said that they represent a tall order.

Question. Do you anticipate submitting legislative proposals to amend Goldwater-Nichols?

Answer. If confirmed as Secretary of Defense, I will review the extent to which the reforms have been implemented to assess the extent to which they have achieved the stated goals. I would consult with Congress on any changes that might be appropriate.

Question. If so, what areas do you plan to address in these proposals?

Answer. It would be premature to offer any thoughts at this time.

DUTIES

Question. Section 113 of Title 10, United States Code, provides that the Secretary of Defense is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President, and the law, he has authority, direction and control over the Department of Defense.

Do you believe there are actions you need to take to enhance your ability to perform the duties of the Secretary of Defense?

Answer. I suspect there are, but I am not in a position to comment today. If I determine that additional authorities are needed in this regard, I will propose such changes.

Question. Do you believe that you can provide advice to the President, or the NSC, in disagreement with or in addition to the advice of the Chairman without jeopardizing your relationship with General Shelton?

Answer. Yes without question. The relationship between the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is important. I have had highly constructive relationships in the past and, if confirmed, I believe we both will be able to effectively fulfill our responsibilities in support of the President.

CHAIN OF COMMAND

Question. Section 162(b) of Title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Section 163(a) of Title 10 further provides that the President may direct communications to combatant commanders be transmitted through the Chairman of the Joint Chiefs of Staff and may assign duties to the Chairman to assist the President and Secretary in performing their command function.

Do you believe that these provisions facilitate a clear and effective chain of command?

Answer. I do not know. I assume it does. I will be interested to see how it works in practice.

Question. Do these provisions enhance or degrade civilian control of the military?

Answer. I would have to work with them to know.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Department of Defense?

Answer. Our responsibility will be to take the lead in fulfilling President-elect Bush's commitments as set forth in my opening statement to the committee. I will insist that the Department cooperate with Congress and with the defense oversight committees. To the American people, I pledge every effort to foster special concern for those who have volunteered to serve in uniform—including the guard and reserve as well as the active forces—and to achieve careful management of their tax dollars. For America's Armed Forces, I will do all in my power to give our military men and women every advantage in fulfilling their difficult missions.

Regarding more specific priorities or objectives, I will work to:

1. Fashion and sustain deterrence appropriate to the new national security environment;
2. Ensure the readiness and sustainability of deployed forces;
3. Transform U.S. military forces from a Cold War-oriented force to a 21st century force capable of deterring and defeating new threats;
4. Modernize the intelligence and command-control-communications-infrastructure and secure our space assets given the growing dependence on those assets and their vulnerabilities; and
5. Reform DOD structures, processes, and organizations.

U.S. DEFENSE STRATEGY

Question. The essence of present U.S. defense strategy, as articulated in the Secretary of Defense's Annual Report to the President and Congress, is defined as consisting of three elements—shaping, responding, and preparing.

Do you agree with that defense strategy?

Answer. See response below.

Question. If not, what defense strategy would you substitute for it?

Answer. Determining what an appropriate defense strategy should be is one of the most important issues that will need to be addressed by the Department. From defense strategy flows policies, programs, and resource requirements. The U.S. must have a national security strategy that seeks to advance U.S. national interests and to have a positive impact on world events without the need to resort to armed force. It is important that we shape and prepare the Armed Forces to respond to whatever national security challenges may confront us—this is the essence of deterrence. External events sometimes are outside our control. Therefore, we must ensure that the military has the tools it needs to fight and win, should that be necessary.

If confirmed, the defense strategy would recognize that peace is best preserved when the U.S. remains strong. By providing for a military that is second-to-none and equipped to meet the newer challenges of the 21st century, I believe we can best ensure a peaceful strategic environment that advances U.S. national security interests and those of our friends and allies.

QUADRENNIAL DEFENSE REVIEW

Question. The Quadrennial Defense Review is required to be submitted to Congress by September 30, 2001.

Will that deadline provide sufficient time for the new administration to develop required changes to national security strategy on which the Quadrennial Defense Review will be based?

Answer. No I do not believe it will. We intend to undertake a comprehensive review of strategy, forces, and capabilities as prescribed by law and will consult with Congress should the deadline prove to be overly burdensome.

Question. How will you keep the committees of jurisdiction informed during the conduct of the QDR?

Answer. I do not know precisely but I will consult with congressional leadership and request staff to keep the committees appropriately informed as the review progresses.

Question. During the past decade, the military departments have been reduced significantly, both in terms of force structure and resources, in response to the perceived post-Cold War security environment. During the same period, the various Defense Agencies have grown considerably—a prudent investment in some eyes, but a questionable investment to others.

How will you include the Defense Agencies in the overall QDR process?

Answer. If confirmed, the Department will undertake a comprehensive review of our strategy, forces, and capabilities that addresses all elements of the Department.

Question. Do you envision a separate process to review the Defense Agencies, apart from the review of the military departments?

Answer. I have not considered the shape of the review process.

HART-RUDMAN COMMISSION. THE 21ST CENTURY NATIONAL SECURITY STUDY GROUP

Question. The Hart-Rudman Commission, the 21st Century National Security Study Group Phase 3 report is scheduled to be completed by February 2001 to recommend alternatives to the current national security apparatus and suggest ways to implement the proposed national security strategy.

What process and organization do you intend to use to review the report and do you intend to use the results to influence the Quadrennial Defense Review?

Answer. The U.S. Commission on National Security/21st Century, commonly known as the Hart-Rudman Commission, is composed of a group of prominent Americans drawn from all sectors of society, well suited to examine American national security in the 21st century. I fully expect the commission's phase 3 report to stimulate significant thought and discussion inside and outside of government and contribute to the ongoing national security debate and the new administration's defense review.

TWO MAJOR THEATER WARS REQUIREMENT

Question. The present requirement to have the capability to fight and win two major theater wars in overlapping time frames is extremely demanding. Some argue that as long as that requirement exists, our Armed Forces will have to be sized in such a way as to address the least likely contingency with short shrift given to any preparation for other lesser contingencies and for emerging threats.

Do you believe the two major theater wars requirement should be maintained?

Answer. Modern history suggests that the U.S. has often faced more than one security contingency at a time. With that history in mind, preparations are appropriate. The manner in which the U.S. responds to two near-simultaneous contingencies is an issue of military strategy and operations and the adequacy of available resources at the time. This issue should be examined in the upcoming strategy review.

Question. If so, how do you respond to the above argument?

Answer. The consequences of not being prepared to fulfill the military's primary mission of deterring war and winning war if deterrence fails would be devastating. The U.S. military must also be able to deal with emerging threats. If confirmed, I will work to restructure our military to meet 21st century threats.

STRATEGIC PAUSE

Question. Some have argued for taking a strategic pause now in modernization programs, accepting some modest risk in the near-term when we have no peer competitor, while making more fundamental shifts for dealing with challenges we will face in the future. During the campaign, President-elect Bush endorsed skipping procurement of a generation of weapons systems.

What is your view on this issue and, if confirmed, how would you proceed in implementing your view?

Answer. We cannot allow the effectiveness of our military forces to degrade while we are modernizing and transforming. The U.S. military needs to get on a new path that will permit the rapid introduction of advanced technology that can materially increase military effectiveness and decrease the cost of operating and maintaining those forces. The cost of maintaining Cold War era equipment and its associated infrastructure and the steep reduction in modernization funding since the end of the Cold War has produced long-term modernization problems that must be addressed. If confirmed, I will conduct a comprehensive review of our military structure, strategy and procurement priorities, as promised by President-elect Bush. This review should help to determine how best to modernize the U.S. military to deal with future challenges.

WHEN TO USE MILITARY FORCE

Question. The question as to whether and when U.S. forces should participate in potentially dangerous situations, including peace enforcement operations, is one of the most important and difficult decisions that the national command authorities have to make. Prior Secretaries of Defense and Chairmen of the Joint Chiefs of Staff have proposed criteria to guide decision making for such situations.

What is your criteria for such situations?

Answer. The use of military force is one of the most important decisions a President can take. If confirmed, I would work closely with the President and his senior advisors to develop appropriate policies to guide the use of our military forces in peacetime, crisis, and war.

Question. If you have not developed such criteria, what are the factors that you believe are most important with regard to such decisions?

Answer. My general views are these: A decision to use military force, whether unilaterally or in coalition with other nations, should reflect important U.S. national security interests. The U.S. structure of alliances and its diplomatic ability to build informal, but effective regional coalitions provides the President with a variety of options to bring military power to bear in a specific situation where U.S. interests are involved. U.S. military forces can best be used when the military mission is clear and achievable and when there is a reasonable exit strategy. I look forward to working the President and his national security team on the details of this important question in the weeks ahead.

PARTICIPATION IN PEACEKEEPING

Question. Some have taken the position that the United States should not generally participate in peacekeeping in view of the negative impact that such activities have on certain warfighting skills, and the fact that the U.S. Armed Forces' primary mission is fighting and winning our Nation's wars. Others have taken the position that participation in peacekeeping operations is in our Nation's interest and strengthens U.S. leadership and that such actually improves certain warfighting skills, such as leadership skills.

What is your view on the participation of U.S. forces in peacekeeping operations?

Answer. Clear criteria for the use of U.S. military forces should be established prior to U.S. participation in specific peacekeeping operations. There should be clear objectives, a coherent strategy to achieve them, a reasonable chance of success, acceptable command and control arrangements, and an exit strategy. When the main burden of the U.S. presence shifts to infrastructure and nation-building, however, we are into missions that are not appropriate for the U.S. military.

JOINTNESS

Question. It became apparent during this year's debate on defense needs that our military deployments have increased dramatically in the past decade at the same time our force structure and resources have declined, increasing the tempo on our military personnel and equipment. To the consternation of many, including members of this committee, we seem to encounter the same significant problems with meaningful joint operations and interoperability of our Armed Forces during each significant military operation. Most notably, the armed services continue to be hampered by communications systems, information management systems, and other capabilities that are often not interoperable and sometimes redundant. This committee has expended considerable time on these issues, but continues to observe problems in the development and fielding of interoperable systems and concepts.

How do you propose to remedy these recurring shortcomings?

Answer. Interoperability among our forces is an issue which I believe demands immediate attention. Interoperability should be addressed as new systems are conceived, not simply after they are fielded. I believe we should devote significant efforts to solving the warfighter's problems in the field as identified by the CINCs, including from experiences in Kosovo, Bosnia, and Desert Storm.

Question. In your opinion, do our experimentation, requirements generation, and acquisition processes need significant reform? If so, how would you propose to reform these processes?

Answer. If confirmed, I will undertake a review of these processes, with a special emphasis on innovation and streamlining, and will report the results of that review to Congress. My current impression is that the process is mired in unrealistic requirements that unnecessarily delay the time from concept to deployment at a time when technology is leaping ahead. Because of the lengthy acquisition process and the rapid advances in technology, we may have driven ourselves into a position that is guaranteed to produce technologically obsolete equipment the day it is deployed.

NATIONAL SECURITY

Question. Most agree the most significant near-term threat to our national security is not from a military peer competitor, but from transnational, ideological groups that may attempt to employ some type of weapon of mass destruction within the United States.

How would you assess our preparedness to respond to such a situation?

Answer. I am advised that the U.S. government is spending more than $11 billion to deal with terrorist threats that might be posed by transnational or ideological terrorists, including the use of weapons of mass destruction. While some impressive results have been achieved from this considerable effort, my preliminary impression is that more remains to be done, particularly with respect to the role of the Department in providing for homeland defense as well as for defense of U.S. facilities overseas.

Question. What adjustments would you recommend, if confirmed, to our national security mechanisms to ensure the collective, accountable cooperation of all appropriate agencies?

Answer. I am not prepared at this time to recommend adjustments. While the response to the transnational terrorist threat to the U.S. has been well supported the distribution of resources, programs, and leadership over numerous Federal agencies has posed significant coordination problems. Greater coordination and interagency leadership is needed to assure an effective U.S. government response to this threat.

Two areas of particular interest to me are space and intelligence. Each would benefit from more senior level leadership and closer coordination between the Secretary of Defense and the DCI.

TRANSFORMATION

Question. The December 1997 Report of the National Defense Panel, titled "Transforming Defense: National Security in the 21st Century," contained the following statements: "The Defense Department should accord the highest priority to executing a transformation strategy. Taking the wrong transformation course (or failing to transform) opens the nation to both strategic and technological surprise. Transformation will take dedication and commitment—and a willingness to put talented people, money, resources, and structure behind a process designed to foster change. Greater emphasis should be placed on experimenting with a variety of military systems, operational concepts, and force structures. The goal is to identify the means to meet the emerging challenges, exploit the opportunities, and terminate those approaches that do not succeed." And: "At the core of the effort should be a much greater emphasis on jointness, building upon the legacy of Goldwater-Nichols."

Do you agree that there is a need to transform the U.S. Armed Forces into a very different kind of military from that which exists today?

Answer. Yes. Our current force structure will be sorely challenged by asymmetric threats and the growing ability of both state and non-state actors to deny access to critical forward bases and lines of communication. We have the opportunity now to critically evaluate both our force structure as well as how we organize and employ our forces. Lessons learned from previous operations suggest the need for improvement in the areas of intelligence, rapid deployment and employment, decisive operations across the spectrum of conflict, streamlining of logistics, and improvements in the C^4ISR capabilities and architectures.

Question. Do you agree that experimentation, particularly joint experimentation, is essential to successfully achieving such a transformation?

Answer. Yes. Joint experimentation is essential in ensuring that operations, doctrine-related activities, and acquisition are more fully explored from inception to delivery/implementation. Our concept should be to field systems and develop capabilities that are "born joint." An essential step in helping to ensure that new capabilities are "born joint" and work is through experimentation. We must avoid radios usable by only one service, service-specific software, and procedures that are peculiar to one community or service. Transformation involves more than merely new weapons systems. Rather, it is a process of reorganization and reform that can best be validated through joint experimentation.

Question. Over the last year, we have seen the Army begin a process to transform the service into a force that will be able to deal with a wide range of anticipated 21st century national security challenges. The Navy and Air Force have also begun to explore opportunities to initiate transformation processes to keep current with evolving defense challenges. These efforts demonstrate a recognition that fundamental change is necessary if they are to remain viable over the next 20–30 years.

Are you at all concerned that these initiatives appear to be "self defined" by the services without direct participation of the Secretary of Defense or the Chairman, Joint Chiefs of Staff?

Answer. I am told that a structure is in place in which JFCOM was designated the lead for joint force integration and for joint force training. While I am not familiar with it, I intend to assess the effectiveness of the current arrangement.

Question. Should the Department of Defense play a role in steering or guiding individual service efforts? If so, how?

Answer. Yes. Service initiative is invaluable. However, if forces are to fight jointly in the field, transformation must be conducted as a joint endeavor. Only then can the Services' specific cultures and capabilities likely to be forged into a joint cooperative endeavor.

ARMY TRANSFORMATION

Question. The Army has begun a process for transforming itself into a lighter, more agile force that will be able to deal with the challenges posed by threats in an uncertain future.

Do you believe that the Department should support the Army's current transformation plan even if it means diverting resources from other Services' investment programs to pay for it?

Answer. I cannot answer this without an analysis of all the Services' investment programs. But I can say this: I believe that the Secretary of Defense should seek an allocation of resources that is best for the overall defense posture—that gives priority to funding the most pressing requirements. The transformation of our Armed Forces will be a high priority. But before recommending major changes in the allocation of investment funding—which Congress has recently approved—I intend to assess what new capabilities are being sought and the soundness of programs advancing those capabilities and their impact on deterrence and warfighting capabilities.

Question. What is your view of the appropriate role that experimentation, including joint experimentation, should play in directing the Army's efforts in modernizing the legacy force, fielding an interim force, and developing the objective force?

Answer. Army Transformation must be coherent with evolving joint operational doctrine, and that doctrine will only emerge through joint experimentation. I see experimentation playing an important role. But let me be clear: experimentation will yield changes in course, exhibit failures of expectations, or even reveal past mistakes. We must be careful to learn from experimentation, and acknowledge the risks it reveals.

Question. Do you believe that the current Air Force and Navy strategic mobility programs will support the Army's transformation goals for strategic agility? If not, what changes do you believe should be made in those programs?

Answer. My preliminary impression is that we need to make improvements in our strategic mobility capability. As we transform the forces, we will need an appropriate strategic sea/airlift fleet.

BUDGET PRIORITIES

Question. During the 106th Congress, both Congress and the administration placed the highest priority on increasing pay and compensation for military personnel and health care benefits for retirees, and on improving housing for military families.

If you are confirmed, what will be your highest priorities for increased funding over and above financing the unfunded cost of these previously enacted benefit increases?

Answer. *First,* preserving the high quality of our military personnel and restoring their morale. We need to spend what is needed to compensate military people fairly and ensure a competitive quality of life for them and their families. In this tight U.S. labor market for highly-skilled professionals, we must spend enough to attract and retain people with the skills required for the technically sophisticated Armed Forces. Also important is good military health care, housing, and other quality of life contributors. I would review the progress made in recent years and decide if further improvements are needed. President-elect Bush has signaled that taking care of our military people is a top priority with his pledge to increase pay for the Armed Forces. *Second,* readiness. I would look for areas where increased funding is needed for training, maintenance, and other readiness essentials—there are also important quality of life considerations. I also would consider actions to prevent indirect threats to readiness—that is, to prevent funding shortfalls that could result in funds being diverted from readiness accounts. *Third,* future capabilities—focused on ballistic missile defense and modernization of air, sea, land, intelligence, and space capabilities. These areas are complex, and I will likely not complete an assessment of where best to put added funding until the defense review is completed. I hope to have identified some immediate funding needs in time to include in the fiscal year 2002 budget submission, and possibly in a fiscal year 2001 supplemental.

Question. As Secretary you would be called on to make tough decisions in many areas, one of which would be funding priorities. What areas in the defense budget represent your highest priorities for additional resources?

Answer. Again, the highest priorities would be people, readiness, and future capabilities. It is important to ensure that we are taking good care of our people, both now and for the future; and to seek the proper balance between current readiness and investment in the high-tech capabilities to ensure our future superiority in all security realms—with special attention to the threats of this post-Cold War period. Over the past few years I have been focused on the issues of ballistic missile defense, America's security posture in space, and intelligence. If confirmed, these would certainly be high priorities.

Question. There are an increasing number of studies from outside the administration, in addition to the Joint Chiefs, which indicate that current and projected levels of defense spending will be inadequate to meet U.S. national security requirements as they are currently stated.

What is your view of these and other studies, and will you seek additional funding for defense?

Answer. I agree with the conclusion that projected defense spending levels are inadequate to meet U.S. national security requirements as they are currently stated. President-elect Bush has expressed the same conclusion. If confirmed I would direct a study to specify exactly where inadequacies lie, where savings could be achieved to help address those inadequacies, and what additional funding may be required.

READINESS FOR MOST LIKELY MILITARY OPERATIONS

Question. The Army has been exploring changes to the way readiness is measured due in part to confusion in some recent deployments where units were assessing themselves and reporting against one set of requirements while they were undertaking a different mission at the time.

Do you believe the readiness reporting system should be made more comprehensive so that it measures our units not only against the most demanding requirements contained in the national military strategy but also assesses the performance of those units in the real world missions directed by the national command authorities?

Answer. The question "ready to do what?" is a good one. The current system centers on our readiness for high intensity combat operations, such as a major theater war, and provides broad indicators of readiness status ranging from personnel to equipment. I understand that planning is underway for a number of improvements to the existing reporting system, in both the near and longer term.

Question. Over the last few years many have agreed that we have seen increasing evidence that the readiness of the U.S. Armed Forces has begun to deteriorate as a result of the over-commitment of an under-resourced Department of Defense.

What do you view as the major readiness challenges that will have to be addressed by the Bush administration, and, if confirmed, how will you approach these issues?

Answer. There are a number of readiness challenges that must be addressed. These include the classic "unit readiness" concerns of robust manning, functioning equipment, and realistic training. Warfighting commanders have to have the assets to synchronize and use their units in effective joint and coalition forces. National Guard and Reserves have a number of unique challenges in meeting their mission requirements upon deployment that require immediate address.

Some of the more pressing concerns lie in the condition of equipment, or more broadly, the materiel readiness of the forces. Problems include higher-than-planned use, inadequate spare parts inventories, and recruiting and retaining highly skilled personnel.

Joint readiness requires effective command, control, communications, and computer (C^4) systems; robust intelligence, surveillance, and reconnaissance (ISR) systems; sufficient lift to mobilize forces and equipment; and healthy logistics practices and sustainment stocks. The U.S. needs to be better prepared for the growing threats posed by terrorism, weapons of mass destruction (WMD), threats to critical information and other infrastructure systems, and vulnerable space assets. As we review our National Military Strategy in the Quadrennial Defense Review, these concerns must be addressed.

ENCROACHMENT

Question. Some of the most significant issues that will impact the readiness of the Armed Forces as we enter the 21st century could be categorized as outside encroachment upon military resources. This encroachment includes environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, transfer of radio frequency spectrum from the Department of Defense to the wireless communications

industry, and many others. Unless these issues are effectively addressed our military forces will find it increasingly difficult to train and operate at home and abroad.

In your opinion, how serious are these problems?

Answer. This is an important issue. The myriad forms of encroachment ranges face threaten to complicate and in some cases severely restrict the ability to conduct critical training. The number of external pressures is increasing and the readiness impacts are growing. We need to address these issues in a more comprehensive and systematic fashion. It will be important to work with regulators, special interests, other federal agencies, and communities to more clearly define the issues from all viewpoints. We must anticipate pressures and reach acceptable, timely solutions, whenever possible. We will also need to address the issues raised by the transfer of radio frequency spectrum from DOD to the wireless communications industry.

Question. If confirmed, what efforts will you take to ensure that military access to these specific, and other required resources, will be preserved?

Answer. The Department's approach should be comprehensive and balanced, supporting test and training and operational requirements, while seeking to protect the natural environment and operating within a balanced regulatory framework. Modernizing instrumentation is central to efforts to make DOD ranges sustainable. Live training is expensive. Improved range instrumentation can increase the return on investment by: expanding the battle space and creating a more realistic warfare environment; providing improved learning by better feedback; and reducing the impact on the environment by substituting simulated engagements. All Services are experiencing deterioration of training range infrastructure, which will require recapitalization. I am advised that the Senior Readiness Oversight Council recently directed a broad-based effort to counter encroachment and protect the future capability of ranges to support required training and testing. The goal is to maintain fully sustainable ranges. A comprehensive approach is needed to satisfy both readiness needs and the legal and moral responsibilities as stewards of public lands.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Over the past several years the Department of Defense has increased its reliance upon the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort while others have expressed concern that core activities are being jeopardized by reducing our reliance upon military personnel and civilian employees of the Federal Government.

What approach would you recommend to balance maintaining military necessary capabilities and outsourcing?

Answer. The size and composition of DOD's facilities to perform equipment maintenance is an important aspect of the overall readiness of the Armed Forces. The appropriate balance between government and private sector facilities must be struck in a manner that assures the equipment employed by the Armed Forces will be ready for use when needed. This balance in turn will be affected over time by the nature of the technology used in military equipment. A balance will be reviewed to assure that capabilities essential to national defense that cannot reliably be provided by the private sector will be provided by the government sector. Moreover, critical capabilities will be maintained in the government sector.

COUNTER-NARCOTICS

Question. The U.S. Government has initiated a massive assistance program to the Government of Colombia to regain control of its territory in an effort to stem the production of cocaine and other narcotics that are sent to the United States. The Department of Defense is playing a particularly significant role in this program by training and providing resources to the Colombian Armed Forces. This program, Plan Colombia, has come under criticism as expensive and misdirected and, some allege, will contribute to the abuse of human rights and lead the U.S. military into "another Vietnam."

What is your view with regard to Plan Colombia—its potential for success and the appropriate role of the U.S. Armed Forces?

Answer. I have less than well-informed personal views which I prefer to discuss with the appropriate officials before taking a public position.

COMBATING TERRORISM

Question. The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (sec. 901) requires the Secretary of Defense to designate an Assistant Secretary as the individual responsible for providing "overall direction and supervision

for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism."

If confirmed, what are your plans for implementing this legislation and any other plans you have for streamlining and providing more focus on the Department's combating terrorism programs?

Answer. I am aware of the Section 901 language requiring the designation of an Assistant Secretary of Defense for the Department's combating terrorism activities. I share the committee's concerns with providing an appropriate focus for combating terrorism. If confirmed, I would hope to review the current organizational structure. I would of course inform Congress as implementing decisions are made.

Question. In recent years, there have been numerous congressional proposals to establish a National Coordinator for Combating Domestic Terrorism. The proposals have ranged from establishing a position similar to the current "Drug Czar" to creating a Deputy Attorney General for Combating Domestic Terrorism.

Would you have concerns with such an individual having budgetary and policy responsibilities over certain Department of Defense combating terrorism programs?

Answer. The many activities associated with combating terrorism, domestically and internationally, need to be coordinated. Combating terrorism is a complex issue involving the expertise and statutory authorities of many departments and agencies. I would be concerned with proposals that could limit the Department's ability to fulfill its responsibilities. I would need to know more than I do now to have conclusions about such proposals and provide the committee with my appraisal.

Question. Do you have any suggestions as to what type of a position, and its responsibilities, should be established to better coordinate our Nation's combating domestic terrorism efforts?

Answer. I would need some time to be prepared to make a recommendation.

TACTICAL FIGHTER PROGRAMS

Question. Perhaps the largest modernization effort that we will face over the next several years is the set of programs to modernize our tactical aviation forces, including the F–22, the F/A–18E/F, and the Joint Strike Fighter (JSF). The Congressional Budget Office has estimated that these three programs will consume over $300 billion of our investment resources over the next 20 years. Some have said that we need to cancel or truncate one or more of these programs in order to afford other high priority modernization efforts, such as Army transformation, or recapitalizing the Navy's fleet.

What are your views on the requirements for and timing of these three programs?

Answer. The modernization of U.S. tactical fighter programs is of immense importance to the maintenance of U.S. military superiority. It is costly, and deserves a careful review. The requirements and timing of the tactical fighter programs will be a subject in the defense review.

B–2 BOMBERS

Question. Do you favor restarting production of B–2 bombers?

Answer. Long-range bombers are a crucial national military capability providing timely worldwide reach to American military power. As is the case with tactical fighters, the bomber modernization requirement needs to be reviewed in the forthcoming defense review. Before such a decision could be made, one would have to look at the overall cost and the impact on other programs, and how that cost would compare to fielding other weapon delivery systems, including stand-off missiles that could perform or contribute to the same or similar missions. One would also likely look at whether more B–2s would be more effective than additional upgrades and improvements to the current bomber force structure of B–2, B–1, and B–52 aircraft.

V–22 PROGRAM

Question. Do you believe that the V–22 program should move to full rate production now, should substantial additional operational testing be conducted, or is the Department pursuing a flawed program for which another alternative should be adopted?

Answer. The two recent crashes of the V–22 which have resulted in loss of life are disturbing. I have read that the Department is reviewing the program in light of these incidents. I have no conclusions at this time.

STRATEIC LIFT

Question. One of the shortfalls most consistently identified by Commanders-in-Chief in written and oral testimony has been in the area of the required strategic

lift to support the National Military Strategy. Study after study has confirmed this shortfall, yet the shortfall remains.

What steps would you propose to address this deficiency?

Answer. Strategic lift is a key element of U.S. military power because of our dependence on the ability to conduct expeditionary campaigns to defend U.S. interests and those of our friends and allies. Depending on the airlift requirement established, there are several options to be considered. The question of strategic lift will need to be addressed in the defense review.

NATO EXPANSION

Question. The United States will face a decision on the addition of new members to the NATO Alliance by the 2002 NATO summit meeting.

What are your views on continued NATO expansion?

Answer. As former Ambassador to NATO, I have great respect for the value of the NATO Alliance. It has been the key instrument in keeping the peace in Europe for over 50 years. The key factor in considering future NATO expansion is whether or not expansion will enhance U.S. and NATO security. I believe it is important that the broadening of NATO membership preserve the alliance's capacity for effective collective action. This suggests that new members should share the democratic values of the alliance and be prepared to make the necessary investments in the creation and maintenance of effective and interoperable military forces.

It is my understanding that Allied leaders agreed to "review" the issue of enlargement at their next summit, to be held no later than 2002. This is an issue that will need to be addressed by the President and his national security team.

REVIEW OF OVERSEAS MILITARY DEPLOYMENTS

Question. In an address to the Citadel in September 1999, then-Governor Bush said that he would order an immediate review of U.S. overseas military deployments worldwide. According to the Governor, "the problem comes with open-ended deployments and unclear military missions."

In conducting this review, what factors will you use to determine continued U.S. military participation in on going overseas deployments?

Answer. A decision to employ U.S. military forces in support of our national interests is one that should never be taken lightly. Likewise the decision to sustain, reduce, or end the commitment of U.S. forces to on-going operations must be informed by careful assessment and deliberation. If confirmed, I will assist the President and his senior advisors in reviewing these matters, preferably in a way that does not create unnecessary uncertainties and difficulties for those responsible for managing such operations.

EUROPEAN SECURITY AND DEFENSE POLICY

Question. The European Union (EU) is working to implement its European Security and Defense Policy (ESDP) to enable the EU to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises. Secretary Cohen recently warned our European allies that NATO could become "a relic of the past" if ESDP is not implemented in a way that will strengthen the NATO Alliance. Members of Congress have expressed similar concerns.

What are your views on the EU's ESDP?

Answer. I share these concerns. A free and democratic Europe is a vital security interest for the United States. The transatlantic alliance has proven to be the most effective instrument of collective military action in history. Coming at a time of historically low levels of investment and public interest in defense matters in Europe, the ESDP could pose a resource-diversion risk to NATO, and in doing so, undermine the ability of NATO to undertake effective collective defense. The U.S. and our NATO allies need to assure that any ESDP would not diminish the effectiveness of the NATO alliance.

Question. What actions do you believe the EU should take in implementing ESDP to address the concerns expressed by Secretary Cohen and others?

Answer. The task is to preserve the integrity of NATO as the primary instrument of transatlantic security. It will take active U.S. leadership at both the bilateral and multilateral levels to ensure that any ESDP does not diminish the effectiveness of the NATO alliance.

Question. Do you believe that ESDP is, or could be, a threat to the NATO Alliance?

Answer. It could, potentially. But we need to work with our allies to make sure that it does not.

INTERNATIONAL CRIMINAL COURT

Question. The United States signed the Rome Treaty on the International Criminal Court on December 31, 2000, the deadline established in the Treaty. The decision to sign, despite concerns about significant flaws in the Treaty, was to put the United States in a position to influence the evolution of the Court.

What are your views on the Rome Treaty?

Answer. I oppose the Treaty. The Rome Statute has deficiencies that expose U.S. personnel to certain risks. We must be concerned about the exposure of U.S. personnel to politically motivated prosecution. I favor rejecting the assertion of the ICC's purported jurisdiction over non-party states.

Question. The Pentagon has been very concerned that the court could claim jurisdiction over American service members and officials, even if the U.S. has not ratified the treaty.

Do you share those concerns with regards to the ICC?

Answer. Yes. See my comments above.

NATIONAL MISSILE DEFENSE

Question. President-elect Bush has stated his support for deploying a robust National Missile Defense (NMD) system "at the earliest possible date" to protect the United States and its allies.

Will you only consider deploying the NMD system currently under development, or will you consider alternative systems and architectures for deployment?

Answer. I believe it would be good to examine alternative and complementary architectures to the NMD system currently under development. In doing so, a number of factors would need to be considered, including the urgency of the ballistic missile threat to the United States, U.S. forces deployed overseas, and our friends and allies, as well as the technical feasibility, cost, and deployment schedule for potential alternatives.

Question. If you consider alternatives, they are likely to take longer to develop, test, and deploy than the system currently under development, perhaps considerably longer.

Are you willing to wait until after 2010 to deploy a system if its development takes that long, or will you only consider systems that can be deployed during this decade?

Answer. President-elect Bush is committed to deployment of an effective NMD at the earliest possible date. This commitment is based on the need to protect the American people against long-range missile threats that can evolve rapidly and with little or no warning. I agree. However, this does not mean we will foreclose alternatives that could be deployed after 2010, particularly if they can provide increased effectiveness or would address uncertainties in the evolution of the long range missile threat

Question. The Bush administration and the Clinton administration both pursued development of a limited NMD system to defend against limited attacks. Then-Governor Bush wrote in May 2000, of the need for missile defense against "missile attacks by rogue nations or accidental launches."

Will you pursue an NMD system designed to defend against such limited attacks, or will you pursue an NMD system designed to defend against all Russian and Chinese ballistic missile systems?

Answer. If confirmed, I would plan to review the various alternatives to defend us and our allies against ballistic missile attacks by rogue nations as well as accidental or unauthorized launches.

Question. The Clinton administration adopted four criteria for determining whether to deploy an NMD system: (1) the existence of a threat that warrants deployment; (2) an NMD system that is operationally effective; (3) an NMD system that is affordable and cost-effective; and (4) an assessment of the impact of deployment on our relations with other nations and on nuclear arms control and non-proliferation efforts. The overall focus of these criteria was to determine whether deployment would make the United States more or less secure.

What will be your criteria for determining whether deploying an NMD system will make us more or less secure?

Answer. The incoming administration has not issued a specific set of criteria. However, the President-elect has stated his support of the deployment of an NMD system as soon as possible. This is founded in a belief that an effective NMD systems will make us more secure.

Question. Since you chaired the Commission to Assess the Ballistic Missile Threat to the United States in 1998, have your judgments changed regarding the nature and scope of the ballistic missile threat?

Answer. No. The threat to the U.S. posed by emerging ballistic missile capabilities is broader, more mature, and evolving more rapidly than had been previously estimated.

Question. The current NMD program being developed by DOD is focused on the deployment of a single ground-based site in Alaska in the 2005–2007 timeframe. Some have advocated either substituting a sea-based NMD system for the ground-based program or adding sea-based systems as adjuncts to the ground-based system.

What role do you believe sea-based systems might have in a future NMD architecture?

Answer. I am aware that sea-based systems could play an important role in defending against ballistic missile threats. I further understand that the Department has prepared a classified study of the possible contributions of sea-based systems to National Missile Defense. If confirmed I will review that study and make recommendations to the President, as appropriate.

THEATER MISSILE DEFENSE

Question. Theater ballistic missile threats exist today and are growing. There are currently five U.S. theater missile defense (TMD) systems under development for deployment against these existing and growing threats.

What priority will you give to theater missile defense and how will it compare to National Missile Defense?

Answer. In light of the widespread deployment of ballistic missiles today, I believe it is imperative that the Department develop, test, procure, and deploy TMD systems. Given the simultaneous emergence of the long-range ballistic missile threat to the United States, it is essential that the Department give equal priority to developing and procuring an effective NMD as well.

Question. Will you continue the "family of systems" approach of layered and complementary TMD systems currently being developed, or will you change the approach to TMD? If you would change the approach, what manner of change would you propose?

Answer. It is my understanding that the concept of layered defense has been adopted because a single TMD system cannot defeat the range of theater ballistic missiles U.S. forces could face. It also provides greater confidence in the overall effectiveness of the system. I currently know of no reason to move away from the "family-of-systems" approach currently under development.

Question. Several of DOD's theater missile defense programs are currently funding-constrained, resulting in either inefficient production rates or development delays.

What sort of priority would you attach to ensuring that we develop and field TMD systems in a timely and efficient manner?

Answer. Given the widespread deployment of theater-range ballistic missiles and the threat those missiles pose to deployed U.S. forces as well as our friends and allies, I would attach a high priority to the development and deployment of effective TMD systems in a timely and efficient manner.

MISSILE DEFENSE TECHNOLOGY

Question. Congress has repeatedly expressed concerns over the declining level of funding available for ballistic missile defense science and technology and follow-on technology development.

Do you believe that it should be a priority to reinvigorate the Ballistic Missile Defense Organization's support technology efforts?

Answer. Yes. Effective ballistic missile defense relies on the application of some of the most advanced technologies available. In assessing the scope of science and technology work in this area, it is also important to look beyond the specific dedicated investments in BMDO programs.

ANTI-BALLISTIC MISSILE (ABM) TREATY

Question. Then-Governor Bush stated in September 1999, that his administration would "offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty" to make possible the deployment of a U.S. NMD system. "If Russia refuses the changes we propose, we will give prompt notice, under the provisions of the Treaty, that we can no longer be a party to it."

What amendments to the ABM Treaty would you propose to the Russians?

Answer. The issue of how to handle the ABM Treaty will be part of the overall review of NMD to be directed by the President.

Question. The ABM Treaty gives each party the right to withdraw from the treaty if it decides that "extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests."

If the U.S. makes a unilateral decision to withdraw from the ABM Treaty in order to deploy an NMD system, what possible negative consequences do you foresee from the reaction of our allies, from Russia, or from China?

Answer. I am aware that concerns have been expressed by some of our allies about NMD and the prospect of U.S. withdrawal from the ABM Treaty. I believe these concerns can be addressed through close consultations. In the longer run, I believe that deployment of an effective NMD system can strengthen U.S. and allied security. For example, the failure to deploy appropriate defensive systems could also have adverse effects, including:

- Paralyzing our ability to act in a crisis or deterring other countries from assisting us;
- Providing incentives to U.S. friends and allies to develop nuclear capabilities;
- Putting the U.S. in a position where its only option may be preemption; and
- Moving the U.S. to a more isolationist position because of an inability to defend against ballistic missiles.

To date, the Russians have rejected amendments to the treaty to permit deployment of any U.S. NMD system, and have raised the possibility of withdrawing from existing arms control regimes and on-going efforts to reduce strategic offensive arms. The task is to persuade the world of the truth that deployment of a NMD system will strengthen global security and stability. As President-elect Bush has stated, "America's development of missile defenses is a search for security, not a search for advantage."

Question. Could these consequences, possibly including Russia ending its nuclear weapon reductions, have the effect of reducing our security or increasing the risk of nuclear proliferation?

Answer. I don't believe that is the case. These are issues the President-elect and his senior officials will need to address.

NUCLEAR FORCE LEVELS AND POSTURE

Question. Then-Governor Bush wrote in May 2000 of the need for a new approach to nuclear security, saying that "the premises of Cold War targeting should no longer dictate the size of our arsenal." Concerning the number of nuclear weapons in the U.S. stockpile, Governor Bush wrote that he would "pursue the lowest possible number consistent with our national security." He also stated that, "It should be possible to reduce the number of American nuclear warheads significantly beyond what has already been agreed to under START II, without compromising our security in any way."

Under what circumstances do you believe it would be possible to achieve such reductions?

Answer. President-elect Bush has stated that he will direct his Secretary of Defense to conduct an assessment of the nuclear force posture and determine how best to meet U.S. security needs. At the same time, he has stated he will pursue the lowest possible number of weapons consistent with our national security. I prefer to wait until that review is completed before speculating on the circumstances under which reductions might be advisable.

Question. Do you believe we should pursue such reductions through negotiated agreement with Russia (and possibly other nations)?

Answer. The President's advisers plan to undertake a review of how best to pursue President-elect Bush's goal of further reductions. Logically, this could involve traditional arms control tools, innovative unilateral initiatives, or some combination. In any case, an approach to any nuclear reductions would need to be developed in the context of a number of interrelated factors. These include decisions on the ABM Treaty and National Missile Defense, as well as measures relating to tactical nuclear weapons, the evolution in Russia's unilateral strategic force posture, and the outcome of the planned Nuclear Posture Review.

Question. Governor Bush also wrote that "the United States should remove as many weapons as possible from high-alert, hair-trigger status," because "keeping so many weapons on high alert may create unacceptable risks of accidental or unauthorized launch."

Do you intend to carry out an assessment of "what we can safely do to lower the alert status of our forces?"

Answer. This is one of the questions that would be considered as part of the nuclear posture review.

U.S.-NORTH KOREAN NUCLEAR AGREED FRAMEWORK

Question. The United States and North Korea signed an agreement in 1994 that calls for North Korea to end and dismantle its plutonium production capacity, and for the United States to lead a coalition with South Korea and Japan to provide North Korea with proliferation-resistant light water reactors if it complies with each step of the agreement. To date, both sides have complied with the Agreed Framework, which has prevented North Korea from producing enough plutonium for dozens of nuclear weapons.

Assuming both sides continue to comply with its terms, do you believe this Agreed Framework serves our national security interests?

Answer. It is in U.S. interest to ensure that the North Korean nuclear weapons program is terminated. I assume that the new administration will pursue that objective through means it deems most effective. Those precise means would likely be determined following a review of U.S. policy towards North Korea and U.S. nonproliferation policies.

COMPREHENSIVE TEST BAN TREATY (CTBT) AND NUCLEAR TESTING

Question. You have expressed opposition to a permanent, zero-yield CTBT.

If U.S. ratification were conditioned on a robust Stockpile Stewardship Program; a firm commitment to preserve the option to test a nuclear weapon (by withdrawing from the treaty) if necessary to fix a critical problem with the stockpile; and there were a review of the treaty after 10 years, would that address some of your concerns about the treaty?

Answer. I am not convinced that that approach would adequately protect U.S. national security. The President-elect has opposed CTBT, but has stated that he would continue the current testing moratorium. That being said, I believe the new administration is likely to undertake a review of this matter.

Question. Do you agree that we should maintain our current moratorium on nuclear testing?

Answer. The President-elect has stated that he will continue the current moratorium on nuclear testing. The President will review annually the size, composition, and status of the U.S. nuclear weapons stockpile. This will include a detailed assessment of the safety, reliability, and effectiveness of the weapons in the stockpile. Developments in this area need to be monitored closely.

Question. Do you believe that a CTBT would make it more difficult for such nations to develop and stockpile advanced thermonuclear nuclear weapons?

Answer. Not necessarily. History teaches that nations that are determined to cheat do so and I do not see how the CTBT can be effectively verified.

Question. As Secretary of Defense, what measures do you believe must be taken to ensure that the U.S. stockpile is reliable and safe?

Answer. I am not an expert, but one point is important. The U.S. cannot afford to lose too many of its key design and manufacturing personnel who have had senior-level experience in the nuclear weapons program when testing was undertaken. The DOD will work closely with the new Secretary of Energy and the Director of the National Nuclear Security Administration to ensure a safe, effective, and reliable U.S. nuclear stockpile and complex.

COOPERATIVE THREAT REDUCTION (CTR) PROGRAM

Question. The U.S. Defense Department has a Cooperative Threat Reduction (CTR) program initiated by Senators Nunn and Lugar that is designed to reduce the threat of insecure nuclear stockpiles and excess weapons of mass destruction in the former Soviet Union.

Do you agree that this Cooperative Threat Reduction program serves U.S. national security interests by reducing the threat from former Soviet weapons of mass destruction?

Answer. Certainly, the elimination of former Soviet strategic nuclear weapons and their delivery vehicles that the CTR program has funded has benefited U.S. national security. But, we need to be aware of the fact that Russia, in particular, claims to lack the financial resources to eliminate weapons of mass destruction, but continues to invest scarce resources in the development of newer, more sophisticated ICBMs and other weapons. We would not want the U.S. investment in the CTR program to become the means by which Russia frees up resources to finance its military modernization programs. A review of ongoing CTR projects and their respective national security benefits would be appropriate.

Question. Are you concerned about continuing this $1 billion program at the same time that Russia is increasing its military spending and arms exports?

Answer. Yes. See answer above.

SPACE POLICY

Question. You have recently served as chairman of a commission to examine U.S. space policy.

Do you believe that protecting our space assets requires the United States to develop and deploy offensive means of disabling or destroying other nations' space assets, either from the ground or from space?

Answer. The United States is increasingly dependent on its civil, commercial, and defense and intelligence space assets. With that dependence comes vulnerability to hostile acts. The Nation needs a capability to deter attack on space assets, and systems to defend satellites in orbit, the ground stations that control them, and the electronic links between them.

Question. If the United States were to develop and deploy offensive means of disabling or destroying foreign satellites, do you believe it could lead other nations to acquire such means to threaten U.S. space systems? If so, do you believe that would be contrary to our security interests?

Answer. The U.S. and other nations that make use of space face real threats to the operation of their satellites. We know that other nations have jammed telecommunications from on-orbit satellites, that Russian entities market devices that can jam GPS signals, and that foreign satellite manufacturers market so-called "micro satellites" to other foreign countries that can be used for offensive actions against satellites. In light of U.S. dependence on space assets, the vulnerability of the assets to attack or disruption and the fact that others have the means of doing harm to U.S. interests in space, it would be contrary to U.S. security interests not to develop, test, and deploy the means of deterring attack on and defending space systems.

Question. In light of this experience, what types of management and organizational changes do you believe are needed in DOD to improve space management?

Answer. If confirmed, I will give careful attention to the recommendations of the several recent studies and commissions on space systems and other matters. There are three areas of particular interest. First is the relationship between the Secretary of Defense and the DCI, who together have the greatest responsibility for the operation of national security space systems. Second, is to assess whether the existing organizational structure is adequate for developing space policy, working with the military commanders in chief (CINCs), and overseeing the development and acquisition of capabilities by the Services. Third, is to assess whether changes are necessary within the Air Force so as to facilitate more efficient acquisition and operation of space systems and to create a dedicated cadre of space professionals.

Question. The Department of Defense is currently reevaluating the military requirement for a space-based infrared system to support ballistic missile defense.

Do you believe that the SBIRS-Low Program is a necessary element in an overall space and missile defense architecture?

Answer. I am informed that a number of DOD reviews have concluded that a SBIRS Low capability is a necessary element of an effective missile defense architecture.

SPACE PROGRAMS

Question. The Department of Defense has sought to establish a space-based radar program for surveillance and moving target tracking.

How do you rank such a program in terms of the various new technologies being developed by the DOD?

Answer. We use space extensively today to support military operations. A radar in space to provide tracking of moving targets is an attractive concept. Demonstrating the feasibility of that concept is important. I understand there are concerns about the cost associated with space demonstration projects. However, without such demonstrations it is not possible to know if those systems will help to transform our military and provide the means for deterring adversaries and defending the United States, our forces, and our friends and allies.

THE BALKANS

Question. U.S. troops are deployed to Bosnia and Kosovo as part of NATO-led peacekeeping forces.

Do you support the continued participation of U.S. forces in the NATO-led peacekeeping efforts in Bosnia and Kosovo?

Answer. President-elect Bush has indicated that a review will be conducted of U.S. peacekeeping deployments. His national security team will participate in this review. In the meantime, the deployed forces have an important job to do and should not be distracted by the fact of a new administration.

Question. If so, under what circumstances and for what timeframe?

Answer. See previous response.

Question. Do you believe that our European allies should eventually assume full responsibility for these missions?

Answer. See previous response.

IRAQ

Question. Since the end of the Persian Gulf War in 1991, the United States has been working to ensure Iraqi compliance with the obligations Iraq accepted at the end of the war—particularly those obligations related to disarmament. Unfortunately, since 1991 we have witnessed the fragmentation of the coalition that liberated Kuwait; the end of UN weapons inspections in Iraq; disagreement in the UN Security Council on how to proceed; and the re-establishment of diplomatic ties with Iraq by many nations in the Gulf region. At the same time, the United States continues to deploy thousands of troops to the Gulf region and spends approximately $1 billion per year for military operations to contain Iraq.

What are your views on the current U.S. policy toward Iraq?

Answer. See response below.

Question. Are you concerned about the weakening in support for United Nations economic sanctions?

Answer. See response below.

Question. Do you believe that the benefits relating to enforcement of the no-fly zones justify the risk to U.S. and British airmen?

Answer. See response below.

Question. What additional or different steps, if any, do you believe the United States and its allies should take to ensure that Iraq's weapons of mass destruction programs and the means of their delivery are permanently ended?

Answer. Saddam Hussein it still in power. The UN weapons inspection program established to ensure Iraqi fulfillment of its commitment to destroy all of its WMD programs has been suspended for more than 2 years. Baghdad continues to pose a military threat to its neighbors as well as its own people, and Iraqi planes continue to challenge U.S. pilots enforcing the northern and southern no-fly zones. In addition, political support for Iraq's position seems to be solidifying among some Arab states, the economic embargo seems to be collapsing, and the coalition that successfully prosecuted the war with Iraq seems to be coming undone. The United States continues to maintain a presence in the region to deter Iraqi aggression, and daily no-fly zone patrols expose U.S. pilots to continuous risk. If confirmed, I will work closely with the national security team to help craft a policy that is effective and merits the support of Congress and the American people.

IRAQI OPPOSITION

Question. There is a continuing debate about the implementation of the Iraq Liberation Act, which provides authority to provide up to $97 million worth of defense articles and services to support the Iraqi opposition.

What is your view as to how the Iraq Liberation Act should be implemented?

Answer. In the past I have favored it. However, this is an issue that the President-elect and his new administration's national security team will need to address. The Iraq Liberation Act established a policy of regime-change for Iraq and provides the authority for the Department of Defense to draw down $97 million worth of goods and services to support the efforts of the Iraqi opposition to bring about a change in the regime. I understand that the Department of Defense to date has utilized this authority only sparingly, primarily with the provision of training and other forms of non-lethal assistance aimed at improving the opposition's effectiveness as a political force.

Helping the Iraqi opposition become a more credible alternative voice for the Iraqi people is useful, but may not, in itself, bring about a regime change in Baghdad. It could, however, make a useful contribution toward achieving that aim.

NORTH KOREA

Question. Please outline your views with regard to the situation on the Korean peninsula, in particular the talks between North and South Korea and ongoing missile proliferation talks between the U.S. and North Korea.

Answer. This is a matter the new administration will need to address. My personal impression, which is not well-informed, is that the on-going political discussions between North and South Korea are encouraging. The summit meeting between the Presidents of North and South Korea was a dramatic development. Obviously, tensions on the Peninsula cannot be reduced unless the two principal parties involved are committed to that effort.

For over 2 years, the Clinton administration has sought to convince the North Koreans to limit their missile and missile export programs. In September 1999 the DPRK stated that it would refrain from testing long-range ballistic missiles (No Dong or greater) while talks to improve U.S.-DPRK relations were underway. That decision could be reversed at any time. At the same time, I believe that North Korean missile exports have continued apace.

Question. In light of developments on the peninsula, what are your views on U.S. troop levels in South Korea?

Answer. Neither the North Korean military threat nor its forces and posture along the DMZ have changed. Thus, although the in-coming administration will undertake a review of our overall military deployments, I have seen nothing thus far that persuades me that a change in U.S. troop levels in South Korea should be considered.

RUSSIA AND IRAN

Question. In early December Secretary Cohen met with Russian defense minister Igor Sergeyev to discuss U.S. concern over Moscow's continued arms sales and proliferation activities with Iran. While this meeting and subsequent State Department meetings later in December were considered upbeat, the United States did not receive concrete assurances from Russia that these activities would cease.

As Secretary of Defense, what policy options would you propose to President-elect Bush to address and minimize the continued proliferation activities of Russia with Iran?

Answer. This is a matter for the President-elect and his national security team. However I would recommend to the President that senior officials of the new administration who meet with Russian counterparts bring up the serious U.S. concern on proliferation activities that strengthen Iran militarily. We must remind Russian policy makers that they are dealing with a new administration and they have the opportunity to start the relationship in a productive direction if they take concrete steps to address our concerns in this area.

VIEQUES

Question. Last fall, Congress enacted legislation that essentially followed the agreement reached between President Clinton and the outgoing Governor of Puerto Rico, in particular by calling for a referendum to decide on whether training will continue there. That referendum is currently scheduled for November 2001, but recent comments by the incoming Governor of Puerto Rico suggest that she may attempt to reopen this deal.

Do you believe there is a requirement to continue live fire training at Vieques?

Answer. While simulation and non-live fire training certainly have value and are integral to the Navy and Marine Corps basic training programs, they do not provide an adequate substitute for live-fire training. Live-fire training contains an element of realism that is absent from simulators and non-live fire training. If U.S. forces cannot train under this realism, Sailors and Marines, when placed in a combat situation, will not only face the certain chaos that comes with combat but also the uncertainty which comes from handling and expending live ordnance for the first time in a highly complex, time synchronized combat operation. Failing to provide for adequate live-fire training prior to combat will place our Nation in the position of risking needless casualties through unpreparedness.

Question. Do you agree with the Chief of Naval Operations and the Commandant of the Marine Corps that Vieques is essential to the readiness of East Coast naval forces?

Answer. I am advised that Vieques is a superior site for rehearsing amphibious operations, the only site currently used for aerial mine warfare training, and is the only location currently available on the east coast where aircraft, naval surface ships, and ground forces can employ combined arms training with live ammunition under realistic conditions. It is the only range currently available on the east coast that allows sailors and marines to conduct naval gunfire training. So it is a very important site.

Question. Do you intend to look for alternative sites?

Answer. I understand that to date no alternative sites, providing the ability to conduct combined arms training with live ammunition under realistic conditions, have been located.

Question. Do you believe the existing agreement should be adhered to, or is there some alternative solution you believe would be more agreeable to all the parties involved that you intend to propose?

Answer. I have not had an opportunity to study it.

BASE CLOSURE

Question. Secretary Cohen requested two additional rounds of base closures in each of his budget proposals to Congress, but so far Congress has not agreed to authorize any additional base closures.

Do you believe we still have excess military infrastructure that can and should be reduced?

Answer. See response below.

Question. Do you believe it is in the best interest of the Defense Department to authorize additional military base closures and realignments and that such closures and realignments could better align our military base structure to meet the requirements of the new century and free up resources for higher priority military needs, while still protecting key training areas for which we have enduring requirements?

Answer. See response below.

Question. Should any future base closures follow the same basic procedures as the past four rounds?

Answer. I will withhold an assessment of this issue until after the completion of the defense review.

CRISIS IN THE MILITARY

Question. Recent articles and op-eds by James Schlesinger and Harold Brown forecast that one of the first "nightmares" the new president will inherit is the threat of a "defense train wreck" looming in the next 5 to 10 years as the result of a decade of massive under-funding of the true costs of maintaining the current size and structure of the U.S. military.

What are your views regarding these assessments of the future of our Armed Forces?

Answer. Given President-elect Bush's commitment to rebuilding and reforming the U.S. military, and the commitment of many members of Congress, I believe we can ensure a strong future for U.S. Armed Forces. We do face major funding and technological challenges. Overcoming these challenges is necessarily a multi-year undertaking. The American people clearly support keeping our Nation secure, and our economy certainly makes that affordable. I believe my predecessors, Jim Schlesinger and Harold Brown, are correct in noting that many years of carefully targeted investment will be needed to guarantee the future superiority of those forces.

RECRUITING AND RETENTION

Question. The Armed Forces are experiencing significant problems in retaining company- and field-grade officers (O–3, O–4) who would, if retained, be contenders for intermediate service schools and command. The Armed Forces are experiencing similar problems in retaining mid-grade noncommissioned officers (E–5, E–6). These personnel are the backbone of the enlisted force, both as workers and as trainers and role models for younger enlisted personnel.

In your view what are the primary factors associated with this attrition?

Answer. See response below.

Question. What would you propose to mitigate this attrition?

Answer. It is my understanding that a number of factors have contributed to recruiting and retention challenges. A robust domestic economy has made it more difficult for recruiters to compete with the private sector job market; a heavy operations tempo has placed significant burdens on family life; and perceptions about a changing mission for the military have all contributed to stresses on military recruiting and retention efforts.

President-elect Bush has spoken often about this issue during the campaign. As he stated, "the military should be a magnet for the best and brightest in America." I share this view. We will examine a range of measures to try to make this goal a reality, including an increase in military pay, improved military housing, and a review of overseas deployments.

FORCE STRUCTURE

Question. Force structure has been reduced about 35 percent since 1989. Evidence, both anecdotal and analytical, increasingly indicates that the force structure of the Armed Forces may not be adequate to carry out the national security strategy of the United States including the current range of contingency operations. If this is so, the alternatives would seem to be a less ambitious strategy, a bolstering of force structure, or some combination of those alternatives.

In your opinion, is the existing force structure of the Armed Forces adequate?

Answer. See response below.

Question. If not, what measures would you recommend, if confirmed, to deal with the problem?

Answer. U.S. forces are stretched thin. This committee has heard testimony from the service chiefs to that effect. In accordance with law, the incoming administration will work to develop a national security strategy within 150 days after inauguration. That is a very short period. Also in accordance with law, the Department of Defense will review the overall defense strategy and produce a report to Congress in the fall. If confirmed, I expect to be fully engaged in those efforts. Once we have a new national security strategy, and we have had the opportunity to review our defense strategy, we can make decisions about the appropriate size and nature of the force.

HOMOSEXUAL CONDUCT POLICY

Question. The current Department of Defense Homosexual Conduct Policy went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a Federal statute. Although there have been some changes in how this policy has been implemented, the basic policy has not been changed.

Do you believe that the current policy is effective? If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. I am not yet knowledgeable as to how the current policy is working. Consistent with what President-elect Bush said during the campaign, and if confirmed, I have no plans to recommend changes either to current law or policy.

GENDER INTEGRATED TRAINING

Question. Basic training for new recruits is structured and defined differently by each Service. Men training for direct ground combat positions in the Army and Marine Corps train in all-male units. Men and women training to serve in positions that are open to women in the Army, Navy, and Air Force train in gender-integrated units. Men and women in the Marine Corps are segregated at boot camp, then integrated during subsequent training.

Do you believe the current DOD policy of allowing each of the Services to establish its own policy for gender integration in Basic Training is effective? If confirmed, will you propose changes to the DOD or Service policies? If so, what changes will you propose?

Answer. Basic training should have one purpose: to transform the recruit from civilian into a disciplined, physically fit soldier, sailor, airmen/women, and marine. If and when that goal is not being met, then changes should be made. Each service has the responsibility to design and implement the system of basic training that best accomplishes the goal for that service, and it should do just that. At present the services have varying policies with regard to gender integration in basic training. I do not have sufficient information as yet to comment further.

ARMY CORPS OF ENGINEERS

Question. The Army Inspector General recently released a report criticizing the Army Corps of Engineers for "institutional bias" and "an atmosphere where objectivity in its analyses [has been] placed in jeopardy."

Do you agree that the Army Corps of Engineers should institute a system of independent peer review of studies supporting major projects by experts from outside the agency before such projects are approved? Why or why not?

Answer. I am not aware of this matter. I am advised that the Secretary of the Army and the new Chief of the Army Corps of Engineers recently developed working arrangements aimed at ensuring open lines of communication, necessary oversight, and, at the same time, the application of independent technical judgment by the Corps. Additionally, the Chief of the Corps has been directed to respond to the Army Inspector General's findings regarding the objectivity of its analyses and bring for-

ward improvements aimed at ensuring sound, unbiased decision making. Those responses will have to be reviewed before making any recommendations.

U.S.S. COLE INVESTIGATIONS

Question. When Secretary Cohen took office, one of his first actions was to review the multiple Defense Department and Air Force inquiries into the terrorist attack on the Khobar Towers in Saudi Arabia. These investigations were initiated under his predecessor, then-Secretary William Perry. The attack on Khobar Towers on June 25, 1996, killed 19 military personnel and left hundreds injured. Following his review, Secretary Cohen directed actions that were opposed by many in the Air Force and that resulted in the voluntary retirement of the then-Air Force Chief of Staff. You will begin your term as Defense Secretary under strikingly similar circumstances. Several investigations into the October 12, 2000, bombing of the U.S.S. *Cole* are being concluded.

Will you make one of your first priorities in office to review the findings of the multiple Defense Department and Navy investigations into the terrorist attack on the U.S.S. *Cole*?

Answer. Yes.

Question. Will you transmit to the President and to Congress your assessment of the findings and recommendations of the U.S.S. *Cole*-related investigations as soon as possible?

Answer. I will transit any findings and recommendations that may result from the investigations.

Question. If you find that the investigation initiated by your predecessor or the Navy were deficient in any areas, will you direct additional inquiries?

Answer. It is important that the findings of the current investigations be reviewed without prejudgment.

MODERNIZATION

Question. For the last several years, the Department of Defense modernization budget has fallen short of critical requirements identified by the Chairman of the Joint Chiefs of Staff and each of the military services while the operational tempo of our forces is extremely high. As a result, near term readiness requirements have often been met at the expense of the long-term readiness, or modernization arena. We recognize that President-elect Bush has called for an overall review of military modernization programs and that this will be an area of great interest to you as the Secretary of Defense.

How will you establish this modernization review process, what will be considered, and how will you incorporate the conclusions of this process into Department of Defense modernization budget requests?

Answer. If confirmed, I will undertake congressionally-mandated review of the U.S. national security strategy and examine the modernization plans to carry it out in the conduct of the Quadrennial Defense Review (QDR). Considering which weapons to modernize and which to replace with new technology should be a major part of the QDR process.

EXPORTS OF SENSITIVE TECHNOLOGIES

Question. In his October 1999 speech on high tech issues, then-Governor Bush stated that, as President, he would safeguard sensitive high technology exports, while letting Americans sell what is already widely available elsewhere. He stated that wherever there is no security interest at stake, exports would be permitted. Wherever security is truly at stake, exports would be barred, with serious penalties for violations. Governor Bush stated further that his administration would work to renew the cooperation of U.S. allies in this effort.

As Secretary of Defense, what policies and procedures would you consider changing to reflect these criteria as the basis for determining the exports of sensitive high technology?

Answer. Exports of sensitive high technology affect U.S. national security interests in many ways. First, we must protect our military personnel and our security interests by ensuring that sensitive technologies are not exported to potential adversaries or to foreign entities that represent a significant diversion risk. Second, we must have sensible and effective policies and procedures to ensure that appropriate transfers of military and commercial systems and technologies that support our coalition warfighting objectives through greater interoperability with our allies and friends are permitted. Finally, we must be mindful that the U.S. is not the only country with advanced military and commercial technology. Thus, we need to work aggressively with our allies and friends to ensure that our policies and approaches

toward the export of such technologies meet our mutual security interests. The Department of Defense has an essential role to play in implementing these principles, and I will ensure that appropriate resources and senior level attention are devoted to this area.

INFORMATION SECURITY

Question. Information superiority is widely recognized as an enabler of U.S. military superiority, and information security is a key to achieving information superiority.

How do you plan on ensuring the security and integrity of the defense information infrastructure in the face of ever-expanding cyber threats?

Answer. Information security poses important challenges and opportunities for Defense. We must prevent unauthorized access to information and information systems. We must work with other government organizations—the FBI, Department of Justice, and the Intelligence Community—in a collaborative environment to anticipate and counter such threats. I will ensure that the department devotes considerable time and attention to information security and information superiority.

INTELLIGENCE

Question. What would be your top intelligence priority if you are confirmed as Secretary of Defense?

Answer. We are in a new national security environment. Characteristics of this new environment include:

- A relaxed attitude with the end of the Cold War.
- The proliferation of powerful weapons and technologies throughout the world.
- As a result of the Gulf War, a set of threats less likely to be deterred by the threat of U.S. nuclear retaliation.
- Considerably more complex intelligence challenges given the larger number of targets, and the proliferation of deception and denial capabilities.
- Increasing dependence on space assets and therefore increased vulnerability.

The intelligence community, just as the Department of Defense, needs to be rearranged to deal with the new security environment. The national command authorities need information more than simply numbers of things—ships, missiles, tanks, and planes—they need better information on intentions and motives as well.

Certainly the proliferation of nuclear, biological, and chemical weapons and the means to deliver them pose a threat to the security of the United States, its allies, and friends. We must ensure that we are devoting the appropriate resources to identify these newer threats, including cyber attack.

Question. What organizational and management changes do you believe are necessary in the Department of Defense to ensure that the best possible intelligence support is provided to the warfighter?

Answer. This is an area that I intend to review if confirmed. Most important is senior level leadership, and a close working relationship between the SECDEF and the DCI is critical to the challenges ahead.

Question. What specific actions would you pursue to ensure that the Secretary of Defense and the Director of Central Intelligence are able to cooperate and coordinate on national and military intelligence matters?

Answer. One of the highest priorities should be to establish a real partnership with the DCI to ensure cooperation and coordination on intelligence matters. Reform of the Intelligence Community will require close collaboration.

SCIENCE AND TECHNOLOGY

Question. The Department of Defense Science and Technology program is at a 20-year low. The Strom Thurmond National Defense Authorization Bill for Fiscal Year 1999 established the goal of increasing the budget for the defense science and technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. This goal has not been met in the fiscal year 2000 nor the fiscal year 2001 budget request.

Do you believe that a substantial increase in science and technology funding is needed?

Answer. Determining a sufficient level of science and technology (S&T) investment is not a precise science. A downsized military needs a technological edge more now than ever. President-elect Bush has committed to increasing defense R&D by

at least $20 billion between fiscal year 2002–2006. The S&T accounts should receive a substantial share of this increase.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Secretary of Defense?

Answer. The new administration will need to consider all of these aspects in evaluating the National Security Strategy and National Military Strategy. The goal is to assure that our country has the new capabilities necessary to deter and defend in our new national security environment so we are able to contribute to the peace and stability. This will entail transforming U.S. military forces to a 21st century force, modernizing the intelligence and command, control and communications infrastructure, and reforming DOD structures, processes, and organizations. Further, the new capabilities and readiness must be sustainable.

Balancing limited resources—even in an atmosphere of projected budget surpluses—is always a challenge. Properly outfitting our forces today, while at the same time ensuring we sustain robust modernization for the future, will be a key challenge for the new administration.

Specific issues—such as morale, recruiting and retention, health care and benefits—will also be important.

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

Answer. These issues and others should be components of the upcoming defense review and Quadrennial Defense Review. Through those reviews, the new administration can examine priorities and weigh the fiscal implications associated with those priorities.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of Secretary of Defense?

Answer. Institutional resistance to change across the board—executive branch, legislative branch, the private sector, as well as our allies. Change is difficult for institutions, but change we must.

Question. What management actions and time lines would you establish to address these problems?

Answer. It is too soon to establish time lines. If confirmed I would need to know a lot more than I do now to respond. It will require close consultation with Congress and this committee.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes. I consider that to be one of the most important parts of the job.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

1. Senator KENNEDY. Secretary Rumsfeld, while the F–18E/F has significantly modernized our carrier aircraft fleet, many Navy and Marine Corps aircraft still need to be modernized. The AV–8B Harrier and EA–6B Prowler are some of the oldest aircraft in our inventory.

Do you see the Joint Strike Fighter as a possible solution to these aircraft modernization needs?

Secretary RUMSFELD. The Joint Strike Fighter, along with other tactical aircraft programs, will be assessed as part of the planned review of defense policy and programs.

2a. Senator KENNEDY. The risk in being ready to fight the first war is "moderate" and that of the second is "high." As the Department of Defense prepares to conduct the next Quadrennial Defense Review, will you consider alternative strategies to the two war scenario as you prepare to conduct the next review?

Secretary RUMSFELD. I anticipate that a wide range of strategy options will be considered as part of the upcoming QDR.

2b. Senator KENNEDY. If the two war scenario continues to be our strategy, how can we reduce the risk of each? President-elect Bush has said that he wants to increase defense spending by $20 billion.

How much of this amount will be dedicated to non-national missile defense related research and development programs?

Secretary RUMSFELD. No decision has been made on the appropriate level of resources for defense or how any additional funds would be distributed.

3a. Senator KENNEDY. The Defense Science Board released "The Technology Capabilities of Non-DOD Providers" report in June 2000. In this report the Board recommends substantially increasing the defense science and technology base and, in particular, a 30 percent increase in defense basic research over 3 years. The concern over the eroding defense science and technology program was addressed by Congress in the Fiscal Year 1999 National Defense Authorization Act, which stated it should be an objective of the Secretary of Defense to increase the budget for the science and technology program by at least 2 percent a year over inflation each year through 2008.

How do you propose to address this urgent national priority?

Secretary RUMSFELD. I agree that the defense science and technology program needs to be strengthened. However, until I have had an opportunity to review the program in detail, I am not in a position to comment on the appropriate funding level for the program.

3b. Senator KENNEDY. Many believe that stability will never be restored in the Balkans as long as indicted war criminals remain at large. Do you believe that the military should be involved in the arrest of war criminals?

Secretary RUMSFELD. I would like to review the recent history and discuss this with my associates in the new administration before commenting.

4a. Senator KENNEDY. For years now, Iraq has refused to accept an independent monitoring team to ensure that Saddam Hussein is not rebuilding his arsenal of nuclear, biological, and chemical weapons of mass destruction. In addition, the economic and diplomat sanctions placed on his regime have been weakened by our allies in the region and in Europe. Some nations are even setting up offices in Iraq, in hopes of contracting Iraqi oil fields in the future in anticipation of these weakened sanctions collapsing.

Regarding Iraq and Hussein, the President-elect's choice to be Secretary of State, Colin Powell, has said, "I think it is possible to re-energize those sanctions and to continue to contain him and then confront him, should that become necessary again."

Under what circumstances could you envision such a confrontation?

Secretary RUMSFELD. U.S. policy towards Iraq will no doubt be the subject of review by the new national security team. If confirmed, I will look forward to participating in that review. That being said, it is important to keep in mind that Saddam Hussein has miscalculated before and therefore any confrontation that takes place might be as a result of his actions.

4b. Senator KENNEDY. What do you think sanctions on Iraq should accomplish? Are they accomplishing this goal? Are we targeting the right behavior? Are the objectives of halting chemical, biological, and nuclear weapons production attainable in your view?

Secretary RUMSFELD. Because of the erosion of the sanctions regime, it is reasonable to assume that weapons of mass destruction and missile programs are continuing in Iraq. How best to deal with the threat posed by Saddam will be the subject of review by the new administration.

5. Senator KENNEDY. In September 1999, President Clinton issued an executive order severing all U.S. military ties with Indonesia following the violence perpetrated against the East Timorese people in the aftermath of their vote for independence.

Will you support a continuation of the current military cut-off? What signs or indications within the Indonesian military and government will you be watching for before you consider re-establishing full military relations?

Secretary RUMSFELD. Although I am aware of the general state of U.S.-Indonesian military-to-military relations, I have not had an opportunity to review this matter in detail. If confirmed, I will undertake to review those relations.

6. Senator KENNEDY. There have been substantial changes in the role of women in our Nation's Armed Forces in the years since you were Secretary of Defense. Women now serve in a wide range of military occupations and there are more women generals and admirals than ever before. Women serve on combat ships and fly combat aircraft; women and men train together in all services at advanced levels—and in three of the services at the basic training level.

What is your view of the role of women in today's military? Specifically, do you have any objection to the ways in which women and men train together today, or to opening any particular military occupational specialties to women?

Secretary RUMSFELD. As I stated in answer to one of the committee's questions, basic training should have one purpose: to transform the recruit from civilian into a disciplined, physically fit soldier, sailor, airman/woman, or marine. If and when that goal is not being met, then changes should be made. Each service has the responsibility to design and implement the system of basic and other training that best accomplishes the goal for that service. At present the services have varying policies with regard to gender integration in basic training. I do not have sufficient information as yet to comment further.

7. Senator KENNEDY. The Pentagon Inspector General conducted a survey of 75,000 service members last year and found that 80 percent reported hearing, witnessing, or experiencing anti-gay harassment. Based on those findings, Secretary of Defense Cohen asked a Department working group to review the current rules and training to prevent such harassment. The working group produced a 13-point action plan for a new regulations by the Department on this issue.

Will you ensure that these new regulations are fully implemented and enforced?

Secretary RUMSFELD. I have not had an opportunity to review the current rules or the working group's findings and recommendations.

8. Senator KENNEDY. The lack of good housing for our service members and their families is an area where I think we really need improvement. At Hanscom AFB, there is currently a 6-month wait for on-base housing. The number of families on this list today stands at 106. I venture that the wait is similar at bases across the country.

What can be done to limit or eliminate this wait? How can we ease the burden on a service member and his or her family when they've been assigned to a new base, but have to find short-term living arrangements while waiting for affordable base housing?

Secretary RUMSFELD. I agree that military housing can and should be improved. Substandard housing and long delays undermine morale and ultimately affect job performance. If the Department can effectively tap into the prodigious resources and methodologies of the private sector to improve this situation, then we should do so. If confirmed, improving the quality and availability of military housing will be a priority.

9. Senator KENNEDY. You noted in your answers to the advance policy questions that, "(t)he Department's approach should be comprehensive and balanced, supporting test and training and operational requirements, while seeking to protect the natural environment and operating within a balanced regulatory framework" and that "(t)he goal is to maintain fully sustainable ranges."

Last week, three of my colleagues on this committee and I wrote to Secretary Cohen urging that he consider establishing a Defense Environmental Restoration Account to begin to deal with the large amount of unexploded ordnance left at many of our military facilities.

Would you please take a look at this idea? The more quickly the Department can get a handle on this issue, the more sustainable training will be at many military bases.

Secretary RUMSFELD. If confirmed, I will task a review of this suggestion and report back on the results.

10. Senator KENNEDY. Several years ago, President Clinton, the Joint Chiefs, and Congress agreed that the United States would search aggressively for alternatives to land mines, and that if suitable alternatives are fielded the United States will join the Ottawa Convention. The Pentagon has made progress, but more needs to be done. Later this year we will also have the benefit of recommendations on mine alternatives by the Los Alamos/Livermore Laboratories and the National Academy of Sciences. There is bipartisan support in Congress for the United States to join our NATO allies and others, and set an example to rid the world of land mines. We also want to ensure the safety of our Armed Forces, which includes improving their counter-mine capabilities.

Will you, as Secretary of Defense, strongly support the effort to field alternatives to land mines, so we can join the Ottawa Convention?

Secretary RUMSFELD. I am not familiar with the obligations imposed under the Ottawa Convention and have not yet been briefed on the efforts to develop alternatives to land mines. If confirmed, I will review this issue, keeping foremost in mind the need to protect American servicemen and women.

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

11. Senator BYRD. I am very concerned about the threat of homeland terrorism. I believe that Senator Levin mentioned in his opening remarks how easy it would be for a terrorist to poison our public water systems. As best I can tell, all it would take is a single vial of some type of chemical or biological agent and you could wipe out the water supply for an entire city. Frankly, I believe that this threat is a more likely scenario under current world circumstances than that of the conventional ballistic missile threat posed by rogue nations.

Do you believe that the threat of chemical and biological terrorism, as well as the threat posed by simple suitcase or truck bombs, deserve the same emphasis as a national missile defense system?

Secretary RUMSFELD. Defending the American people against all types of unconventional or terrorist attacks must be a top priority of the new administration. If confirmed, I will devote time and attention to strategies and programs that can address this growing threat. In addition, because of the sometimes overlapping or conflicting obligations of the various federal and state governmental departments and agencies, inter-agency coordination is important. If confirmed, I will do my best to ensure proper coordination is achieved.

12. Senator BYRD. Turning to terrorism overseas—a Pentagon Commission reviewing the terrorist attack on the U.S.S. *Cole* released its report earlier this week. The Commission determined that the military lacks coordination with other government agencies to fight terrorist threats. It recommended that training against terrorism be made as high a priority as training for combat.

Do you agree with that conclusion?

Secretary RUMSFELD. If confirmed, I will review the Crouch-Gehman report carefully, along with the other reports commissioned on aspects of the U.S.S. *Cole* terrorist incident. That being said, I agree that realistic training against a wide range of terrorist and other threats, including operating in a nuclear, chemical, biological, or radiological environment, is imperative.

13. Senator BYRD. I understand that there was a good deal of discussion about Colombia at the morning session of this hearing. I commend Chairman Levin and Senator Warner for recommending that this committee get more involved in future decisions surrounding our involvement in Colombia. This is a dangerous mission, and I am deeply concerned that the United States should not be drawn into Colombia's civil war.

As you and I discussed earlier, it was my proposal that capped the number of military and civilian personnel who could be involved in Plan Colombia in country. The reason that I proposed these caps was to ensure that mission creep would not inflate the number of American citizens in Colombia on what is a potentially deadly mission.

Mr. Secretary, you've seen the results of American troops being drawn into civil conflicts overseas with no exit strategy. I understand that you want to wait until you can have a full briefing on the situation in Colombia before recommending a specific course of future action. However, this is not the first time that the U.S. has

run up against the possibility of being drawn into another nation's civil war. How do we guard against that happening with this mission? Will you re-evaluate our presence in Colombia?

Secretary RUMSFELD. As I stated during the hearing, I am not sufficiently informed about the situation in Colombia. I understand the nature of your concern, however, and if confirmed will review the U.S. military involvement carefully.

QUESTIONS SUBMITTED BY SENATOR MAX CLELAND

14a. Senator CLELAND. As you may know, language was included in the Fiscal Year 2000 Defense Authorization bill directing the Secretary of Defense to submit a report no later than February 2000 describing the airlift requirements necessary to carry out the various missions of our Armed Forces. It is my understanding that this report is finally complete and is awaiting release by the Secretary of Defense.

Preliminary information contained in this report outlines our current mobility challenges. Our current requirement is 49.7 million ton miles. The Mobility Requirements Study estimates that the requirement may rise to around 54.4 million ton miles. This indicates we are woefully short on meeting the future requirements.

With the move away from more forward-deployed forces, airlift and air mobility will continue to be the key ingredient in our responding to future military missions and crises. However, there is uncertainty on how best to address this challenge. Certainly, the C–130J is integral in our rapid deployment within the theater of operations. However, the Air Force has been reluctant to put C–130s in their budget or in placing the aircraft on their unfunded requirements list—instead relying on congressional add-ons during the budget process. How would you rectify the inconsistencies of the C–130J program over the past several years?

Secretary RUMSFELD. I am aware of and appreciate the keen interest in the C–130J program shown by you and several of your colleagues. However, I have not had an opportunity to review the program in detail, nor have I seen the results of the Mobility Requirements Study you mention. If confirmed, I will review the study and the program.

14b. Senator CLELAND. Given your plans to review and revise our military strategy in the context of President-elect Bush's desire to review all military operations and the Quadrennial Defense Review (QDR), would you consider submitting a new mobility requirements report?

Secretary RUMSFELD. Until I have had the opportunity to review the above-mentioned study, it would be premature to suggest that an additional study is needed.

15. Senator CLELAND. Military health care is a matter of great importance to our service members and to this committee. Last year, in response to concerns raised by the Secretary of Defense and the Chairman of the Joint Chiefs, we enacted legislation that eliminates deductibles and copayments under TRICARE Prime for families of Active Duty service members; provides lifetime health care for military retirees and their families through the TRICARE program; and provides a comprehensive pharmacy benefit for military retirees. We still hear concerns from our constituents about lack of timely access to health care, portability of benefits as our service members move around, and poor claims processing.

What are your priorities for maintaining a working, accessible, properly funded health care system?

Secretary RUMSFELD. I agree that the provision of effective, affordable health care to our servicemen and women and their families is a high-priority objective I have not had an opportunity to review the Defense Health Program, however, and therefore I am unable to comment on how best to ensure such coverage and treatment. If confirmed, I will devote time to this important program.

16. Senator CLELAND. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half of these use their benefits, and many who use the benefit do not use all of their entitlement. Many of these soldiers, sailors, airmen, and Marines say they would like to stay in the service, but feel they have to leave so that they can provide for the education of their spouses and children.

I believe that many of these service members would stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

Will you give serious consideration to how the Department of Defense could use the transfer of GI Bill benefits to family members as a retention tool and give me your thoughts on how we best do this?

Secretary RUMSFELD. I was interested in this suggestion when you mentioned it during the confirmation hearing. If confirmed, I will give consideration to this suggestion.

17. Senator CLELAND. From what we have heard in today's session and from what has occurred on Capitol Hill in the past few years, it seems obvious that one of the most contentious national security issues—which too often has broken down along party lines—is the subject of National Missile Defense. I would add, however, that I believe this important question cannot be viewed in isolation from our overall national strategic policy. For example, how will NMD be related by the new administration to the Comprehensive Test Ban Treaty, which unfortunately also broke down along partisan lines in the last Congress. I believe we must try to achieve a bipartisan consensus on this whole collection of issues and do so in a fashion which is comprehensive and coordinated. Therefore, I have proposed that we consider creating a bipartisan Commission on National Security Policy composed of respected leaders from both parties which seeks to develop such a consensus and encompasses both NMD and CTBT as well as related issues. I fear, Mr. Secretary, that absent a comprehensive, consensus approach that we may face more partisan wrangling and more internal division, which will serve our military, our country, and indeed the entire world.

Would you care to react to any of these points?

Secretary RUMSFELD. I agree that it is vital to consider issues such as NMD and CTBT in a broader context, and certainly bipartisan consensus is desirable. That being said, I am not persuaded that establishment of a commission, as you describe, is needed. The President-elect has stated that he does not favor ratification of the CTBT. He has indicated that he plans to continue the moratorium on underground nuclear testing so long as the safety, reliability, and effectiveness of the nuclear stockpile can be certified. If confirmed, I will do what I can to contribute to the achievement of bipartisan support on topics such as these.

18. Senator CLELAND. This committee has expressed its full support for upgrading and modernizing the C–5 fleet, both A and B models. Airlift is absolutely vital to America's ability to project military force. This will continue to be true for the foreseeable future. In last year's report accompanying S. 2549 (The Fiscal Year 2001 Defense Authorization Act), this committee expressed concern that the Air Force appears to have budgeted for just modernizing the B-models first and yet has not provided any form of explanation for deviating from the committee's belief that the A and B models both need to be re-engined as soon as possible. In addition, the Air Force has not explained how it could arrive at this plan without doing the initial EMD testing on at least one A and one B model to factually determine the potential for improving the performance and reliability of the each model. The committee requested that the Air Force address these concerns by February 15, 2001.

In the meantime, despite the support of this committee and the House defense committees, the contracting for the C–5 RERP has been inexplicably delayed. The contract was supposed to be let in November and yet still is not complete. For a program as vital to national security as the improvement of outsized/oversized airlift capability, this sort of unnecessary and unexplained delay is unacceptable.

What commitment can you give this committee that the C–5 RERP will proceed as directed? What will you do to get the C–5 RERP back on schedule? Will you ensure that both A and B models are included in the initial testing so that any future program decisions are based on real facts?

Secretary RUMSFELD. I have not yet had the opportunity to review the C–5 program. I expect that the C–5 program will be reviewed in the context of mobility requirements as part of the overall defense policy review I plan to undertake, if confirmed.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

19. Senator LANDRIEU. Our nuclear posture is essentially frozen by a law that we not fall below Start I levels. Furthermore, we are coming upon several crucial and costly decision points with respect to some of our nuclear systems. I believe that this nation would be well-advised to establish an appropriate and cost-effective deterrent independent of anything Russia does.

Do you believe that we need to hold to some artificially mandated level of nuclear weapons, or is it wise for the Pentagon to evaluate these questions from the bottom up?

Secretary RUMSFELD. The President has stated that we want to go to the lowest level of nuclear weapons commensurate with the national security of the United States and our allies. Upon completion of the Nuclear Posture Review, we will review this requirement as well as which criteria to use in determining an appropriate strategic nuclear force level for the foreseeable future. I do hope that Congress would provide for the ability to get to the appropriate number of nuclear weapons, likely to be below today's level.

20. Senator LANDRIEU. We all understand that the Single Integrated Operation Plan or SIOP, is, of necessity, one of the most closely guarded secrets that our Nation possesses. However, one of our esteemed Senate colleagues, Bob Kerrey, the ranking member of the Senate Intelligence Committee, shared with us the fact that he had been stone-walled by his every effort to have some opportunity to review these plans. While the SIOP is obviously one of our most import secrets, it is also one of our most fundamental defense policy decisions.

Can you assure this committee that you will at least assist the committee leadership in gaining access to the SIOP for their review and consideration?

Secretary RUMSFELD. I understand that there are certain procedures in place at this time whereby Congress has access to data regarding the nuclear war plan. I also understand that there are concerns that these procedures may not be sufficient. I will look into this matter and work with Congress to reach an acceptable balance between the requirement for security and the congressional need for information on this highly sensitive plan.

21. Senator LANDRIEU. You very cogently argued for the need to better integrate commercial off-the-shelf technology into our military force. It is important for us to do, and an important piece of that work is being done at our Navy Technology Center in New Orleans. However, I'd like you to consider a slightly different application of that same principle. I believe that we need to consider the utilization of commercial off-the-shelf personnel. What I mean by that term is this nation is creating a vast community of highly intelligent, highly skilled, and highly sought-after workers in the computer and communications fields. We also know that with the onset of NET-CENTRIC, and so-called "cyber" warfare, our Nation's military is going to desperately need more of these minds. Unfortunately, I believe that there is something of a disconnect between this need for talent, and an institutional culture that would attract this sort of talent. I have commended Rudy de Leon for taking the initiative of focusing the Reserve components on this question.

Would you endorse a new strategy to solicit service from this core of talented individuals and introduce new standards which may be outside the box in order to employ them fight this new threat?

Secretary RUMSFELD. I agree that the Department can do a better job of recruiting and retaining individuals with skills in the computer and communications fields. If confirmed, I will seek to develop strategies for securing the availability of such individuals and look forward to working with Congress to implement appropriate strategies.

22. Senator LANDRIEU. Do you believe that adding funds to the defense budget alone will solve the problems we face? Do you have an estimate of an increase that you would desire?

Secretary RUMSFELD. The challenges facing the Department are many. Certainly, a shortage of resources is evident, and priorities are needed. There are numerous other challenges as well, as I laid out in my testimony before the committee. If confirmed, I look forward to working with the committee and Congress as a whole to address these challenges.

23. Senator LANDRIEU. I would like to know your opinion with the approach of decreasing some of our existing infrastructure and transferring those assets to the operational forces in order to provide some relief to our deployed forces. Do you have any specific approaches you could provide us with today?

Secretary RUMSFELD. I do not, as of today.

24. Senator LANDRIEU. One of the most exciting projects that we have underway in Louisiana is the Navy Information Technology Center in New Orleans. I would like to invite you to see this operation first-hand at your earliest opportunity. This center is really a model for the sort of innovation required by the Clinger-Cohen Act.

Would you please comment on your views of this act, and what steps we might take to increase the pace of reform?

Secretary RUMSFELD. First, thank you for the kind invitation. I have not reviewed the Clinger-Cohen Act, although I understand it allows for certain innovative "pilot projects" associated with acquisition reform. Given the fact that the existing acquisition system is in need of substantial reform, it may be that additional use of the authorities to conduct "pilot projects" aimed at that reform is warranted.

25. Senator LANDRIEU. As you may know, recent studies estimate that it will take $30 billion and more than 30 years just to fix the current backlog of military housing deficiencies. On the bright side, the National Defense Authorization Act for Fiscal Year 1996 included a series of new authorities that allow the Department of Defense to work with the private sector to build and renovate military housing by obtaining private capital to leverage government dollars, and use a variety of private sector approaches to construct and refurbish military housing faster and at a lower cost to American taxpayers. This legislation was recently extended to December 2004.

What is your opinion concerning this approach? Do you support a broader expansion of this initiative to include permanent authority?

Secretary RUMSFELD. Although I have not been briefed on the law to which you refer, I support efforts to ensure that our servicemen and women have access to quality, affordable military housing. Measures to harness the productive potential of private industry are important to this end.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

26. Senator THURMOND. Due to the leaner Active Duty military and greater number of operational commitments, the DOD has increasingly called on the Reserves and National Guard. In 1989, Reservists and members of the Guard recorded one million days of duty. In each of the past 3 years, that figure has averaged 13 million days. This increased workload has had an impact on retention and recruiting. In extreme cases, the relationship between the reservist and his employer is adversely affected.

What are your general views on the use of the Reserve components and, specifically, in peacekeeping operations?

Secretary RUMSFELD. The Guard and Reserve perform admirably in the defense of our Nation, including deployments in peacekeeping operations. Although I have not had the opportunity to study this issue carefully, the quality of training, the status of equipment, and national support for the missions of the Guard and Reserve are keys to recruitment and retention of these essential forces. If confirmed, I will give priority consideration to this situation including the impact on civilian employment of deployed individuals.

27. Senator THURMOND. Since your last tour in the Department of Defense, there has been a concerted effort to privatize many of the services necessary to support our Armed Forces. Among the most recent are the efforts to privatize military family housing and the installation utility systems.

What are your views in regard to the privatization of essential services within the Department of Defense?

Secretary RUMSFELD. The size and composition of DOD's facilities to perform equipment maintenance is an important aspect of the overall readiness of the Armed Forces. An appropriate balance between government and private sector facilities must be struck in a manner that assures the equipment employed by the Armed Forces will be ready for use when needed. This balance in turn will be affected over time by the nature of the technology used in military equipment. A balance will be reviewed to assure that capabilities essential to national defense that cannot reliably be provided by the private sector will be provided by the government sector. Moreover, critical capabilities will be maintained in the government sector. As noted above, private sector support for military housing appears to have potential for accelerated improvement of that housing.

28. Senator THURMOND. With the end of the Cold War, some of the leading figures from the nuclear weapons programs and strategic policy advocated that the existing nuclear states dismantle their nuclear stockpile, which they considered as pointless and morally dubious arsenals.

What are your views on the role of nuclear weapons in the future threat environment?

Secretary RUMSFELD. Nuclear weapons remain an important element of U.S. and allied defense policy. That being said, President-elect Bush has stated that he will direct the next Secretary of Defense to undertake a review of the U.S. nuclear posture and associated force levels. If confirmed, I look forward to conducting that review.

29. Senator THURMOND. The Nation has made the decision not to produce new nuclear weapons. More importantly, we no longer have the capability to manufacture plutonium pits on a large scale to modernize the existing stockpile.

Since you have historically advocated a strong nuclear TRIAD, what are your concerns regarding this lack of capability to modernize our nuclear stockpile?

Secretary RUMSFELD. There are real challenges associated with maintaining a safe, reliable, and effective nuclear weapons stockpile in the absence of underground nuclear testing. If confirmed, I will work with the Secretary of Energy and the Administrator of the National Nuclear Security Administration to ensure U.S. nuclear weapons are capable of fulfilling the missions to which they have been assigned.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

BASE CLOSURES

30a. Senator MCCAIN. Mr. Secretary, in your answers to the advance questions for today's hearing, I noticed your response with regard to additional base closure rounds. As you are aware, Secretary Cohen has requested two additional rounds of base closures in each of his budget proposals to Congress, but so far Congress has not agreed to authorize any additional closures—failing to authorize 40–60 and 36–63 in the last 2 years—an experience not dissimilar to your experience as the Secretary of Defense to President Ford.

The National Defense Panel, Secretary Cohen, nearly all the Service Chiefs and other respected defense experts have been consistent in their plea that the Pentagon be permitted to divest themselves of excess infrastructure beyond what was eliminated during the prior four rounds of base closings. Through the end of 1998, the Pentagon had closed 97 major bases in the United States. Since then, it has closed none. Moreover, the savings attained would ostensibly be used for force modernization purposes.

According to our senior military leaders, the facts are the Department of Defense still has nearly 23 percent more base facilities than necessary to support our Nation's military forces.

I say this for my colleagues' benefit: the facts are—billions of dollars are at stake. Department of Defense figures suggest previous base closures will save, after one-time closing costs, $15 billion through fiscal year 2001, $25 billion through fiscal year 2003, and $6.1 billion a year thereafter. Additional needed closures can save $20 billion by 2015, and $3 billion a year thereafter. Sooner or later these surplus bases will be closed anyway. The sooner the issue is addressed, the greater will be the savings, that will ultimately go toward defense modernization and greater pay raises for servicemembers—two areas where President-elect Bush and I strongly agree.

Previous base closure rounds have had many success stories. For example, after England Air Force Base closed in 1992, Alexandria, Louisiana, benefitted from the creation of over 1,400 jobs—nearly double the number of jobs lost. Across the U.S. about 60,000 new jobs have been created at closing military bases. At bases closed more than 2 years, nearly 75 percent of the civilian jobs have been replaced.

In Charleston, South Carolina, where the number of defense job losses, as a percentage of the work force, was greater than at any other base closure location, 23 major entities are reusing the former Navy facilities and providing more than 3,300 jobs and another 13 more applications are pending—adding soon even more newly created jobs to that number. Additionally, roughly 75 percent of the 6 million square feet of leasable space on the base is occupied. This is comparable to the successes in my home State of Arizona with the closure of Williams Air Force Base in the Phoenix East Valley.

Mr. Secretary, I will again propose the questions that you previously addressed in the advance questions to the Senate Armed Services Committee. Do you believe we still have excess military infrastructure that can and should be reduced?

Secretary RUMSFELD. Our base structure should fit our force structure requirements. As the President has noted, it appears that we have 23 percent in estimated excess infrastructure. We are looking at the issue, and will make a decision on how best to address as soon as we can in the review process.

30b. Senator MCCAIN. Do you believe it is in the best interest of the Defense Department to authorize additional military base closures and realignments could better align our military base structure to meet the requirements of the new century and free up resources for higher priority needs?

Secretary RUMSFELD. As noted previously, our base structure should fit our force structure requirements. We are reviewing the current force structure, and will make a decision on how best to address mismatches as soon as we can in the review process.

30c. Senator MCCAIN. Should any future base closures follow the same basic procedures as the past four rounds?

Secretary RUMSFELD. It is too early to determine a process, but when we have had the chance to review the proper force structure-infrastructure alignment in greater detail, we will engage the committee and others in Congress as appropriate.

31a. Senator MCCAIN. Mr. Secretary, congressional legislation authorizing the Pentagon to close bases expired in 1995. Since then, Defense Secretary Cohen has repeatedly asked for new authority to conduct two more rounds of base closures. Ostensibly because of a widespread belief that the 1995 round was politicized by the Clinton administration, Congress repeatedly rejected efforts to authorize additional rounds. Last year, for instance, the Senate voted against legislation mandating base closures by a vote of 36–63.

Mr. Secretary, what actions will you take to ensure that there is no repetition of the politicization of the base closing process as was evident in the cases of Kelly and McClellan Air Force Bases, recommended for closure in the 1995 BRAC?

Secretary RUMSFELD. When we have established the proper relationship between the force structure needed to execute our national security strategy and the infrastructure needed to support that force, we will work closely with Congress to develop a process that is fair and true to that objective.

31b. Senator MCCAIN. Mr. Secretary, from your previous experience as Secretary of Defense, will you recommend to the President additional base closing rounds and what advice can you lend to some of my more skeptical colleagues in the House and the Senate?

Secretary RUMSFELD. Our base structure should fit our force structure requirements. We are reviewing the current force structure, and prefer to wait until the review is further along before we decide to go forward with a legislative proposal seeking authority to conduct future base closures.

CONGRESSIONAL ADD-ONS

32a. Senator MCCAIN. During the last major drawdown following the Vietnam War, there were instances of pork-barrel spending—a phenomenon no doubt as old as the Republic—totaling 0.1 to 0.3 percent of the President's budget request or roughly about $100 to $300 million, but it is miniscule compared with the rampant abuse of the process today. During the post-Cold War drawdown, in contrast to the 1970s, spending for parochial purposes expanded to 2.2 percent of the President's defense budget request—which doesn't seem like that much money but represents about $5.5 to $6.0 billion annually. Now that the budget is on an upswing, that expansion has grown even more. Last year, for example, Congress added over $4 billion to the President's budget request. Similarly, the Defense Appropriations Bill contained over $7 billion in unrequested and non-defense add-ons that is a net loss to national security of at least $3 billion. Moreover, each year during markup of the defense bill, this committee receives requests from Senators for parochial projects produced in their home state, last year those requests totaled $30 billion, a 25 percent increase over the prior year.

Mr. Secretary, that is the state of the defense budget that you are inheriting, could you comment on your intended approach to dealing with the hundreds of member-adds that will most assuredly come your way?

Secretary RUMSFELD. When presenting my budget plan, I will urge Congress to give it strong support. President Bush has emphasized that strategy should drive our resource decisions—I support his position.

32b. Senator MCCAIN. Mr. Secretary, do you see this type of congressional behavior of congressional add-ons at cross purposes to President Bush's modernization plan, which I support, that skips a generation of weapon systems for "programs that propel America generations ahead in military technology" and what will you try to do to curb these excesses?

Secretary RUMSFELD. Our on-going reviews across a wide array of matters will yield information that can be developed into operational concepts and, from these, program decisions. I will work closely with Congress to seek its support for these decisions.

33. Senator MCCAIN. Mr. Secretary, a process evolved during the post-Cold War drawdown wherein the Joint Chiefs of Staff and Service Secretaries were asked to produce so-called Unfunded Priority Lists or "wish lists" detailing where they would allocate additional funds if provided by Congress. These wish lists, over time, grew from several pages to lengthy binders. This was understandable given the degree to which the Armed Forces were under-funded by the Clinton administration. My concern, however, has to do with the degree to which the Department of Defense has been pressured by Members of Congress to include items too numerous to list here on the Unfunded Priority Lists.

What will you do to resist such pressure and minimize pork-barrel spending when pressing modernization, long-term research and development, and readiness problems remain?

Secretary RUMSFELD. I feel it is important that the Department speak with a unified voice, across the Services, in seeking to fund our Defense programs to achieve the President's objectives. That is the principle that will guide our interactions with Congress, in budgetary and other matters.

USE OF FORCE: KOSOVO AND OTHERS

34. Senator MCCAIN. Mr. Secretary, one of the fundamental unresolved questions that must be faced by every President and Secretary of State and Secretary of Defense is "when to use military force." Beyond that is the equally important question of "how to apply that force once the decision is made to use it." You are on the record, I believe, as having been reluctant to become militarily engaged in the Balkans, but once President Clinton initiated air strikes, as having opposed his announced decision not to use ground forces.

Mr. Secretary, could you articulate for the committee your sense of the criteria that should guide the use of military force and, once force is used, how it would be employed?

Secretary RUMSFELD. This is an issue for the President and his national security team, not the Secretary of Defense alone. Each case is unique. Some of the questions that should be discussed when considering the use of force include: Are the goals achievable? Do we have the resources? What interests are at stake? Are there constraints, such as the command structure, that will impact how we can carry out the operation? How would we characterize success? In the end, the President, following careful consultation with his national security team, must decide each case.

35a. Senator MCCAIN. Those of us who assailed the administration and NATO's conduct of gradual escalation during the Balkans campaign took heart in your comments of that time, particularly your reflections on CNN on April 4, 1999, with respect to comparisons of Kosovo to Vietnam, which went as follows: "There is always a risk in gradualism. It pacifies the hesitant and the tentative. What it didn't do is shock and awe, and alter the calculations of the people you're dealing with." Similarly, during an interview with Chris Matthews, you noted that ". . . it was a mistake to say that we should not use ground forces, because it simplifies the problem for Milosevic. . . It seems to me we ought to stop saying things to appease and placate our domestic political audiences and we ought to start behaving in a way that suggests to Milosevic that it's . . . in his interest to end this and stop ethnic cleansing and come to the negotiating table. . ."

Mr. Secretary, do you anticipate adopting this approach as one of the key figures in the chain of command?

Secretary RUMSFELD. We must approach each potential use of military force mindful of the unique circumstances at play. Our decisions must be made with an understanding of the goals we seek to achieve and our readiness to honestly evaluate the resources needed to achieve those goals.

35b. Senator MCCAIN. Mr. Secretary, could you offer some insight on the philosophical approach you intend to bring to the job of Secretary of Defense when the question of military deployments arise? How do you approach the issue of moral imperative when no compelling national interest is involved?

Secretary RUMSFELD. I fundamentally believe that America has compelling interests as a global leader and that our interests will continue to be challenged in ways

that will threaten this Nation's security. Deciding when and where to employ military forces to protect our interests is a matter for the President in consultation with his national security team. We must be a reliable ally, but resist hasty decisions to use force. I also believe that, by remaining strong and capable, we can dissuade potential adversaries from taking actions that will ultimately lead to far more costly consequences for both of us.

36. Senator MCCAIN. During the early phase of fighting in Bosnia-Herzegovina, there existed a decision-making process, chain of command, and rules of engagement that virtually guaranteed failure. Our pilots found themselves having to receive the personal okay of the U.N. Secretary General and his deputy for the Balkans prior to retaliating against Bosnian Serb forces. In Kosovo, during Operation Allied Force, we witnessed the spectacle of military commanders vetting their tactical targeting plans through a 19-nation alliance built on unanimity that also limited the effectiveness of the military operation.

Mr. Secretary, what policies would you propose be implemented in order to avoid a recurrence of such situations?

Secretary RUMSFELD. The key to avoiding such awkward command and control situations in the future is to carefully review our procedures and come to agreements with our allies before we ever have to put those procedures into practice. This would entail several steps. First, we need to refine and update our regional contingency plans where we are likely to engage in combined operations within established alliances. For different wartime scenarios, we must define what our mission would be, and what would constitute success. We must also define appropriate target sets that support the mission. Together with our allies, we should define what military targets would contribute to the success of operations described under the various scenarios, and define rules of engagement for each type of target under each scenario. We must establish operational guidelines within the framework of each alliance. In addition, it is essential that we wargame each scenario, using realistic command and control procedures, at the highest staff levels. Finally, it is important to review agreements within the alliance on a periodic basis to ensure currency.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

37. Senator SMITH. You understandably resigned from the Space Commission which you chaired to focus on your nomination. However, you left before signing onto the report and the unanimous conclusions of the remaining 12 Commissioners. Do you in fact agree with the findings and recommendations of the Space Commission?

Secretary RUMSFELD. I agree that the United States is increasingly dependent on its civil, commercial, and defense and intelligence space assets. With that dependence comes vulnerability to hostile acts. The Nation needs a capability to deter and defend against attack on space assets and systems.

38. Senator SMITH. The Space Commission report recommends several actions for the Secretary of Defense. If confirmed, will you implement those changes?

Secretary RUMSFELD. If confirmed, I will give careful attention to these recommendations and the recommendations of several other recent studies and commissions on space systems.

39. Senator SMITH. There are several recommendations for the President and other agencies of the administration. Some are even suggestions for Congress.

If confirmed, will you encourage the President, other agencies of the administration, and Congress to implement the changes recommended by the Space Commission?

Secretary RUMSFELD. See answer above.

40. Senator SMITH. The Commission's report stated that we have not adequately funded a number of space activities. In particular, it noted that we need space control and satellite negation capability.

Do you believe the U.S. should have an anti-satellite capability?

Secretary RUMSFELD. The U.S. and other nations that make use of space face threats to the operation of their satellites. We know that other nations have jammed telecommunications from on-orbit satellites, that Russian entities market devices that can jam GPS signals, and that foreign satellite manufacturers market so-called "micro satellites" to other foreign countries that can be used for offensive actions against satellites. In light of U.S. dependence on space assets, the vulnerability of

these assets to attack or disruption and the fact that others have the means of doing harm to U.S. interests in space, it would be contrary to U.S. security interests not to develop, test, and deploy the appropriate means of deterring attack on and defending space systems.

41a. Senator SMITH. The Commission had concerns about the Air Force not doing a good job of growing space experts from within the space community for senior leadership positions. Rather, they tend to bring in rated officers with little or no space experience to fill key space leadership positions.

If confirmed, will you encourage the Air Force to promote more career space experts to senior leadership positions rather than drawing so heavily from the pilot community while space officers stagnate?

Secretary RUMSFELD. Yes.

41b. Senator SMITH. Based on what you know of the emerging missile threat and the current administration's planned National Missile Defense concept, do you believe the planned concept by itself is sufficiently robust and capable of providing the defense you and the President-elect have described to the nation? When do you anticipate completing your review of the critical missile defense mission and bringing forward to Congress the robust missile defense architecture to protect America and our friends and allies?

Secretary RUMSFELD. I believe it would be good to examine alternate and complementary architectures to the NMD system currently under development. I cannot now predict when that review will be completed or the architectures that will be found to be appropriate.

QUESTIONS SUBMITTED BY SENATOR OLYMPIA J. SNOWE

42. Senator SNOWE. In its review of the fiscal year 2001 budget request, the Seapower Subcommittee took testimony from Congressional Research Service that indicated a $10 to $12 billion annual investment, depending on the actual ship mix, and an average build rate of 8.7 ships per year is required to maintain 308 ships. However, in its budget request for fiscal year 2001, the administration in its Future Years Defense Program included only 7.5 ships per year and over the last 8 years of the Clinton administration requested only 4.75 ships per year. Congress helped raise that average to 5.5 ships per year.

Given that the CNO has testified that 34 percent of the Navy is deployed at any given time and that he is hard-pressed to meet that requirement with the current fleet, are you committed to review the shipbuilding account for adequacy?

Secretary RUMSFELD. Yes.

43. Senator SNOWE. In a *New York Times* article dated January 8, 2001, the authors questioned the DOD's ability to pursue leap-ahead technologies while modernizing the military. The article specifically mentioned three programs that might be candidates for cancellation or postponement to pay for pursuit of leap-ahead technologies: the F–22, the MV–22, and the DD–21. Witnesses testified before the Seapower Subcommittee that the Marines have been at considerable risk in naval surface fire support since the retirement of the Iowa-class battleship and will remain so until the DD–21 joins the fleet in strength. Slippage of the DD–21 would increase risk to the Navy team's capability for forced entry operations and its ability to conduct Operational Maneuver From The Sea.

Do you plan to review the resources necessary to meet naval surface fire support requirements of the United States Marine Corps to perform the missions we expect of them?

Secretary RUMSFELD. Yes.

44. Senator SNOWE. The safety and efficacy of the Department of Defense Anthrax Vaccine Immunization Program (AVIP) continues to be of great concern to our men and women in uniform and their families. In light of the divisive nature of the DOD anthrax policy, do you plan to review this policy, and what actions might you plan to take to regain the trust of our service members and their families lost due to AVIP?

Secretary RUMSFELD. I am not familiar with the details of the AVIP program. However, the trust of our service members and their families is essential to the effectiveness, morale, and welfare of the U.S. Armed Forces. If confirmed, I will get briefed on the program. In the interim, it would not be appropriate for me to comment in detail.

45. Senator SNOWE. In your 1998 commission report you highlighted the missile threat faced by not only our own forces, but America's allies like Israel as well. U.S.-Israeli cooperation on the Arrow missile system has been a critical component to Israel's defensive capabilities as well as a centerpiece for our strategic relationship. Also, during your service in the Ford administration you were supportive of Israeli security requirements.

As Secretary, do you foresee this joint initiative continuing? Will you continue to facilitate Israel's qualitative military edge, including the provision of advanced U.S. defense technologies?

Secretary RUMSFELD. I support continued cooperative efforts in the area of ballistic missile defense. I have not been briefed on the ARROW program in detail, however, and therefore do not believe it appropriate to comment on possible future directions or funding for that program.

46. Senator SNOWE. The Taiwan Relations Act declares America's intention to provide for the defensive capabilities of Taiwan with no veto by China. The Taiwan Relations Act also states that "the President and Congress" shall determine Taiwan's defense requirements.

What recommendations to the President will you make based on the needs of Taiwan in order to defend itself as required by the Taiwan Relations Act?

Secretary RUMSFELD. Any recommendations regarding arms sales to Taiwan will be made to the President. However, I understand the requirements of the Taiwan Relations Act and support a strong relationship between Taiwan and the United States, in support of Taiwan's need for effective self-defense capability against the threats posed to it.

47. Senator SNOWE. In addition to U.S. military aid to present recipients, as Secretary would you recommend to President Bush that there is a need to expand this aid? If so, do you have any regions or countries that you foresee need this assistance?

Secretary RUMSFELD. I have not had an opportunity to review U.S. arms sales policy. If confirmed, I will assess U.S. arms sales policy, in conjunction with the other members of the President's national security team.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

48. Senator ALLARD. As a member of the NRO Commission, we found that there is a valuable role to be played by commercial space systems in order to allow our defense and intelligence assets to be available for critical tasks.

Do you see a role for commercial systems and will you advocate a clear national strategy and a commitment of funding for acquisition of imagery in order to take full advantage of commercial satellite capabilities?

Secretary RUMSFELD. As I stated in the confirmation hearing, my impression is that the United States government, including the military, will and should increase the use of commercially available satellite capabilities, especially in the area of communications and imagery. There are a number of instances where the government might take advantage of commercial off-the-shelf type products and services, and use those products and services to good effect.

49. Senator ALLARD. A concern for me is the adequate funding for our long lead space research and development programs—such as the space based radar.

What key areas and needs do you see as a focus for technological development in order to move our systems to the next generation?

Secretary RUMSFELD. I agree that there needs to be considerable investment in "leading edge" technologies. The United States cannot afford to lose its preeminence in science and technology.

QUESTIONS SUBMITTED BY SENATOR TIM HUTCHINSON

50. Senator HUTCHINSON. I am concerned that the military's basic pay table has become compressed over the last decade—that senior enlisted members of our Armed Forces are no longer receiving compensation commensurate with the great responsibilities placed upon their shoulders.

If confirmed, will you thoroughly examine the area of compensation for senior enlisted members of our Armed Forces before President Bush sends an amended fiscal year 2002 budget request to Congress?

Secretary RUMSFELD. Yes.

51. Senator HUTCHINSON. Nearly every soldier, sailor, airman, or marine that I have spoken to has told me that the need to provide a college education for a spouse or child has become a major factor in most re-enlistment decisions. While I have, in the past, supported efforts to make Montgomery G.I. Bill benefits portable, I am not convinced that this would provide the best solution.

If confirmed, will you commit yourself to working with Congress to explore new methods by which those who make a career of the Armed Forces will be able to provide college educations for their dependents?

Secretary RUMSFELD. If confirmed, I will be pleased to work with you and your colleagues in the Senate and the House of Representatives to identify options for improving the overall morale and welfare of our servicemen and women, including the dependent's education option you have suggested.

52. Senator HUTCHINSON. One of the many programmatic challenges facing the Department of Defense is the modernization of our Nation's fleet of C–130 transport aircraft.

If confirmed, what steps will you take to ensure a modern and viable mission-ready C–130 force for today and for the future?

Secretary RUMSFELD. I am aware of and appreciate the keen interest in the C–130J program shown by you and several of your colleagues. However, I have not had an opportunity to review the program, nor have I seen the results of the mobility requirements study you mention. If confirmed, I will review the study and the program.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

53. Senator SESSIONS. The U.S. government is faced with the enormous task of destroying unexploded ordnance at munitions sites that have been found across the United States, most notably recently at Massachusetts Military Range on Cape Cod, in Massachusetts and Rocky Mountain Arsenal in Denver, Colorado. There are hundreds of U.S. sites with similar problems. These munitions and their toxic explosives can pose serious environmental problems both in terms of their storage or if they are destroyed by open burn or open detonation.

What plans would your Department have to destroy munitions found in current and former U.S. bases? Will you focus on closed disposal technologies rather than continuation of open burn/open detonations as a solution to this problem? What priority would you give to the funding of new methods of destroying these hazardous materials, including finding private sector solutions to this problem that would not require the hazardous transport of conventional unexploded ordnance?

Secretary RUMSFELD. I appreciate your concern about unexploded ordnance. However, I have not been briefed on the Department's plans and programs in this area, and am unable to comment at this time. If confirmed, these activities will be reviewed and assessed.

54. Senator SESSIONS. Areas of the former Soviet Union, Central and Eastern Europe, and Asia have numerous outdated and hazardous munitions sites that could pose a proliferation problem if those munitions and explosives are not properly destroyed. The U.S. government currently funds this program in the former Soviet Union.

Would you support the continuation of this non-proliferation program and an increase in budgetary allocations to help stem this proliferation concern? Would you support the extension of this program to include Central and Eastern Europe and Asia? Which areas pose a particular concern? Would your administration support the extension of non-proliferation programs to China that would help American companies enter this market, destroying munitions that pose an environmental hazard? Would you support the use of Foreign Ministry Financing Funds for the destruction of unexploded ordnance and chemical weapons if requested by an eligible country?

Secretary RUMSFELD. I am unaware of the program to which you refer. If confirmed, I will undertake to have this program reviewed in light of your questions.

[The nomination reference of Donald H. Rumsfeld follows:]

NOMINATION REFERENCE

[On January 20, 2001, the Senate received the Donald H. Rumsfeld nomination. It was not referred to the Senate Armed Services

Committee, but was signed by the President, placed on the Senate Executive Calendar, and then confirmed by the full Senate by voice vote all on the same day. A confirmation hearing was held by the Senate Armed Services Committee on January 11, 2001.]

[The biographical sketch of Donald H. Rumsfeld follows:]

BIOGRAPHICAL SKETCH OF DONALD H. RUMSFELD

Donald Rumsfeld was born in 1932 in Chicago, Illinois, attended Princeton University on scholarship, served in the U.S. Navy (1954–1957) as an aviator, and was All Navy Wrestling Champion. Married in 1954, he and his wife Joyce have three children and five grandchildren.

Mr. Rumsfeld is in private business and is Chairman of the Board of Directors of Gilead Sciences, Inc. He serves as a member of the boards of directors of ABB (Asea Brown Boveri) Ltd. (Zurich, Switzerland), Amylin Pharmaceuticals, and Tribune Company. He is also Chairman of the Salomon Smith Barney International Advisory Board and an advisor to a number of companies, including Investor AB of Sweden. He is currently Chairman of the U.S. Commission to Assess National Security Space Management and Organization.

In 1962, at the age of 30, he was elected to his first of four terms in the U.S. Congress. In 1969, he resigned from Congress to join the President's Cabinet. He served as Director of the Office of Economic Opportunity and Assistant to the President, and later as Director of the Economic Stabilization Program and Counselor to the President. In January 1973 he was posted to Brussels, Belgium, as U.S. Ambassador to North Atlantic Treaty Organization (NATO).

In August 1974, Mr. Rumsfeld was called back to Washington, DC, to serve as Chairman of the transition to the Presidency of Gerald R. Ford. He served as Chief of Staff of the White House and as a member of the President's Cabinet, 1974–1975, and as the 13th U.S. Secretary of Defense, 1975–1977, the youngest in history.

In 1977, Mr. Rumsfeld left Washington, DC, after some 20 years of public service and lectured at Princeton University's Woodrow Wilson School of International Affairs and at Northwestern University's Kellogg Graduate School of Management prior to entering business.

In June 1977, he became Chief Executive Officer of G.D. Searle & Co., a worldwide pharmaceutical company, where he served until 1985. The turnaround there earned him awards as the Outstanding Chief Executive Officer in the Pharmaceutical Industry in 1980 and 1981. He was in private business from 1985 to 1990. From 1990 to 1993, Mr. Rumsfeld served as Chairman and Chief Executive Officer of General Instrument Corporation, a leader in broadband and digital high-definition television technology. After taking the company public, Mr. Rumsfeld returned to private business.

During his years in business, he has continued public service in a variety of federal posts including service as President Reagan's Special Envoy for the Middle East, and as a Member of the President's General Advisory Committee on Arms Control, and the National Economic Commission. His current civic activities include service on the Boards of Trustees of the Chicago Historical Society, Eisenhower Exchange Fellowships, the Hoover Institution at Stanford University, the Rand Corporation and the National Park Foundation. He is also a member of the U.S.-Russia Business Forum, and recently completed service as Chairman of the U.S. Government Commission to Assess the Ballistic Missile Threat to the United States.

Honors include: Distinguished Eagle Scout Award (1975), George Catlett Marshall Award (1984), Woodrow Wilson Award (1985), Dwight Eisenhower Medal (1993), and eleven honorary degrees. In 1977, Mr. Rumsfeld was awarded the nation's highest civilian award, the Presidential Medal of Freedom.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Donald Henry Rumsfeld.

2. **Position to which nominated:**
U.S. Secretary of Defense.

3. **Date of nomination:**
Expected to be on January 20, 2001. Date of announcement by President-elect December 28, 2000.

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

5. **Date and place of birth:**
July 9, 1932; Chicago, Illinois.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Marion Joyce Pierson; December 27, 1954.

7. **Names and ages of children:**
Valerie Jeanne Rumsfeld, age 44 (born March 3, 1956)
Marcy Kay Rumsfeld, age 40 (born March 28, 1960)
Donald Nicholas Rumsfeld, age 33 (born June 26, 1967).

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

From	To	Name of School	Address	Degree
9/46	6/50	New Trier High School	Winnetka, IL	H.S. Diploma
9/50	6/54	Princeton University	Princeton, NJ	B.A.
10/54	1/56	U.S. Naval Flight School	Pensacola, FL	Naval Aviator
1956	1956	Instructors Basic Training School (IBTU)	Pensacola, FL	Naval Flight Instructor
1959	1959	Georgetown Law Center	Washington, DC	None
1959	1960	Western Reserve Law School	Cleveland, OH	None
1963	1963	National War College	Washington, DC	N/A

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Dates	Position	Company
08/93–Present	Private Business	400 N. Michigan, #405, Chicago, IL 60611
10/90–08/93	Chairman and Chief Executive Officer	General Instrument Corp., 181 W. Madison St., Chicago, IL 60602
10/85–10/90	Senior Advisor (part time) and private business	William Blair & Co., 135 S. LaSalle St., Chicago, IL 60603

Dates	Position	Company
08/85–09/30/85	Chairman of the Board, President & CEO	G.D. Searle & Co., 4711 Golf Road, Skokie, IL 60076
06/77–08/85	President, CEO & Director	G.D. Searle & Co., 4711 Golf Road, Skokie, IL 60076
11/3/83–04/84	Presidential Envoy for the Middle East (part-time, temporary W.O.C.—on leave of absence from G.D. Searle & Co.).	U.S. Government, Washington, DC
10/82–02/83	Presidential Envoy for the Law of the Sea (part time—on leave of absence from G.D. Searle & Co.).	U.S. Government, Washington, DC
01/77–06/77	Lecturer (part time)	Northwestern Graduate School of Mgmt. and Princeton University, Woodrow Wilson School of International Affairs
01/77–06/77	Consultant	G.D. Searle Co
11/18/75–01/20/77	Secretary of Defense	U.S. Dept. of Defense, Washington, DC
08/74	Chairman of Gerald R. Ford's Transition to the Presidency.	The White House, Washington, DC
09/27/74–11/18/75	White House Chief of Staff; Asst. to the President; Cabinet Member.	The White House, Washington, DC
02/02/73–12/05/74	U.S. Ambassador to NATO	U.S. Dept. of State, Washington, DC
1971–1973	Member of the Cabinet	The White House, Washington, DC
12/10/70–02/02/73	Counsellor to the President.	
10/07/71–02/02/73	Director, Economic Stabilization Program (Cost of Living Council).	
1969–1973	Member of the Cabinet	The White House, Washington, DC
05/26/69–2/2/73	Asst. to the President.	
05/26/69–12/10/70	Director, Office of Economic Opportunity.	
1963–1969	Member, U.S. House of Representatives (R–IL)	U.S. Congress, Washington, DC
1960–1962	Registered Representative	A.G. Becker & Co. (investment banking) Chicago, IL
1959–1960	Campaign Manager	Hon. David Dennison, Warren, Ohio
1959	Staff Assistant, U.S. House of Representatives	Congressman Robert Griffin (R-Michigan) Washington, DC
1957–1959	Administrative Asst., U.S. House of Representatives.	Honorable David Dennison, Warren, Ohio.
1954–1957	Naval Aviator, then Flight Instructor, then Instructor of Flight Instructors.	U.S. Navy and then U.S.N.R.
1950–1954	Midshipman	N.R.O.T.C. (Regular).
1949 (Summer)	Counselor	Camp Owakanze, Ft. Williams, Canada
1949 (Xmas)	Mailman (part time)	U.S. Post Office, Winnetka, IL
1948 (Summer)	Counselor	Philmont Scout Ranch.
(Xmas)	Mailman (part time)	U.S. Post Office, Winnetka, IL
1947 (Summer)	Laborer, construction and gardening	Skokie Country Club.
(Xmas)	Mailman (part time)	U.S. Post Office, Winnetka, IL.
OTHER:		
1948	Janitor (part time)	Dress shop, Winnetka, IL
1947	Rug Cleaner	Lewis Mothproof, Northbrook, IL
1946	Gardening and snow shoveling	Winnetka, IL.
1945	Newsboy, gardening	Coronado, CA.
1944	Newsboy, chopped wood, delivered ice, dug clams	Port Orchard, Washington; Seaside, Oregon.
1943	Newsboy, shop boy (fish market), raised and sold watermelons, cantaloupe and chickens.	Elizabeth City, NC.
1942	Newsboy, magazine salesman, delivery boy	Winnetka, IL.

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

This attachment represents my best recollections. It is complete to the best of my ability, but I suspect there may be some unintentional omissions.

APPOINTMENT DATES—DONALD RUMSFELD

President	Date	Title
Nixon	5/26/69 to 2/2/73	Assistant to the President

APPOINTMENT DATES—DONALD RUMSFELD—Continued

President	Date	Title
Nixon	5/26/69 to 12/10/70	Director of the Office of Economic Opportunity
Nixon	4/20/70 to 2/2/73	Property Review Board (member 4/20/70; chairman 9/11/71)
Nixon	12/10/70 to 2/2/73	Counselor to the President
Nixon	1/20/71 to 2/2/73	Member of Domestic Council
Nixon	10/7/71 to 2/2/73	Director of the Cost of Living Council
Nixon	2/2/73 to 12/5/74	U.S. Permanent Representative on the Council of North Atlantic Treaty Organization with the Rank and Status of Ambassador Extraordinary and Plenipotentiary
Ford	9/27/74 to 11/18/75	Assistant to the President
Ford	11/18/75 to 1/20/77	Secretary of Defense
Ford	2/24/76 to 1/20/77	Governor of Board of Governors, American National Red Cross
Reagan	9/23/82 to 10/29/86	Member of the General Advisory Committee of the U.S. Arms Control & Disarmament Agency
Reagan	5/17/83 to 9/17/84	Member of the Presidents Council on the Conduct of U.S.-Japan Relations
Reagan	11/3/83 (no end date)	Personal Representative of the President of the U.S.A. in the Middle East

U.S. GOVERNMENT RELATED—CURRENT:

Director of Central Intelligence—Washington, DC—Consultant (WOC) (7/98–)

Congressional Policy Advisory Board, Republican Policy Committee, U.S. House of Representatives, Washington, DC—Member, Advisory Board (1/98–)

Congressional Leadership National Security Advisory Group, Washington, DC—Chairman (6/22/00–)

Senator Peter Fitzgerald Business Advisory Committee, Chicago, IL—Member (12/98–)

National Park Foundation, Washington, DC—Member, Board of Trustees (8/90–8/96) (1/93–7/94) (11/97–); Selection Committee for Theodore Roosevelt Medal (3/95–); Selection Committee for Board (6/95–4/96); Development Committee (1/98–); Executive Committee (10/92–4/96)(1/98–); Finance Committee (10/92–4/96); New Initiatives Task Force (1/93–7/94); Government Relations Committee (7/94–4/96); Governance Committee (1/98–9/98)(11/98–); Chairman, Governance Committee (11/98–7/00).

Lt. Governor Corinne Wood Business Advisory Committee, Chicago, IL—Member (3/99–)

FORMER ACTIVITIES (PARTIAL)

Approximate Dates	Activity
1967–1969	THE JAPANESE–AMERICAN INTER–PARLIAMENTARY COUNCIL—Co–Founder, Washington, DC
1968–1968	COMMITTEE TO STUDY THE ORGANIZATION OF CONGRESS FOR THE HOUSE REPUBLICAN CONFERENCE, Washington, DC—Member.
1968–?	THE NAVAL ACADEMY ATHLETIC ASSOCIATION, Annapolis, Maryland—Honorary Member
1968–1969	NAVAL RESERVE ASSOCIATION—Member, Chicago, IL.
1968–1969	RESERVE OFFICERS ASSOCIATION—Member, Washington, DC
1977–?	U.S. DEPT. OF DEFENSE, Washington, DC—Advisor (W.O.C.)
02/81–1981	INTERIM FOREIGN POLICY ADVISORY BOARD FOR PRESIDENT REAGAN—Member
09/82–11/86	PRESIDENT REAGAN'S GENERAL ADVISORY COMMITTEE ON ARMS CONTROL (GAC), Washington, DC—Member
10/82–2/83	PRESIDENT REAGAN'S SPECIAL ENVOY FOR THE LAW OF THE SEA TREATY—(W.O.C.), Washington, DC
11/82–06/85	PRESIDENT REAGAN'S COUNCIL FOR INTERNATIONAL YOUTH EXCHANGE, Washington, DC—Member
12/82–09/85	PRESIDENT REAGAN'S COUNCIL FOR PHYSICAL FITNESS & SPORTS, Washington, DC—Special Advisor
12/82–10/90	NATIONAL DEFENSE UNIVERSITY FOUNDATION, Washington, DC—Honorary Member, Board of Directors
01/83–1984	PRESIDENT REAGAN'S PANEL ON STRATEGIC SYSTEMS—(MX Panel)—(W.O.C.), Washington, DC—Senior Advisor.
06/83–10/84	U.S. PRESIDENTIAL COMMISSION ON THE CONDUCT OF U.S./JAPAN RELATIONS (U.S.), Washington, DC—Member; and THE JOINT ADVISORY COMMISSION ON U.S./JAPAN RELATIONS (Bi-National)—(W.O.C.), Washington, DC—Member
10/83–1/89(?)	U.S. DEPARTMENT OF STATE, Washington, DC—Advisor/Expert (W.O.C.) (Dates are uncertain.)
11/83–4/84	PRESIDENT REAGAN'S SPECIAL ENVOY TO THE MIDDLE EAST—(W.O.C.), Washington, DC
03/87–06/88	ASSOCIATION OF NAVAL AVIATION, Washington, DC—Member.

FORMER ACTIVITIES (PARTIAL)—Continued

Approximate Dates	Activity
10/87–08/90	NATIONAL (Paul Volker) COMMISSION ON PUBLIC SERVICE, Washington, DC—Member
02/88–03/89	NATIONAL ECONOMIC COMMISSION (Reagan Administration), Washington, DC—Member
02/88–08/92	NATIONAL DEFENSE UNIVERSITY, Washington, DC—Member, Board of Advisors
05/89–08/91	COMMISSION ON U.S.-JAPAN RELATIONS (U.S.-Japan 2000)—Member
08/89–2/90	NATIONAL ACADEMY OF SCIENCE, Washington, DC—Member, Panel on the Future Design and Implementation of U.S. National Security Export Controls
1992–1994	INTERNATIONAL REPUBLICAN INSTITUTE, Washington, DC—Member
03/92–10/93	U.S. FEDERAL COMMUNICATIONS COMMISSION—HIGH DEFINITION TELEVISION ADVISORY COMMITTEE
12/97–7/98	COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE UNITED STATES, Washington, DC—Chairman
2/99–6/99	PANEL TO ASSESS THE CAPABILITIES FOR DOMESTIC RESPONSE TO TERRORIST ACTS INVOLVING WEAPONS OF MASS DESTRUCTION (RAND)—Washington, DC
1/99–11/00	U.S. TRADE DEFICIT REVIEW COMMISSION—Washington, DC—Commissioner
6/00–12/00	U.S. COMMISSION TO ASSESS NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION, Washington, DC—Chairman

SELECTED U.S. GOVERNMENT ACTIVITIES

Approx. Dates		Activity
From	To	
Sep-50	Jun-54	Midshipman, N.R.O.T.C.
Jan-54	Jan-57	Naval Officer, Ensign/LTJG
Nov-57		Honorable discharge from the U.S. Navy
Nov-57	1989	Naval Reserves, Captain/USNR-Retired
Dec-57	Jan-59	Administrative Assistant to Congressman David Dennison (R-OH)
1959	1959	Staff Assistant to Congressman Robert Griffin (R-MI)
Jan-63	Apr-69	Member (R-IL), U.S.House of Representatives, 88th Congress
Jan-63	Apr-69	Member, House Committee on Science & Astronautics
Jan-63	Jan-65	Member, Subcommittee on Advanced Research & Technology
Jan-63	Jan-65	Member, Subcommittee on Tracking & Data Acquisition
Jan-65	Apr-69	Member, Subcommittee on Manned Space Flight
1965	2000	Member, 88th Congressional Club
Jan-65	Jan-67	Member, House Committee on Foreign Operations & Government Information
Jan-65	Jan-67	Member, Government Operations Subcommittee on Legal & Monetary Affairs
Jan-67	Apr-69	Member, Government Operations Subcommittee on Military Operations
Jan-67	Apr-69	Member, Joint Economic Committee
Jan-67	Apr-69	Member, Joint Economic Committee Subcommittee on Economy in Government
Jan-67	Apr-69	Member, Joint Economic Committee Subcommittee on Economic Statistics
Jan-67	Apr-69	Member, Joint Economic Committee Subcommittee on Fiscal Policy
Jan-67	Apr-69	Member, Joint Economic Committee Subcommittee on Inter-American Economic Relationships
1967		President of Republican Members, 88th Congress, U.S. House of Representatives
1968	1969	Member, Presidential Transition Team for President-Elect Richard Nixon
Apr-69	Jan-73	Member, President's Cabinet (Nixon)
May-69	Feb-73	Assistant to the President (Nixon)
May-69	Dec-70	Director, Office of Economic Opportunity
Apr-70	Feb-73	Member, Property Review Board. Chairman (9/11/71–2/73)
Dec-70	Feb-73	Counselor to the President (Nixon)
Jan-71	Feb-73	Member, Domestic Council
Oct-71	Feb-73	Director, Economic Stabilization Program (Cost of Living Council)
Feb-73	Dec-74	U.S. Ambassador to NATO, Brussels, Belgium
1974		Chairman of the Presidential Transition Team for Gerald Ford
1974	1975	Member, President's Cabinet (Ford)
1974	1975	White House Chief of Staff
Sep-74	Nov-75	Assistant to the President (Ford)
Nov-75	Jan-77	U.S. Secretary of Defense
Feb-76	Jan-77	Governor, American National Red Cross Board of Governors
1977	1980	Consultant, U.S. Department of Defense (W.O.C)
1980		Member of Ronald Reagan's Foreign and Defense Policy Advisory Committee
1981		Member, Interim Foreign Policy Advisory Board for President Reagan

SELECTED U.S. GOVERNMENT ACTIVITIES—Continued

Approx. Dates		Activity
From	To	
1982	1983	Senior Advisor to Commission on Strategic Systems (Scowcroft MX Panel), (W.O.C)
Sep-82	(?)	Member, U.S. General Advisory Committee on Arms Control (W.O.C.)
Oct-82	Feb-83	Presidential Envoy for the Law of the Sea Treaty
May-83	Sep-84	Member, U.S. Presidential Commission on U.S.-Japan Relations (W.O.C.)
May-83	Sep-84	Member, U.S. the Joint Advisory Commission on U.S.-Japan Relations (W.O.C.)
Nov-83	Jan-89	Consultant/Expert Advisor, U.S. Department of State (W.O.C.) (dates uncertain)
Nov-83	Apr-84	President Reagan's Personal Representative to the Middle East
Feb-88	Mar-89	Member, National Economic Commission, Washington, DC
Aug-90	Aug-96	Member, Board of Trustees, National Park Foundation, Washington, DC
Nov-97	Dec-00	Member, Board of Trustees, National Park Foundation, Washington, DC
Oct-92	Apr-96	Member, Executive Committee, National Park Foundation, Washington, DC
Oct-92	Apr-96	Member, Finance Committee, National Park Foundation, Washington, DC
Mar-95	Jan-01	Member, Selection Committee for Theodore Roosevelt Medal, National Park Foundation, Washington, DC
Jan-93	Ju1-94	Member, New Initiatives Task Force, National Park Foundation, Washington, DC
Ju1-94	Apr-96	Member, Government Relations Committee National Park Foundation, Washington, DC
Jun-95	Apr-96	Member, Selection Committee for Board, National Park Foundation, Washington, DC
Jan-98	Sep-98	Member, Governance Committee, National Park Foundation, Washington, DC
Jan-98	Jan-01	Member, Development Committee, National Park Foundation, Washington, DC
Jan-98	Jan-01	Member, Executive Committee, National Park Foundation, Washington, DC
Ju1-98	Jul-00	Chairman, Governance Committee, National Park Foundation, Washington, DC
Nov-98	Jan-01	Member, Governance Committee, National Park Foundation, Washington, DC
Jan-98	Jan-01	Member, Congressional Policy Advisory Board, Republican Policy Committee, House of Representatives, Washington, DC
Ju1-98	Jan-01	Consultant to the Director of Central Intelligence, Washington, DC
Jan-99	Nov-00	Member, U.S. Trade Deficit Review Commission, Washington, DC
Jun-00	Jan-01	Chairman, Congressional Leadership National Security Advisory Group, Washington, DC
Jun-00	Dec-00	Chairman, U.S. Commission to Assess National Security Space Management and Organization, Washington, DC

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

This attachment represents my best recollections. It is complete to the best of my ability, but I suspect there may be some unintentional omissions.

CURRENT ACTIVITIES

*Organizational affiliations which I might wish to continue during the term of my appointment

**Investments in entities which I might wish to continue during the term of my appointment.

BUSINESS:

BOARDS OF DIRECTORS: PUBLIC COMPANIES

ABB Asea Brown Boveri, Ltd., Zurich, Switzerland—Member, Board of Directors (6/99–); Nominating Committee (12/99–)

AMYLIN PHARMACEUTICALS, La Jolla, California—Member, Board of Directors (11/91–9/96), (9/99–), Advisor (9/96–10/99)

GILEAD SCIENCES, INC., Foster City, California—Chairman, Board of Directors (1/97–); Member, Board of Directors (7/88–); Audit Committee (4/89–97); Compensation Committee (4/91–97)

TRIBUNE COMPANY, Chicago, Illinois—Member, Board of Directors (7/92–); Executive Committee (5/96–); Audit Committee (7/92–5/95); Governance and Compensation Committee (5/95–); Incentive Compensation Subcommittee of the Governance and Compensation Committee (5/96–5/99); Finance Committee (7/92–5/95);

Technical Advisory Committee (9/92–2/00)—Chairman (5/95–2/00); [Leave of Absence from 7/8/96 to 11/6/96].

BOARDS OF DIRECTORS: PRIVATE COMPANIES

OVERX, INC., Chicago, IL—Member, Board of Directors (7/99–); Compensation Committee (10/99–12/99)

*,**SHOTPUT HOLDINGS, INC. (Owned 100 percent by Donald Rumsfeld to hold fractional interest in aircraft that are operated and maintained by a third-party), Chicago, IL—Member, Board of Directors and President (11/95–).

ADVISORY RELATIONSHIPS: PUBLIC COMPANIES

INVESTOR AB, Stockholm, Sweden—Advisor (1/94–)

METRICOM, INC., Los Gatos, California—Member, Advisory Board (1/94–)

NVIDIA, Sunnyvale, California—Business Advisor (2/98–)

SALOMON SMITH BARNEY, New York, New York—Chairman, International Advisory Board (11/98–).

ADVISORY BOARDS: PRIVATE COMPANIES

THE HAMILTON GROUP, Washington, DC.—Member, Advisory Board (2/97–)

TRANSACTION INFORMATION SYSTEMS (TIS), New York. NY—Advisory Board (4/99–)

THESCIENCE.COM—Menlo Park, CA—Advisory Board (4/00–).

U.S. GOVERNMENT RELATED

DIRECTOR OF CENTRAL INTELLIGENCE—Washington, DC—Consultant (WOC)(7/98–).

CONGRESSIONAL POLICY ADVISORY BOARD, Republican Policy Committee, U.S. House of Representatives, Washington, DC—Member, Advisory Board (1/98–).

CONGRESSIONAL LEADERSHIP NATIONAL SECURITY ADVISORY GROUP, Washington, DC—Chairman (6/22/00–)

SENATOR PETER FITZGERALD BUSINESS ADVISORY COMMITTEE, Chicago, IL—Member (12/98–)

NATIONAL PARK FOUNDATION, Washington, DC—Member, Board of Trustees (8/90–8/96) (1/93–7/94) (11/97–); Selection Committee for Theodore Roosevelt Medal (3/95–); Selection Committee for Board (6/95–4/96); Development Committee (1/98–); Executive Committee (10/92–4/96)(1/98–); Finance Committee (10/92–4/96); New Initiatives Task Force (1/93–7/94); Government Relations Committee (7/94–4/96); Governance Committee (1/98–9/98)(11/98–); Chairman, Governance Committee (11/98–7/00)

U.S. COMMISSION TO ASSESS NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION, Washington, DC—Chairman (6/00–12/00).

LT. GOVERNOR CORINNE WOOD BUSINESS ADVISORY COMMITTEE, Chicago, IL—Member (3/99–).

BOARDS OF DIRECTORS: NOT FOR PROFIT ORGANIZATIONS

CHICAGO HISTORICAL SOCIETY, Chicago, Illinois—Member, Board of Trustees (7/97–); Exhibitions Committee (10/97–11/99); Finance Committee (10/97–4/00)

*DHR FOUNDATION, Chicago, Illinois—President (12/85–). (Possibly without investment control)

EISENHOWER EXCHANGE FELLOWSHIPS, Philadelphia, Pennsylvania—Chairman Emeritus (5/93–); Chairman, Board of Trustees (5/86–5/93); Executive Committee (5/93–5/95)

EMPOWER AMERICA, New York, New York—Member, Board of Directors (1/93–)

*GERALD R. FORD FOUNDATION, Grand Rapids, Michigan—Member, Board of Trustees (9/81–); Awards and Grants Committee (3/82–7/90); Program Committee (7/90–7/92); Endowment/Development Committee (7/92–)

HOOVER INSTITUTION ON WAR, REVOLUTION AND PEACE, Stanford, California—Member, Board of Overseers (8/83–2/87, 7/88–6/94 & 7/97–); Finance Committee (7/97–3/98); Nominating Committee (7/97–); Executive Committee (4/98–)

JAPAN CENTER FOR INTERNATIONAL EXCHANGE, Japan—Member, Board of Trustees (1990–).

RAND CORPORATION, Santa Monica, California—Chairman, Board of Trustees (4/81–4/86)(4/95–12/96); Member, Board of Trustees (4/77–4/87)(4/88–4/98)(4/99–); Executive Committee (4/77–4/87) (4/88–4/98)(4/99–); Member, Audit Committee (4/95–4/98)(4/99–4/00); Endowment Fund Subcommittee (4/95–12/96); Corporate Development Advisory Committee (7/904/98–); Chairman, Nominating Committee (4/97–4/98); Member, Nominating Committee (4/78–4/87 & 4/95–4/98); and Ad Hoc Committee for the National Defense Research Institute (4/94–11/94); Member, Corporate

Development Advisory Committee (7/90–4/98); President's Council (9/93–4/98); RAND Graduate School Committee (4/95–4/98); Member, Advisory Committee of the Center for Asia-Pacific Policy (5/96–4/98); Member, Long-Term Investment Fund Subcommittee (4/99–); Member, Ad Hoc Venture Advisory Committee (7/99–). RAND Transition 2001, Washington, DC—Panel Member (1/00–12/00). [Took leave of absence as Chairman/Member of the Board of Trustees of RAND from 6/96–12/96.]

RAND Russian-American Business Leaders Forum, Santa Monica, California—Member (11/97–)

SMITH RICHARDSON FOUNDATION, New York, New York—Member, Grant Advisory Committees—Domestic (6/98–12/99); Foreign Policy (6/98–)

THE NATIONAL SECURITY FUNDERS INSTITUTE, New York, New York—Advisory Board (3/00–).

UNIVERSITY OF CHICAGO, Chicago, Illinois—Member, Department of Economics Chairman's Council (6/97–)

*AMERICAN ACADEMY OF DIPLOMACY, Washington, DC—Member (10/83–)

BRETTON WOODS COMMITTEE, Washington, DC—Member (7/96–)

CHICAGO COUNCIL ON FOREIGN RELATIONS, Chicago, Illinois—Member (6/93–). (Member, Board of Directors, 5/85–6/92)

*COUNCIL OF AMERICAN AMBASSADORS, Washington, DC—Member (8/83–)

FIRST FLIGHT CENTENNIAL FOUNDATION, Raleigh-Durham Airport, NC (6/99–)

*FORMER MEMBERS OF THE U.S. CONGRESS, Washington, DC.—Member (1975–)

INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES (IISS), London, England—Member (6/78–)

THE MARSH INSTITUTE (former Congressman John Marsh; D–VA), Shenandoah University, Winchester, Virginia—Member, Honorary Committee (11/98–)

*NATIONAL ACADEMY OF PUBLIC ADMINISTRATION (NAPA), Washington, DC.—Member (9/81–)

NATIONAL STRATEGY FORUM, Chicago, Illinois—Member (9/83–).

ADVISORY:

ALEXIS de TOCQUEVILLE INSTITUTION—NATIONAL SECURITY PROGRAM, Arlington, VA—Member, Senior Advisory Board (9/93–)

CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES—The Global Organization on Crime, Washington, DC.—Member, Steering Committee (11/97–)

COMMITTEE FOR THE COMMON DEFENSE, Arlington, Virginia—Senior Advisory Board member (9/93–)

GEORGE WASHINGTON UNIVERSITY, Washington, DC.—Member, Committee for Democracy in Russia (4/96–)

INTERNATIONAL RESCUE COMMITTEE, New York, New York—Member, International Advisory Board (6/88–); Member Board of Trustees (6/86–6/88)

THE JAMESTOWN FOUNDATION, Washington, DC.—Member, Advisory Board (10/85–)

JAPAN CENTER FOR INTERNATIONAL EXCHANGE, INC. (JCIE/USA), New York, New York—Board of Trustees (10/92–)

JOHN E. MOSS (former Congressman John Moss; D–CA) FOUNDATION CONGRESSIONAL ADVISORY COMMITTEE, Chicago, IL—Member (1/99–)

THE WASHINGTON INSTITUTE STUDY GROUP ON U.S. MIDDLE EAST POLICY STEERING COMMITTEE, Washington, DC—Member (2/00–).

POLITICAL ACTIVITIES:

42ND WARD REPUBLICAN ORGANIZATION, Chicago, Illinois—Member (9/85–).

OTHER:

*ALFALFA CLUB, Washington, DC—Member (1976–)

*BOHEMIAN CLUB, San Francisco, California—Member (12/86–); H.B. Camp (8/87–)

*CAPITOL HILL CLUB, Washington, DC—Member (5/85–)

*CASTLE PARK PLATFORM TENNIS ASSOCIATION, Castle Park, Michigan—Member (1980–)

*COMMERCIAL CLUB, Chicago, IL—Member (3/79–). Executive Committee (5/92–5/93)

*88TH CONGRESSIONAL CLUB, Washington, DC—Member (1965–)

*THE FEBRUARY GROUP (President Nixon Administration Alumni), Alexandria, Virginia—Member (4/91–)

THE 410 CLUB, Chicago, Illinois—Member (12/93–)
*FOURTH PRESBYTERIAN CHURCH, Chicago, Illinois—Member (9/90–)
*FRIENDS OF PRINCETON WATER POLO, Princeton, New Jersey—Member
*FRIENDS OF PRINCETON WRESTLING COMMITTEE, Princeton, New Jersey—Member (7/96–)
OUTSTANDING AMERICANS SELECTION COMMITTEE, National Wrestling Hall of Fame, Stillwater, Oklahoma—Member (10/97–)
*PRINCETON CLUB OF CHICAGO, Chicago, Illinois—Member (10/91–). Honorary member, Board of Directors. Awards Committee (06/93–06/94)
*PRINCETON CLUB OF NEW YORK, New York, New York—Member (4/79–10/91, reinstated 4/93–)
*RACQUET CLUB OF CHICAGO, Chicago, Illinois—Member (1/86–)
*REAGAN ALUMNI ASSOCIATION, Alexandria, Virginia—Member (1990–)
*SOS CLUB, Washington, DC.—Member (1964–).

FIDUCIARY:

*DONALD H. RUMSFELD REVOCABLE TRUST u/a/d October 6, 1978, as amended (1978–)
*DONALD H. RUMSFELD 1998 GRANTOR RETAINED ANNUITY TRUST (1998–).

INVESTMENT RELATIONSHIPS:

The entities listed under this heading overwhelmingly represent investments in which I have no active role. My participation is predominately that of a passive investor
**BIOTECHNOLOGY VENTURE PARTNERS, L.P., San Francisco, CA—Limited Partner (1995–)
**BRENTWOOD ASSOCIATES VII, L.P., Los Angeles, CA—Limited Partner (1995–)
**BRENTWOOD ASSOCIATES VIII, L.P., Los Angeles, CA—Limited Partner (1997–)
**BRENTWOOD ASSOCIATES IX, L.P., Los Angeles, CA—Limited Partner (1998–)
**CERBERUS INSTITUTIONAL PARTNERS, L.P., New York, NY—Limited Partner (1999–)
**CHENGWEI VENTURES FUND I, L.P., Shanghai, China—Limited Partner (2000–)
**COMPASS I, L.P., Chicago, IL—Limited Partner (1997–).
**CONVERGENCE CAPITAL GROUP, L.P., San Francisco, CA—Limited Partner (2000–)
**DEERFIELD PARTNERS, L.P., New York, NY—Limited Partner (1994–).
**FLAG GROWTH CAPITAL, L.P., Stamford, CT—Limited Partner (2000–)
**FLAG VENTURE PARTNERS IV, L.P., Stamford, CT—Limited Partner (2000–)
**FLC XXX PARTNERSHIP, New York, NY—General Partner (1998–)
**HAMILTON TECHNOLOGY VENTURES, L.P., San Diego, CA—Limited Partner (2000–).
**JORD PARTNERSHIP, Schaumburg, IL—General Partner (1990–)
**KINGSBURY CAPITAL PARTNERS, L.P. III, San Diego, CA—Limited Partner (1998–)
**LASALLE RECOVERY VENTURE LIMITED PARTNERSHIP, Chicago, IL—Limited Partner (1994–)
**LAZY O RANCH LTD. PARTNERSHIP, Schaumburg, IL—Limited Partner (1988–)
**LCOR, INC., Schaumburg, IL—50 percent shareholder (1996–)
**LLANO HOT SPRINGS PARTNERSHIP, Taos, NM—General Partner (1992–)
**MAVERICK CAPITAL, Dallas, TX—Limited Partner (1997–)
**MUTUALFUNDS.COM, Boston, MA—Limited Liability Company Member (1999–)
**OCM OPPORTUNITIES FUND III, L.P., Los Angeles, CA—Limited Partner (1999–)
**OCM OPPORTUNITIES FUND, L.P., Los Angeles, CA—Limited Partner (1995–)
**OPTION ADVANTAGE PARTNERS, L.P., San Francisco, CA—Limited Partner (2000)
**POLARIS VENTURE PARTNERS III, L.P., Waltham, MA—Limited Partner (2000–)
**R. CHANEY & PARTNERS III L.P., Houston, TX—Limited Partner (1997–)

**R. CHANEY & PARTNERS IV, L.P., Houston, TX—Limited Partner (1998–)
**ROBERTSON STEPHENS RESIDENTIAL FUND, L.P., San Francisco, CA—Limited Partner (1994–)
**SCF PARTNERS III, L.P., Houston, TX—Limited Partner (1995–)
**SCF PARTNERS IV, L.P., Houston, TX—Limited Partner (1998–)
**SILVER LAKE SPECIAL TRUST, New York, NY—Limited Partner (1999–)
**STINSON CAPITAL PARTNERS, L.P., San Francisco, CA—Limited Partner (1998–)
**SUMMIT VENTURES IV, L.P., Boston, MA—Limited Partner (1995–)
**TECOLOTE LAND LLC, Schaumburg, IL—Limited Liability Company Member (2000–)
**THOMAS H. LEE FUND V, L.P., Boston, MA—Limited Partner (2000–)
**TIGER MANAGEMENT L.L.C., New York, NY—Limited Partner (1993–)
**TRANSPAC CAPITAL 1996 INVESTMENT TRUST, Tortola, British Virgin Islands—Limited Partner (1997–)
**TWP CEO FOUNDERS' CIRCLE (QP), L.P., San Francisco, CA—Limited Partner (1999–).
**VECTOR LATER STAGE EQUITY FUND II, L.P., Deerfield, IL—Limited Partner (1997–)
**WASHINGTON CAPITAL PARTNERS, L.L.C., Washington, DC—Limited Liability Company Member (2000–)
**YBR ASSOCIATES LIMITED PARTNERSHIP, Chicago, IL—General Partner (1987–)
**YBR ASSOCIATES LIMITED PARTNERSHIP II, Chicago, IL—Limited Partner (1992–)

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

See Question 11.

13. **Political affiliations and activities:**

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

Attachment A-13(a)
Donald Rumsfeld

This attachment represents my best recollections. It is complete to the best of my ability, but I suspect there may be some unintentional omissions.

SELECTED REPUBLICAN PARTY ACTIVITIES

Approx.Dates From	To	Activity
Dec-57	Jan-59	Member, Bull Elephants (Admin. Assts. to GOP Members of U.S. Congress)
1958		Campaign Manager for Congressman David Dennison (R-OH)
1960		Campaign Manager for Congressman David Dennison (R-OH)
1960		Republican National Convention, Chicago, IL - Attended with Congressman Dennision
1960	1990(?)	New Trier Township Organization
1961	1962	Precinct #3 Captain, Niles Township Republican Party
1964	1966	Member, Republican Paul Revere Panel (nationwide)
1964		Republican National Convention, San Francisco, CA
Jan-65	Jan-67	Co-Chairman, Republican Task Force on Latin America
Jan-65	Jan-67	Co-Chairman, Republican Task Force on Congressional Reform
Jan-65	Jan-67	Co-Chairman, Republican Task Force on Urban Affairs
Jan-65	Jan-67	Member, Republican Policy Committee
Jan-67	Jan-69	Member, House Republican Task Force on Congressional Reform
Jan-67	Jan-69	Member, House Republican Task Force on Urban Affairs
1968		Co-Chairman (with Gov. John Love), Republican National Committee's Listening Post at Democratic National Convention, Chicago, IL
1968		Co-Chairman (with Senate Minority Leader Hugh Scott), Republican Truth Squad, 1968 presidential election campaign (nationwide)
1968		Instructor, Republican Congressional Committee Candidate Campaign School
1968		Presidential Surrogate Campaign Speaker for Richard Nixon - nationwide
1968		Republican National Convention, Miami, FL - Assistant Floor Leader for Richard Nixon
1970		Surrogate Campaign Speaker, Republican National Committee Congressional Campaign (nationwide)
1972		Surrogate Campaign Speaker for President Richard Nixon - nationwide
1972		Republican National Convention, Miami, FL

Attachment A-13(a)
Donald Rumsfeld

SELECTED REPUBLICAN PARTY ACTIVITIES

Approx.Dates From	To	Activity
1974		Surrogate Campaign Speaker, Republican National Committee (nationwide)
1976		Republican National Convention, Kansas City, MO
1978		Surrogate Campaign Speaker, Republican National Committee (nationwide)
1979		Co-Chairman of John Porter's (R-IL) Congressional Campaign
1980		Advisor, Executive Advisory Committee for Ronald Reagan's 1980 Presidential Campaign
1980		Chairman, National Republican Senate-House Dinner, Washington, DC
1980		Presidential Surrogate Campaign Speaker for Ronald Reagan (nationwide)
1980		Speaker, Republican National Convention, Detroit, MI
1980		Speaker, "Truth Squad" for RNC 1980 Campaign
1982		Republican National Committee Surrogate Campaign Speaker (nationwide)
1983		Vice Chairman of National Republican Senate-House Dinner, Washington, DC
1985		Member, 43rd Ward Republican Organization, Chicago, IL
Aug-90		Member, Advisory Committee, Cook County Republican Organization, Chicago, IL
Dec-91		Member, The Governor's Club, Springfield, IL
Jan-92		Member, International Republican Institute, Washington, DC
Jun-96	Nov-96	National Policy Chairman, Dole/Kemp '96 Campaign, Washington, DC
Dec-98		Member, Senator Peter Fitzgerald Business Advisory Committee, Chicago, IL
Mar-99		Member, Lt. Gov. Corinne Wood Business Advisory Committee, Chicago, IL
Jan-99	Nov-00	National Security Adviser to Republican Presidential Nominee George W. Bush
Dec-00		President-elect Bush's nominee for SecDef

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

See Attachment A–13(a)

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

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
00 Federal						
Federal	Primary	Abraham Senate 2000	MI	U.S. Senate	3/24/95	1,000
Federal	General	Abraham Senate 2000	MI	U.S. Senate	11/22/99	1,000
Federal	Primary	George Allen Exploratory Committee	VA	U.S. Senate	4/15/99	250
Federal	Primary	George Allen Exploratory Committee	VA	U.S. Senate	4/27/99	750
Federal	Primary	Dick Armey Campaign Committee	TX	U.S. House	11/16/99	500
Federal	Primary	Bill Bradley for President	--	President	8/2/99	1,000
Federal	Primary	Bush Presidential Expl. Cmte.	--	President	8/3/99	1,000
Federal	Primary	DeWine for Senate	OH	U.S. Senate	4/15/96	1,000
Federal	Primary	People for Pete Domenici	NM	U.S. Senate	6/1/99	1,000
Federal	Primary	Erlich for Congress	MD	U.S. House	11/8/99	500
Federal	Primary	Frist 2000	TN	U.S. Senate	10/23/95	100
Federal	Primary	Frist 2000	TN	U.S. Senate	10/23/95	900
Federal	Primary	Friends of Giuliani	NY	U.S. Senate	9/13/99	1,000
Federal	Primary	Friends for Slade Gorton	WA	U.S. Senate	6/18/99	1,000
Federal	Primary	Hastert for Congress	IL	U.S. House	3/4/99	500
Federal	Primary	Hastert for Congress	IL	U.S. House	12/15/99	500
Federal	Primary	Henry Hyde for Congress	IL	U.S. House	9/24/99	500
Federal	Primary	Mark Kirk for Congress Committee	IL	U.S. House	4/13/00	1,000
Federal	Primary	KOMPAC (Hastert)	IL	U.S. House	5/5/99	1,000
Federal	Primary	Friends of Dick Lugar	IN	U.S. Senate	11/24/98	500
Federal	-	Majority Leaders Fund (House) (Y2K elec)	-	-	2/24/99	500
Federal	Primary	McCollum for U.S. Senate	FL	U.S. Senate	8/20/99	1,000
Federal	General	New Mexicans for Redmond	NM	U.S. House	10/28/99	1,000
Federal	Primary	Rogan Campaign Committee	CA	U.S. House	12/15/99	1,000
Federal	Primary	Santorum 2000	PA	U.S. Senate	6/18/98	1,000
Federal	General	Santorum 2000	PA	U.S. Senate	7/15/99	1,000
Federal	Primary	Northern Lights PAC (Ted Stevens)	AK	U.S. Senate	4/27/99	1,000
Federal	-	Team 2000 PAC	--	--	11/2/99	1,000
deral	Primary	American Renewal PAC (Watts)	OK	U.S. House	4/27/99	500
ederal	General	Weller for Congress	IL	U.S. House	11/22/99	500
Federal	Primary	Whitman for U.S. Senate	NJ	U.S. Senate	7/27/99	1,000
Federal	Primary	Whitman for U.S. Senate	NJ	U.S. Senate	10/29/99	(650)
Federal	Primary	Heather Wilson for Congress	NM	U.S. House	2/17/99	500
Federal	Primary	Heather Wilson for Congress	NM	U.S. House	10/29/99	500
Total Federal						24,850

2000 State						
State	-	42nd Ward Republican Organization	IL	--	6/7/00	1,000
State	-	43rd Ward Republicans	IL	--	2/1/00	300
State	-	Friends of Lee Daniels	IL	--	2/24/00	1,500
State	-	Friends of Shawn M. Hanley	IL	IL House	7/25/00	200
State	-	Holirah for State Legislature	OK	OK State Leg.	8/1/00	500
State	-	IL House Republican Campaign Committee	--	--	6/14/00	1,000
State	-	Judge Judy Koehler for Appellate Court Com	IL	IL Court	10/9/00	500
State	-	Republican Party of Orange County	CA	-	5/26/00	500
State	-	RNC Victory 2000	IL	-	6/22/00	10,000
State	-	Taos County Republican Party	NM	local	8/5/00	500
State	-	United Republican Fund of Illinois	IL	-	2/25/00	5,000
Total State						21,000

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
1999 Federal						
Total Federal						0
1999 State						
State	-	43rd Ward Republicans	IL	-	1/12/99	500
State	-	Citizens for Chris Cleveland	IL	Alderman-43rd	1/7/99	500
State	-	Citizens for Chris Cleveland	IL	Alderman-43rd	1/21/99	86
State	-	Friends of Lee Daniels	IL	IL House	6/4/99	1,500
State	-	IL House Republican Campaign Committee	IL	IL House	7/9/99	2,500
State	--	IL Republican Party	IL	--	10/29/99	1,000
State	--	IL Republican Party	IL	--	11/10/99	1,000
State	-	New Trier Republican Organization	IL	-	2/1/99	200
State	-	Pate Phillip Campaign Committee	IL	IL Senate	2/2/99	500
State	-	Republican Eagles (1st of 2 payments)	-	-	4/15/99	7,500
State	-	Republican Eagles (2nd of 2 payments)	-	-	7/15/99	7,500
State	-	Republican Party of New Mexico	NM	-	2/2/99	250
State	-	Republican Party of New Mexico	NM	-	4/30/99	1,000
State	-	Citizens for George Ryan	IL	Governor	5/13/99	2,000
Total State						26,036

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
1998 Federal						
Federal	Primary	Dick Armey for Congress	TX	U.S. House	3/24/97	500
Federal	General	Biggert for Congress	IL	U.S. House	8/10/98	500
Federal	Primary	Missourians for Kit Bond	MO	U.S. Senate	9/25/97	1,000
Federal	--	Campaign America	--	--	7/7/97	500
Federal	Primary	Coverdell Good Gov't Committee	GA	U.S. Senate	10/29/97	500
Federal	Primary	Coverdell Good Gov't Committee	GA	U.S. Senate	3/13/98	500
Federal	Primary	Chris Cox Congressional Committee	CA	U.S. House	7/28/97	1,000
Federal	Primary	Crane for Congress	IL	U.S. House	3/6/98	500
Federal	General	Crane for Congress	IL	U.S. House	6/11/98	500
Federal	Primary	Tom Delay Congressional Committee	TX	U.S. House	5/7/97	1,000
Federal	General	Didrickson for U.S. Senate	IL	U.S. Senate	11/25/98	500
Federal	General	Fitzgerald for U.S. Senate	IL	U.S. Senate	4/2/98	1,000
Federal	Primary	Fitzgerald for U.S. Senate	IL	U.S. Senate	5/22/98	1,000
Federal	General	Matt Fong for U.S. Senate	CA	U.S. Senate	8/12/98	1,000
Federal	General	Gary Franks for Senate Committee	CT	U.S. Senate	6/11/98	500
Federal	dbt retirem.	Gary Franks for Senate Committee	CT	U.S. Senate	3/25/99	500
Federal	General	Friends of Newt Gingrich	GA	U.S. House	10/8/98	1,000
Federal	Primary	Friends of Dylan Glenn	GA	U.S. House	9/27/97	500
Federal	Primary	Hastert for Congress	IL	U.S. House	6/20/97	500
Federal	Primary	Friends of Ray LaHood	IL	U.S. House	12/1/97	500
Federal	Primary	Trent Lott for Mississippi	MS	U.S. Senate	4/25/97	1,000
Federal	--	Majority Leaders Fund(for 1998 Fedl electns)	--	--	3/12/97	500
Federal	Primary	Majority Leaders Fund(for 1998 Fedl electns)	--	--	2/20/98	500
Federal	General	McIntosh for Congress-	IN	U.S. House	4/1/98	500
Federal	Primary	Demaris Miller for Congress	VA	US House	2/20/98	500
Federal		New Republican Majority Fund			4/1/98	500
Federal	Primary	Friends of Senator Nickles	OK	U.S. Senate	7/28/97	1,000
Federal	Primary	New Mexicans for Redmond	NM	U.S. House	6/30/97	1,000
Federal	General	New Mexicans for Redmond	NM	U.S. House	6/30/97	1,000
Federal	Primary	Roskam for Contress	IL	US House	2/6/98	500
Federal	General	Rusthoven for Senate	IN	U.S. Senate	4/2/98	500
Federal	Primary	Sanford for Congress	SC	US House	2/5/98	500
Federal	Primary	Citizens for Specter	PA	US Senate	2/18/98	1,000
Federal	General	Friends of J. C. Watts	OK	U.S. House	6/11/98	500
Federal	Primary	Weller for Congress	IL	U.S. House	3/11/97	1,000
Federal	General	Heather Wilson for Congress	NM	U.S. House	6/11/98	1,000
Total Federal						25,000

1998 State						
State	--	43rd Ward Republicans	IL	--	10/15/98	300
State	Primary	Citizens for Churchill	IL	Sec. of State	3/6/98	500
State	--	Cook County Republicans	IL	--	10/15/98	500
State	--	Cook County Republicans	IL	--	10/16/98	500
State	--	Friends of Lee Daniels	IL	IL House	1/9/98	1,500
State	--	Friends of Lee Daniels	IL	IL House	10/8/98	5,000
State	Primary	Citizens for Dudycz	IL	IL Senate	9/5/97	250
State	Primary	Citizens for Carl Hansen	IL	--	11/12/97	500
State	--	Illinois House Republican Campaign Cmte	IL	--	6/18/97	1,000
State	--	Illinois Republican Party	IL	--	3/24/97	2,500
State	--	Illinois Republican Party	IL	--	6/18/98	1,000
State	--	Gary Johnson for Governor	NM	--	5/8/98	2,000
State	--	Gary Johnson for Governor	NM	--	10/15/98	1,000
State	--	Chris Lauzen for State Comptroller	IL	IL Comp.	4/28/98	200
State	--	Lungren for Governor	CA	Governor	6/5/98	1,000
State	--	Committee to Elect Maureen Murphy	IL	Ck Cty Tax Bd	1/5/98	200
State	--	Committee to Elect Maureen Murphy	IL	Ck Cty Tax Bd	9/9/98	1,000
State	--	New Trier Republican Organization	IL	--	2/9/98	200

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
)98 Continued						
State	General	Citizens for Bill Owens	CO	Governor	8/20/98	500
State	General	Puchinski '98	IL	Cook Cty Brd	6/11/98	1,500
State	--	Republican Eagles State Election Cmt (RNC)		--	6/22/98	15,000
State	--	Dan Rutherford Campaign Committee	IL	State Rep.	7/7/97	350
State	Primary	Citizens for (George) Ryan (1)	IL	Governor	10/28/97	1,000
State	Primary	Citizens for (George) Ryan (1)	IL	Governor	12/8/97	9,000
State	General	Citizens for (George) Ryan (1)	IL	Governor	7/10/98	1,000
State	Primary	Citizens for (Jim) Ryan	IL	Atty Gen.	11/1/97	1,000
State	General	Salvi for Secretary of State	IL	Sec. of State	4/22/98	500
State	General	Salvi for Secretary of State	IL	Sec. of State	6/22/98	500
State	--	Sauerbrey for Governor	MD	Governor	10/20/98	500
State	--	(Richard) Siebel Campaign Committee	IL	Circuit Court	2/20/98	100
State	--	Citizens for Judy Baar Topinka	IL	State Treas.	1/5/98	500
State	--	Citizens for Judy Baar Topinka	IL	State Treas.	6/11/98	500
State	--	United Republican Fund	IL	--	5/8/98	500
State	no primary	Citizens for Walsh	IL	IL House	9/2/97	500
State	General	Citizens for Walsh	IL	IL House	5/22/98	500
State	--	Citizens for (Corinne) Wood	IL	Lt.Gov.	2/20/98	500
Total State						53,100

(1) Illinois does not limit contributions to state campaigns.

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
)97 Federal						
Total						0
1997 State						
State	--	43rd Ward Republicans	IL	--	16-Jan-97	300
State	--	Cook County Republicans	IL	--	24-Jan-97	500
State	--	Illinois House Republican Campaign Cmte	IL	--	20-Jun-97	1,000
State	--	New Trier Republican Organization	IL	--	01-Apr-97	200
State	--	James "Pate" Phillip Campaign Committee	IL	IL Senate	06-Feb-97	250
State	--	United Republican Fund of IL	IL	--	27-May-97	500
Total State						2,750

Donald Rumsfeld
Political Contributions
1996 - 2000

TYPE	ELECTION	CANDIDATE/GROUP	STATE	OFFICE	DATE PAID	AMOUNT
96 Federal						
ederal	Primary	People for Rudy Boschwitz '96	MN	U.S. Senate	01-Dec-95	1,000
Federal	Primary	Tom Campbell for Congress	CA	U.S. House	27-Nov-95	1,000
Federal	Primary	Crane for Congress	IL	U.S. House	24-Mar-95	500
Federal	Primary	Crane for Congress	IL	U.S. House	11-Sep-95	500
Federal	Primary	Committee to Re-Elect Tom DeLay	TX	U.S. House	20-Oct-95	1,000
Federal	Primary	Dole for President (1)	--	President	20-Nov-95	500
Federal	General	Dole for President	--	President	15-Apr-96	500
Federal	--	Dole for President - Compliance Fund	--	President	08-May-96	1,000
Federal	Primary	People for Pete Domenici	NM	U.S. Senate	05-Apr-95	1,000
Federal	Primary	Ehrlich for Congress	MD	U.S. House	22-Jun-95	1,000
Federal	Primary	Cmte to Re-Elect Michael Flanagan	IL	U.S. House	30-Jun-95	1,000
Federal	Primary	Forbes for President	--	President	01-Nov-95	1,000
Federal	Primary	Friends of Newt Gingrich	GA	U.S. House	19-Feb-96	1,000
Federal	--	Issues '96 (Quayle PAC)	--	--	24-Mar-95	1,000
Federal	--	Majority Leaders Fund (for '96 campaigns)	--	Congress	20-Nov-95	1,000
Federal	Primary	David McIntosh for Congress	IN	U.S. House	03-Oct-95	1,000
Federal	General	Guy Millner for U.S. Senate	GA	U.S. Senate	27-Mar-95	1,000
Federal	Primary	Nalepa for Congress	IL	U.S. House	19-Feb-96	1,000
Federal	Primary	Porter for Congress	IL	U.S. House	22-Jun-95	1,000
Federal	General	Salvi for Senate	IL	U.S. Senate	03-Apr-96	1,000
Federal	Primary	Sanford for Congress	SC	U.S. House	05-Feb-96	1,000
Federal	?	Swindle for Congress	HI	U.S. House	13-May-96	1,000
Federal	Primary	Committee to Re-Elect Randy Tate	WA	U.S. House	20-Oct-95	1,000
Federal	General	Citizens for Walsh	IL	U.S. House	23-Apr-96	1,000
Federal	Primary	Friends of John Warner	VA	U.S. Senate	02-Jun-93	100
Federal	General	Friends of John Warner	VA	U.S. Senate	05-Sep-96	500
Federal	debt ret.	Friends of John Warner	VA	U.S. Senate	25-Jan-99	400
Federal	General	Watts for Congress '96	OK	U.S. House	06-Feb-97	500
deral	Primary	Weller for Congress	IL	U.S. House	24-Feb-95	1,000
otal Federal						24,500

1996 State						
State	--	43rd Ward Republicans	IL	--	05-Sep-96	500
State	--	Coleman Andrews for Lt. Governor	VA	--	31-May-96	1,000
State	--	Cook County Republicans	IL	--	13-Mar-96	500
State	--	Friends of Lee Daniels	IL	IL House	17-Jan-96	1,500
State	--	Illinois House Republicans (non-fed. acct.)	IL	--	20-May-96	2,500
State	--	Illinois Republican Party (non-federal acct.)	IL	--	11-Mar-96	5,000
State	Primary	Chris Lauzen for State Senate	IL	IL Senate	12-Feb-96	100
State	--	New Trier Republican Organization	IL	--	19-Feb-96	200
State	Primary	Citizens for Jack O'Malley	IL	State's Attty	15-Nov-95	500
State	General	Citizens for Jack O'Malley	IL	State's Atty	27-Mar-96	450
State	--	Rep. Nat'l Cmt Victory 96 dinner(non-fed)	--	--	28-May-96	24,000
State	Primary	Dan Rutherford Campaign Committee	IL	IL House	05-Oct-95	300
State	--	United Republican Fund of Illinois	IL	--	08-Jul-96	500
Total State						37,050

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

This attachment represents my best recollections. It is complete to the best of my ability, but I suspect there may be some unintentional omissions.

AWARDS AND HONORS

Date	Awards/Honors
1947	Eagle Scout Award
1948	Elected Vice President of Junior Class, New Trier High School, Winnetka, Illinois
1949–50 ...	Elected Vice President of the Tri-Ship Club, New Trier High School, Winnetka, Illinois
1949–50 ...	Awarded the Fathers Club Award as the Outstanding Wrestler in 1949 and in 1950, New Trier High School, Winnetka, Illinois
1949–50 ...	Elected Co-Captain of the New Trier High School Varsity Wrestling Team (State Champions), Winnetka, Illinois
1950	Awarded scholarship to Princeton University, Princeton, New Jersey
1950–51 ...	Awarded the Hooker Trophy as the Outstanding Freshman Wrestler, Princeton University, Princeton, New Jersey
1951–54 ...	Selected in a national competition for an NROTC Regular Scholarship, Princeton University, Princeton, New Jersey
1953	Elected Captain, Princeton University Varsity 150 lb. Football Team, Princeton, New Jersey
1953	Elected Captain of the Princeton University Varsity Wrestling Team, Princeton, New Jersey

AWARDS AND HONORS—Continued

Date	Awards/Honors
1953–54 ...	Awarded the Triede Award as the Outstanding Varsity Wrestler in 1953 and in 1954, Princeton University, Princeton, New Jersey
1/55	Designated Naval Aviator
1956	Won the All Navy Wrestling Championship title at 147 lbs
1956	Won the Olympic District Wrestling Championship at 160 lbs
1956	Selected as a Flight Instructor in the Instructor's Basic Training Group, U.S. Navy, Pensacola, Florida
1962	Elected to the U.S. Congress, 13th District of Illinois
1964	Re-elected to the U.S. Congress, 13th District of Illinois
1964–66 ...	Awarded the Watchdog of the Treasury Award, by the National Association of Businessmen in 1964, 1966 and 1968
1965	Selected as one of the ten Outstanding Young Men by the Chicago Chamber of Commerce & Industry, Chicago, Illinois
1966	Re-elected to the U.S. Congress, 13th District of Illinois
1967–68 ...	Elected President of the 88th Club (Republican Members of the U.S. Congress who were elected in 1962)
1968	Re-elected to the U.S. Congress, 13th District of Illinois, by the highest percentage (76) of all Congressmen in the U.S
1975	Awarded the Distinguished Eagle Scout Award
1975	Awarded the Opportunity Industrial Centers (OIC) Executive Government Award, presented by Rev. Leon Sullivan
5/18/75	Awarded an Honorary Doctor of Laws Degree—Illinois College, Jacksonville, Illinois
5/25/75	Awarded an Honorary Doctor of Laws Degree—Park College, Kansas City, Missouri
6/7/75	Awarded an Honorary Doctor of Laws Degree—Lake Forest College, Lake Forest, Illinois
10/2/76	Awarded the Leadership Citation for Outstanding Public Service, presented by the American Friends of the Hebrew University of Jerusalem
1/10/77	Awarded the Presidential Medal of Freedom—with distinction—the Nation's highest civilian award, Washington, D.C
3/17/80	Awarded the Gold Medal as the Outstanding Chief Executive Officer in the Pharmaceutical Industry, presented by Wall Street Transcript
1981	Received the Northwest Suburban 1981 ''Good Scout'' Award, presented by Northwest Suburban (Ill.) Boy Scouts
2/23/81	Awarded the Bronze Medal as the #3 Outstanding Chief Executive Officer in the Pharmaceutical Industry, presented by Wall Street Transcript
3/11/81	Presented the Outstanding Chief Executive Officer Award in the Pharmaceutical Industry, by Financial World
4/81	Elected Chairman of the Board of Trustees of The RAND Corporation, Santa Monica, California
4/12/81	Awarded an Honorary Doctor of Laws Degree—Tuskegee Institute, Tuskegee, Alabama
5/16/81	Awarded an Honorary Doctor of Science in Business Administration Degree—Bryant College, Smithfield, Rhode Island
9/81	Elected to the National Academy of Public Administration
1/25/82	Awarded a Silver Medal as the #2 Outstanding Chief Executive Officer in the Pharmaceutical Industry, presented by Wall Street Transcript
1/31/83	Awarded the Sliver Medal as the #2 Chief Executive Officer in the Pharmaceutical Industry, presented by Wall Street Transcript
4/1/83	Awarded the Executive of the Year Award, by the University of Arizona Business Advisory Council, Tucson, Arizona
5/6/83	Awarded the Invest-in-America Eagle Award for dedication to the country's enterprise system
5/26/83	Presented the City Club of Chicago 80th Anniversary Award honoring Outstanding Chicagoans
7/9/83	Presented the Golden Plate Award, by American Academy of Achievement
10/17/84 ...	Awarded the George Catlett Marshall Medal, by the U.S. Army Association, Washington, DC
2/16/85	Awarded the Woodrow Wilson Medal, by Princeton University, Princeton, New Jersey
3/5/85	Presented the Marketing Man of the Year Award, by the Commercial Development Association, Inc
9/27/85	Awarded an Honorary Doctor of Laws Degree, by the National College of Education, Evanston, Illinois
11/20/85 ...	Presented the Shelby Cullom Davis Award, by the Ethics & Public Policy Center, Washington, DC
4/28/86	Presented the Award of Merit for Entrepreneurship from the Wharton School of Business of the University of Pennsylvania, Philadelphia, Pennsylvania
7/86	Awarded the George Washington Honor Medal for Excellence in Public Address, by the Freedoms Foundation, Valley Forge, Pennsylvania
7/86	Presented the Outstanding Private Sector Leader Award, by The American Legislative Exchange Council
9/87	Presented the Professional Manager of the Year Award, by the Society for the Advancement of Management, Chicago Chapter, Chicago, Illinois
5/88	Awarded Honorary Doctor of Letters Degree, by Claremont University Center and Graduate School, Claremont, California
4/8/90	To be inducted into the Illinois Wrestling Coaches and Officials Hall of Fame
6/10/90	Awarded Honorary Doctor of Laws Degree, DePaul University College of Commerce, Chicago, Illinois
11/22/91 ...	Awarded Certificate of Appreciation, Private Sector Council, Washington, DC

AWARDS AND HONORS—Continued

Date	Awards/Honors
4/23/92	Presented the Henry Townley Heald Award by Lewis Collens, President, Institute of Technology at Ceremony honoring 10-year members of the President's Council, Chicago, Illinois
5/2/92	Induction as a Distinguished American by the National Wrestling Hall of Fame & Museum, Stillwater, Oklahoma
5/22/93	Awarded Honorary Doctor of Laws Degree, Illinois Wesleyan University, Bloomington, Illinois
5/27/93	Presented the Dwight David Eisenhower Medal, Eisenhower Exchange Fellowships, Inc., Philadelphia, Pennsylvania
7/10/93	Awarded Honorary Degree of Doctor of Public Policy, The RAND Graduate School, Santa Monica, California
6/19/97	Presented the Atlantic Legal Foundation Award for Free Enterprise, New York, New York
5/10/98	Presented the Doctor of Laws from Hampden-Sydney College, Hampden-Sydney, Virginia
10/7/98	The Center for Security Policy 10th Anniversary ''*Keeper of the Flame''* Award, Four Seasons Hotel, Washington, DC
4/27/00	Presented the Distinguished Community Service Award, Princeton Club of Chicago, Chicago, Illinois
9/21/00	Named 42nd Ward Republican of the Year 2000, Chicago, Illinois

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

This attachment represents my best recollections. It is complete to the best of my ability, but I suspect there may be some unintentional omissions.

DOCUMENTS WRITTEN BY DR

1/65	''Freedom of Information Law''
1966	''Summary of Congressman Rumsfeld's Efforts on the Freedom of Information Bill''
1967	''Account of Effort to Free Future Farmers of America (FFA) from Federal Control''
10/68	''The Long Day''—written draft unpublished
1976	''Which Five Year Shipbuilding Program?'' written for the Naval Institute Proceedings
1/6/77	''The All Volunteer Force: Myths & Realities''
	''The Economics of Good Intentions: The Carter Guidelines'' for *Wage and Price Guidelines/Commonsense*
2/13/79	''Costly Education: History Gives a Lesson on Wage Price Controls,'' *The San Diego Union*
12/79	''Is the Regulatory Process Working?'' *Pharmaceutical Technology*
6/27/80	''The U.S. in a Dangerous, Untidy World'' *National Review*
11/80	''A Presidency for the 1980s''
12/10/80	''The North Atlantic Treaty Organization (NATO)''
12/80	''ORBIS: A Journal of World Affairs''
1980	''Rumsfeld's Rules''
1980	''America Must Respond,'' *Comparative Strategy*
1983	''The Gauntlet-In Search of a Bipartisan Foreign Policy, The Challenge to a Genuine Debate''
1/14/83	''The Nuclear Balance in Europe: Status, Trends, Implications'' (introduction by DR) for the United States Strategic Institute
2/83	Defense Forum, *Armed Forces Journal International*
1984	''Beyond Containment? The Future of U.S.-Soviet Relations''
11/84	''Five Business Views of Deficits & Taxes,'' *Commentary*
3/13/85	''Rumsfeld Recollects'' Wilson Award Winner, *Princeton Alumni Weekly*
10/18/85	''The Middle East & State Sponsored Terrorism'' *The Commonwealth*
Winter, 1985 ...	''Analysis of Capitalism,'' Keynote Address, *Business Today*
7/28/86	Statement by The Honorable Donald Rumsfeld as read to Duncan Sellars of Conservative Caucus
2/21/87	''America's Competitive Position in the World, *The Commonwealth*
2/92	Message from the Chairman
6/96	''Economic Freedom, Political Liberty, and Prosperity'' for Freedom House
6/96	Statement for *The Wall Street Journal* on Missile Defense
7/30/96	Reprint of Freedom House article, ''Economic Freedom. . .'' published by the *Christian Science Monitor*
9/05/96	''The Bob Dole Tax Plan Will Work'' *Chicago Tribune*—Voice of the People
3/05/97	''No to the Chemical Arms Treaty'' *The Washington Post,* written by James Schlesinger, Caspar Weinberger, and Donald Rumsfeld
Fall 1998	The Ambassador's Review
1/65	Freedom of Information Law
1966	Freedom of Information, Summary
1967	Account of Effort to Free Future Farmers of America (FFA) from Federal Control
10/68	The Long Day—written draft unpublished
1977	Which Five Year Shipbuilding Program? *Naval Institute Proceedings*
1/6/77	The All Volunteer Force: Myths & Realities
Date?	The Economics of Good Intentions: The Carter Guidelines
12/79	Is the Regulatory Process Working? *Pharmaceutical Technology*

DOCUMENTS WRITTEN BY DR—Continued

6/27/80	The U.S. in a Dangerous World, *National Report*
12/10/80	The North Atlantic Treaty Organization
1980	Rumsfeld's Rules
1980	American Must Respond, Comparative Strategy
1983	The Gauntlet
1/14/83	The Nuclear Balance in Europe: Status, Trends, Implications (introduction by DR)
2/83	Defense Forum, Armed Forces International Journal
5/19/85	Book foreword for Wadi Haddad
7/28/86	Statement by The Honorable Donald Rumsfeld read to Duncan Sellars of Conservative Caucus
12/86	Book foreword for John Andrews' Collected Essays
12/2/86	The Arms to Iran and Money to the Contra's Issue (unpublished)
4/27/92	Book forward for Tom Curtis *Congressional Intent*

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

Remarks of The Honorable Donald H. Rumsfeld
Prepared for delivery
Community Forum Series
Bryn Mawr, Pennsylvania
February 8, 2000

The New National Security Environment

Good evening. I am delighted to be with you to discuss what I believe to be a most important subject.

What I would like to do this evening is to talk a bit about our changing world and our country's circumstance in that world, with particular attention to weapons of mass destruction, ballistic and cruise missiles, and the problems they pose in what I characterize as our New National Security Environment.

Let me put the subject in context by recalling some press headlines in recent weeks and months:

- Russian sailor shoots eight crewmen and takes control of nuclear submarine.
- Students renew protests in Jakarta.
- Japan and South Korea concerned over failure of U.S. intelligence to monitor North Korean missile flight over Japan.
- Another bombing in Northern Ireland.
- Cyber hackers shut down Yahoo for several hours.
- Russian tanker violates Iraq; oil ban.
- PRC tells Philippines all Spratley Islands belong to China.
- UN increases peace keepers in Sierra Leona to deal with brutal rebel armies.
- Undeclared civil war rages in Angola.
- Turkey threatens military action against Syria.
- Iran military pressures Afghan Taliban.
- India and Pakistan launch ballistic missiles.
- Japan fires warning shots at North Korean spy ships.
- Yugoslav defense minister assassinated.
- Dean of Georgetown's School of Foreign Service describes U.S. foreign policy as "scold and bomb."
- 1000 classified documents on nuclear secrets released by Department of Energy in error.
- Chinese demonstrators torch U.S. consulate and stone U.S. embassy in Beijing.
- New York Times says U.S. aid diverted to Russian germ warfare activity.
- Yugoslavia threatens stability in Montenegro.
- U.N. Security Council reviews Rwanda horrors where an estimated one million were killed in tribal war.

- China, increasing defense budget in double digits, warns U.S. against ballistic missile shield for Taiwan, Japan and South Korea.
- CIA warns of possible Taiwan P.R.C. flare-up.
- China and Russia continue to export nuclear and missile technologies.
- National Security Agency's massive computer and electronic systems fail and go silent for three days, showing dangerous U.S. vulnerability.
- North Korea believed to be obtaining uranium from the Congo for its nuclear weapons program.
- CIA not ruling out Iran building nuclear bombs.
- Russia declares battle for Grozny is over.
- Washington Times says Russia conducts a series of missile tests - an SS 19; an ABM Interceptor; an SS 21; and 2 SSN 20 submarine launched missiles.

And, with all of that, use of the internet is doubling every 100 days. This decentralization of power has been described as the "second coming of the de Toqueville movement." By 2002 some 250 million people will likely be connected on the Internet.

As you know, Moore's law stipulates that in the world of silicon, "the speed and capacity of computing power available at any given price will double every 18 months." More recently Gordon Moore observed that if these same conditions had been applicable to the auto industry, cars today would travel at the speed of light, get a million miles to the gallon and you would be able to park one in your pocket.

And a final headline: U.S. stock markets reach new highs.

These headlines tell a story. Yes, the U.S. economy remains strong. Inflation and unemployment are low. The Internet is exploding and changing the lives of millions -- how we work and how we live. But there is much that is unsettled in this still-shrinking and rapidly globalizing post-Cold War world.

* * *

I don't want to seem negative about our circumstance or our future - for I am not. Indeed, I am optimistic. But we do need to be realistic about the world and our circumstance in it if we are to remain safe. We are currently operating off of a world view that is several decades old. We need to get about the task of preparing ourselves to live safely in the world as it now is, and as it will be for the decades ahead.

Serious national security problems rarely happen suddenly. It only seems that they do. In fact, they tend to build and accumulate over time. There generally are warning signs, but often the signs are ignored or not recognized. The signals - so clear after the fact - often don't seem "actionable," if you will, until it's too late.

To the extent we are wise, attentive and prepared, many, if not most, dangers can be avoided. To the extent we fail to heed warning signals, problems compound and risks escalate. I will touch on this issue of warning a bit later.

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With that as background, let me turn to some broad issues facing our country and the world -- issues that are sure to be with us over the decades ahead.

In 1998, the Congress established the Commission to Assess the Ballistic Missile Threat to the United States. The members of this bi-partisan Commission -- appointed by the Democratic and Republican leaders of the House and Senate -- spent an enormous number of hours over 1998 and 1999, reviewing all available information, in some 200 plus briefings. Not surprisingly, given the different backgrounds and experiences of the Commissioners– military, civilian, technical and policy-oriented, but each with two or three decades of experience dealing with the Intelligence Community and its products – we began with a variety of different views. As we proceeded, each time we seemed to be arriving at different conclusions, we called for more briefings and focused back on the facts.

Eventually we arrived at a set of unanimous conclusions and recommendations. As one of our Commissioners, General Larry Welch, former Air Force Chief of Staff said, "the facts overcame our biases and opinions and drove us to our unanimous conclusions." And in Washington D.C. these days, unanimity on anything is remarkable, let alone on subjects as heated as these.

Given that so few people are able to read our classified final report of some 300 plus pages, and that the unclassified version was only 36 pages, the fact that our conclusions were unanimous made them considerably more persuasive.

During the course of our deliberations, almost each month there was an event involving ballistic missiles or weapons of mass destruction -- Pakistan's Guauri missile launch, the Indian and Pakistani nuclear explosions, U.N. inspectors being tossed out of Iraq, Iran's Shahab 3 missile firing, and North Korea's Taepo Dong 1 three-stage missile launch. The accelerated pace of these disturbing events provided a vivid backdrop for our work.

* * *

In the early 1990s we experienced two events that have had a significant impact on our world.

First was the end of the Cold War, with all of its positive aspects. But there have also been some less positive aspects. One is that we have seen ethnic and religious hostilities bubbling up that had been long repressed, in the Balkans and elsewhere as well. We also have seen a relaxation of vigilance by the West, a sense that the dangers and threats are all gone. This

misunderstanding of our circumstance has contributed to a rapid acceleration in the pace of proliferation of weapons of mass destruction and their delivery systems.

A second major event in the 1990's was the Gulf War. It taught regional powers that it is unwise to try to compete directly with Western armies, navies and air forces. They now know full well that they are better advised to seek so-called "asymmetrical" capabilities to threaten and intimidate their neighbors and dissuade Western nations from becoming involved in their regions.

Regional powers have several cost effective options:

- Terrorism is one;
- Cruise missiles are also attractive, and likely to become weapons of choice as, we can anticipate, will be cyber attacks.
- Third, are ballistic missiles. It is not happenstance that some 20-25 countries either have, or are seeking ballistic missiles; they are relatively inexpensive when compared to armies, navies and air forces. Like cruise missiles, they can be launched from land, sea or air, and deliver high explosives, biological, chemical or nuclear warheads. And finally, ballistic missiles have the advantage of being almost certain to arrive at their intended destinations -- since there are as yet no defenses against them.

Those of us from Chicago recall Al Capone's observation that, "You get more with a kind word and a gun, than you do with a kind word alone." Substitute "ballistic missile" for "gun" and the name of a modern day Al Capone of a rogue state, or even a non-state entity, and you have the idea.

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The term "rogue countries" is unfortunate in that it suggests that their behavior is erratic, like a rogue elephant. While unusual to us, I believe their actions are rational for them and not really that unpredictable. To say that such countries would be deterred from using ballistic missiles with weapons of mass destruction, because of the vastly greater nuclear power of the U.S. is to misunderstand. These are terror weapons, and they work. They terrorize.

Such weapons in the hands of even small countries or non-state entities, such as Osama bin Laden, force a different calculation on the part of their neighbors as well as the U.S.

One aspect of terror weapons is that they need not be used to be effective. They work if they are used to be sure, but they also work without being fired. Possession alone alters the behavior of others. It forces people to take into account the risks to them from these powerful weapons.

Conversely, in the case of North Korea, the U.S. is providing not bombs, but food aid and nuclear power assistance. Why? The short answer is that we know North Korea has weapons of mass destruction, ballistic missiles, and a willingness to use them. The other countries do not - yet.

The lesson our seemingly contradictory behavior teaches the world is, if you want influence, if you want assistance, as opposed to being bombed, get weapons of mass destruction.

A second example of how terror weapons can alter behavior is the Gulf War. Imagine if Suddam Hussein had launched a demonstration nuclear weapon on an ICBM a few days before invading Kuwait, simply to show he could do it. Could the U.S. have fashioned a coalition of allied governments against him? Consider the debates in the Senate and in other parliaments and how different the outcomes would have been had they known with certain knowledge that Iraq had nuclear weapons that could reach their homelands. Consider the discussions in the National Security Council and other capitals as to what should be done about Iraq's invasion of Kuwait. The outcome would have been notably different.

* * * *

Very briefly, our Commission's unanimous conclusions were these:

First, that Russia and China continue to pose the greatest potential threats to the U.S., although different in nature. Each is on an uncertain, albeit different, path. We can't know what Russia's future will be, whether it will navigate through what may take two more decades toward a more democratic, less centralized version of a market system, or, conversely, become a criminal kleptocracy -- a giant Zaire.

Nor can we know what the People's Republic of China's direction will be, how they will engage or fail to engage the world; whether relatively smoothly or with a grinding of gears is still unclear, although the recent government-sponsored stoning of the U.S. embassy and torching of a U.S. Consulate was not a positive sign.

As to North Korea and Iran, we concluded that each could pose a threat to the U.S. within 5 years of a decision to do so, and that the U.S. might well not know for several of those years whether such a decision had been made. Given that U.N. sanctions and inspections are not in place in Iraq, it must also be included with North Korea and Iran.

Further, we concluded that under some plausible scenarios –we might have "little or no warning" of an attack on the U.S. or against our allies or forces overseas.

There are several ways that developing threats can be accelerated:

- One is where one country bases their missiles in another country;
- Another is where a country tests its missiles in another country, thereby masking their capabilities;

- Still another is where a complete operational missile system is transferred from one country to another;
- And last is to put a ballistic missile aboard a ship, and sail it to a closer range, thereby shortening the longer range development cycle.

Each of these has been done in recent years. They are not possibilities. They have happened.

As Jim Woolsey, CIA Director in Mr. Clinton's first term and one of our commissioners, pointed out, making ICBMs or nuclear weapons was once like the old four-minute mile barrier - it seemed impossible until Roger Bannister broke the four-minute mile. Today it is being done regularly.

Our Commission's unanimous conclusions were notably different from the then official estimates of the U.S. Intelligence Community. The Community has, however, since generally agreed with our conclusions, and as a result, U.S. policy and practices are being changed to recognize these realities.

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Beyond the Commission's findings with respect to specific countries, we came to two overarching conclusions:

The first is that the proliferation of technologies relating to weapons of mass destruction and ballistic missiles is pervasive. That proliferation is from many sources:

- The leading proliferating countries - Russia, the People's Republic of China and North Korea - are providing vital assistance to each other as well as to other nations;
- Proliferation among the so-called "rogue" states -- North Korea, Iran and Iraq -- is extensive, to the point that it is becoming self-sustaining. Each has a comparative advantage they can and do barter with each other; and
- Proliferation also comes from Western nations - not the least of which is the U.S. - and that is a key part of the problem, since Western nations have the most advanced technologies.

There are legal as well as illegal paths for technology transfer. They include use of technologies rejected by us decades ago, block declassifications by the U.S. government of information which, while old, none the less reveals important secrets and technical information, dual-use technologies, international symposia, student exchanges, even the internet, as well as espionage and secret sales through intermediaries.

There are several motivations for countries to proliferate. One is economic, as in the case of North Korea. Another is strategic, as with China's assistance to Pakistan, where their goal is to make life difficult for their neighbor India, and their aid to Iran to make it difficult for the U.S. and the West. And these are historic reasons, as with Italy's 2000-year relationship with Libya.

Last month there was a report that Iran may be providing missiles to the Congo, of all places. It illustrates the proliferation problem vividly. Think of it. Ballistic missiles were first developed by Dr. Robert Goddard here in the U. S. Germany took his ideas and developed the V-1 and V-2 rockets used against England in World War II. After World War II, the Soviet Union captured German scientists and missiles and developed what is called Scud missiles. Later the Soviets put Scuds in Egypt under Nasser. Nasser sold a Scud missile to North Korea. They reverse engineered it and sold what they call the Roe Dong or No Dong missiles to Iran. And last week, reports were that Iran might be selling them to the Congo. Quite a round trip.

If I know anything, it is that proliferation cannot be prevented - it can only be stalled. We need to face it and get arranged to live with that truth.

It is these new realities that lead to the inescapable conclusion that the U.S. and the West face a new national security environment. Specifically, more nations unfriendly to the West - and even non-nation entities - will have weapons of mass destruction -- biological, chemical and nuclear, as well as cyber attack capabilities -- weapons of enormous destructive power, and the missiles and/or techniques to deliver them. This is a problem of a new order. Given the destructive power and reach of these weapons, it is a new major, indeed, an overarching problem which requires our prompt attention and focus.

Our Commission's second overarching conclusion was that the ability of the U.S. Intelligence Community, and indeed western intelligence communities, to monitor weapons of mass destruction and missile programs in target countries has eroded, as the pace of proliferation has accelerated. This is true for a variety of reasons:

First, there are more countries to try to monitor.

Second, dramatically more sophisticated deception and denial capabilities are in the hands of more and more countries, partly as a result of the spread of information on how to deceive resulting from espionage, and partly as a result of the availability of various advanced technologies such as fiber optics and new tunneling equipment - equipment that can cut 50' diameter some 200 feet in a day. Russia, China, North Korea, Iran, Iraq, Serbia, Libya have all dug underground, making observation and surveillance vastly more difficult.

Also, many intelligence analysts need to re-learn the old rule that "the absence of evidence is not evidence of absence." Baldy's Law is true -- "that some of it, what you can see, plus the rest of it, what you can't see, equals all of it." Put another way, "There are known knowns, known unknowns and unknown unknowns." Effective intelligence work must consider them all. We must know what we know and know what we don't know.

In short, because of these new threats to our safety - threats of a different order than in the past - we have moved from having "adequate threat warning" to an environment of "little or no warning." This makes even more urgent the need to overcome the reluctance of the military, the

Congress and other institutions to recognize the changes they need to make to meet our new national security requirements.

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The Intelligence Community's ability to provide timely and accurate warning of ballistic missile threats to the U.S. and the proliferation of weapons of mass destruction has eroded for a variety of reasons – reasons both external to the community and internal.

A few examples:

- With the end of the cold war, western nations relaxed export controls on sensitive technologies, with the inevitable results.
- Espionage has provided other countries massive amounts of information on how the U.S. collects intelligence.
- Intelligence resources have been reduced.
- Military operations understandably get first call on intelligence assets, but military operations are increasingly frequent with the result that intelligence gathering on strategic targets such as missiles and weapons of mass destruction development programs suffer.
- Compartmentation is a problem.
- There are weaknesses in science and technology.
- So-called "mirror imaging" no longer works. Other nations don't need the high volumes, the near perfect accuracy or the safety we require.

And then there is "fudging." You may recall that President Clinton said last year that legislation requiring sanctions cause the Administration to "fudge." True, but "fudging" has dangerous effects.

There are several ways to "fudge." One is simply to not study or analyze a subject if the answer might put your superiors in an uncomfortable position, or delay studying or reporting "bad news." A second, one can narrowly construe an issue, so that the answer will not be adverse to your superior's views or preferences, by selecting assumptions that assure the answers will be acceptable, for example, study carefully whether or not the U.S. will have adequate warning of threats from "indigenous" ballistic missile development programs – programs without outside assistance – even though "indigenous" ballistic missile development programs don't exist.

In short, the effect of "fudging" is to corrupt the intelligence process. Leaders need to create an environment that is hospitable to the truth – whether the news is bad or good - not an environment that forces subordinates to trim, hedge and, "fudge."

* * * * *

This brings us back to the issue of warning. I've mentioned "surprises." We need to accept the fact that ours is a big world. There will be surprises. We can't know everything. The only surprise for me is that people are surprised that there are surprises. But warning forces us to ask: When do we know something? Put another way – when is it that what we know is sufficiently understood so that it becomes actionable?

Roberta Wohlstetter's brilliant book *Pearl Harbor*, and its foreword, compellingly argue that:

> "...we were not caught napping at the time of Pearl Harbor. We just expected wrong. And it was not our warning that was most at fault, but our strategic analysis. We were so busy thinking through some "obvious" Japanese moves that we neglected to hedge against the choice they actually made."

It may have been a somewhat "improbable" choice, but it was not all that improbable. We provided the undefended target, and if we know anything from history, it is that "weakness is provocative." Weakness does entice others into adventures they otherwise would avoid. "The risk is that what is strange - what hasn't happened before is thought to be "improbable," and what seems improbable is not taken seriously."

Regrettably, that behavior pattern is human and familiar – whether in national security, in a corporation or even in a family.

Our Commission's unanimous recommendation was that the U.S. national security community review and adjust all policies, practices and strategies dependent on early warning and get arranged to live in the new environment of "little or no warning."

Specifically, the Department of State needs to adjust its focus. We likely will need to triage with respect to proliferation issues, working to stop transfer of the most dangerous technologies, delaying a second tier of technologies, and merely tracking the remaining. We need to rethink U.S. diplomatic priorities and not use up precious political capital unless the genie is already out of the bottle.

The Intelligence Community faces difficult new challenges. Their resources were cut. Military operations draw intelligence capabilities away from critical targets. They need to develop new capabilities and new priorities to assure that we have the right assets in the right places at the right times.

The Department of Defense plans, strategies, as well as our offensive, defensive and preemptive capabilities need to be reviewed and refashioned to fit this new environment.

* * * * *

To conclude, the United States must be prepared and capable of focusing on more than one trouble spot at a time. This world of ours will not offer us the luxury of but one problem at a time. I am concerned about several aspects of U.S. policy.

Since the end of the cold war we have been adrift, with no new central organizing principle to guide us, to put purpose, direction and structure in our conduct. U.S. leadership is crucial to a reasonably ordered world. Absent U.S. leadership, opportunities are lost and new threats emerge in circumstances vastly more dangerous than would otherwise need be the case.

We need to decide and agree on how to deal with rogue states and non-state actors that possess weapons of mass destruction, and to do it without spreading our forces all across the globe. We need to fashion ways to translate our values into diplomacy, but without, as was said, a policy of "scold and bomb," that alienates so much of the world. Only when the U.S. leads are our interests best served. And we must stop the drift towards protectionism that Seattle represented, or risk damaging the world economy and injecting still greater risks and dangers into the world equation.

It is important to recognize that no President uses capabilities that result from decisions made during his time in office. Lead times are too long. Presidents have only what is left for him by their predecessors. And their successors will have only that which prior administrations leave to them. A President who fails to make the necessary investments during his tenure leaves a hollow military for his successors - to our country's great harm. And that is where we are today. We have squandered time to our detriment.

We read and hear arguments that we can't afford to spend more on defense. Nonsense. Our country is not wealthy enough to do everything in the world that everyone may wish -- we can't and we shouldn't try. But the first responsibility of government is to provide for our national security. And, let there be no doubt, our country is more than wealthy enough to do everything we need to do to provide for our safety. Defense expenditures at 3% of our GDP, and heading south, are the lowest percent in my adult lifetime.

And I must add that the silence on this subject in the national dialogue on public issues is deafening and disturbing. We need to stop the decade-long series of defense reductions and rearrange U.S. national security capabilities to fit the post-Cold War world. We must invest what is necessary to assure that future Presidents have the capabilities needed to contribute to peace and stability in this still very dangerous and untidy world.

Despite all the challenges, I have full confidence that we as a people will find our way and that we will demonstrate the good judgment to do what is necessary to fashion ways to live safely in this new and different, but still dangerous world.

Thank you very much.

END

Statement of the Honorable Donald Rumsfeld
Prepared for the Senate Foreign Relations Committee
October 6, 1998
2:00 p.m.

Thank you, Mr. Chairman and Members of the Committee.

I am very pleased that Dr. Barry M. Blechman and Dr. William R. Graham are able to join in presenting the unclassified version of the Report of the Ballistic Missile Threat Commission to your Committee.

Dr. Blechman is the founder of the Henry Stimson Center and a former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration.

Dr. Graham is the former Science Advisor to the President in the Reagan Administration and Deputy Director of NASA.

Others members of the Commission were:

- Retired four-star general Lee Butler, former Commander of the U.S. Strategic Air Command;
- Dr. Richard L. Garwin, formerly of IBM, a distinguished scientist with a long record of service on Federal commissions and advisory committees;
- Dr. William Schneider, Jr., former Undersecretary of State for Security Assistance in the Reagan Administration;
- General Larry D. Welch, former Chief of Staff of the U.S. Air Force and currently CEO of the Institute for Defense Analysis;
- Dr. Paul Wolfowitz, former Undersecretary of Defense for Policy in the Bush Administration and former U.S. Ambassador to Indonesia, and currently Dean of the Nitze School of Advanced International Studies at Johns Hopkins University here in Washington; and
- The Honorable James Woolsey, former Director of the CIA in the Clinton Administration.

I could not have served with a more knowledgeable, experienced, talented and dedicated group of Commissioners. They deserve and have my great respect and my appreciation.

As you know, the Commission was established by Congress. We delivered our report in July, which included a brief, unclassified executive summary and a lengthy classified report. Mr. Chairman, I request that the unclassified executive summary be placed in the record at the conclusion of my remarks.

Nominated by the House and Senate Republican and Democratic leadership, the members of the Commission came to their task with a variety of views. Our work covered some six months and included two-hundred briefings. As General Welch observed, the facts finally overrode all of our biases and opinions and literally drove us to our unanimous conclusions and recommendation.

As required by our charter, we looked only at the emerging and current ballistic missile threat to the U.S. -- not other threats such as terrorism or cruise missiles. We concentrated on the threat to the United States -- not to U.S. forces overseas or friends or allies. We examined the ballistic missile countries, both as buyers and sellers, as well as users of the technology, and the state of their capabilities, including biological and nuclear weapons.

We consulted with technical, area, functional, and policy experts. We commissioned work to look at technical aspects as to what is possible and the various approaches in missile development. And we examined the availability of nuclear and biological weapon capabilities.

I will summarize our conclusions briefly.

China and Russia continue to pose threats, although different in nature. Each is on a somewhat uncertain, albeit different, path. With respect to North Korea and Iran, we concluded each could pose a threat to the U.S. within five years of a decision to do so, and that the U.S. might not know for several years whether or not such a decision had been made.

We concluded that Iraq could pose a threat to the U.S. within 10 years of a decision to do so and that the U.S. might not know for several years when such a decision was made. That view was based on the assumption that the UNSCOM sanctions and inspections would be in place. It is now increasingly likely that they will not be in place. Therefore, we would place Iraq with North Korea and Iran as capable of posing a threat to the U.S. within five years of making a decision to do so, and underline that we might not know for several years if such a decision had been made.

We concluded unanimously that the emerging capabilities are broader, more mature, and evolving more rapidly than had been reported, and that the intelligence community's ability to provide timely warning is being eroded. We concluded that the warning time of deployment of a ballistic missile threat to the United States is reduced. Under some plausible scenarios -- including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these -- we concluded that the U.S. might well have little or no warning before operational deployment. All of these possibilities have happened, so it is hard to see how they could be described as unlikely.

One important reason for reduced warning is that the emerging powers are secretive about their programs and are increasingly sophisticated in deception and denial. They know considerably more than we would like them to know about the sources and methods of our collection, in no small part through espionage. And they use that knowledge to good effect in hiding their programs.

We have concluded that there will be surprises. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there are and will be surprises, but that we are surprised that there are surprises. It is my view we must recognize that surprises will occur and take the necessary steps to see that our country is arranged to deal with the risks that the inevitable surprises inevitably will pose.

The second key factor is the extensive foreign assistance, technology transfer and foreign trade in ballistic missile and weapons of mass destruction capabilities. Foreign trade and foreign assistance are, in our view, not a "wild card." They are facts. The contention that there are nations with "indigenous ballistic missile development programs" is, in our view, not correct. We don't know of one such nation. There may not have been a truly indigenous ballistic missile development program since Mr. Goddard. The countries of interest are helping each other. They are doing it for a variety of reasons -- some strategic, some financial. Technology transfer is not rare or unusual, it is pervasive.

The intelligence community has a difficult assignment. There are more actors, more programs and more facilities to monitor than was the case during the Cold War. Their assets are spread somewhat thinly across many priorities. Methodological adjustments relative to collecting and analyzing evidence is, in our view, not keeping up with the pace of events. We approached our assignment not as intelligence analysts, but as policymakers, with decades of experience in dealing with the intelligence community and its products. As such, we approached it in a way that was different from the normal intelligence analyst's approach. Therefore, it should not be surprising that our conclusions diverged from earlier community estimates.

Specifically, Russia and China have emerged as major suppliers of technology to a number of countries. There is the advent and acceleration of trade among second-tier powers to the point that the development of these capabilities may well have become self-sustaining. For example, today they each have various capabilities the others do not. As they trade -- whether it's knowledge, systems, components, or technicians -- the result is that they benefit from each other and are able to move forward on development paths that are notably different from ours or that of the Soviet Union, and they are able to move at a more rapid pace.

To characterize the programs of target nations as "high-risk," it seems to me, is a misunderstanding of the situation. These countries do not need the accuracies the U.S. required. They do not have the same concerns about safety that the U.S. has. Nor do they need the high volumes the U.S. acquired. As a result, they are capable of using technologies, techniques and even equipment that the U.S. would have rejected as too primitive as much as three decades ago. Whether called "high risk" or not, let there be no doubt but that they are rapidly and successfully developing the capabilities necessary to threaten the United States.

Since January, 1998 when we began our assignment, we have seen the Pakistani Ghauri missile launch, Indian nuclear tests, Pakistani nuclear tests, Iran's Shahab 3 test and, most recently, the North Korean TD-1 space launch vehicle effort, to mention but a few events. There has not been a month that has passed where there has not been some event or new information that has reinforced the reality of the extensive technology transfer taking place, or a new surprise because of the sophistication of these countries' deception and denial and their increasing skill at keeping the U.S. from knowing what it is they are doing and where they are doing it.

The recent TD-1 space launch vehicle test is an object lesson and also a warning. Many were skeptical for technical reasons that the TD-1 could fly at all. It had been the conventional wisdom that "staging" and systems integration were too complex and difficult for countries such as North Korea to accomplish in any near time frame. Yet North Korea demonstrated staging twice.

The third stage solid motor and the satellite were both a surprise. The U.S. was aware that a launch was going to take place, but not that the TD-1 would have a third stage, and certainly not that they would attempt to put a satellite in low-earth orbit. So, while anticipating a flight of a TD-1, none of us anticipated this type of a flight.

The question is, does this bring North Korea to an ICBM capability? The intelligence community is estimating that the system tested is somewhere in a 4,000- to 6,000-kilometer range. ICBM range is in that neighborhood. That means that a three-staged TD-1 might be able to reach Alaska and parts of the western-most Hawaiian Islands. This range, however, was not what was expected of a TD-1. Rather, it is what was expected of their follow-on missile, the TD-2.

How much further might a three-staged North Korean TD-1 fly? That, of course, is a function of the payload type and size, the weight of the materials used and the number of stages. It would not be surprising if the range/payload calculations suggest that a three-staged TD-1 has a potential greater than that of a 5,500-kilometer ICBM. Overcoming the failure in the third stage should be manageable, and reentry vehicle technology is on the open market.

Even if calculations indicate the TD-1 cannot reach beyond Alaska and Hawaii with a nuclear payload, their recent launch does suggest that, because of their demonstrated technical proficiency, the TD-2 will be more capable than had been thought.

In short, the likelihood that a TD-2 will be successfully tested has gone up considerably since the August 31st flight. The likelihood that a TD-2 flight will exceed 5,000 to 6,000 kilometers in range with a useful payload has gone up as well. And, the likelihood that we will not know very much in advance of a launch what a TD-2 will be capable of continues to be high.

Now, what I have said about North Korea is interesting, but given the reality of technology transfer, what happens in North Korea also is important with respect to, for example, Iran. If North Korea has the capability it has now demonstrated, we can be certain that they will offer that capability to other countries, including Iran. That has been their public posture. It has been their private behavior. They are very, very active marketing ballistic missile technologies.

In addition, Iran not only has assistance from North Korea, but it also has assistance from Russia and China, which creates additional options and development paths for them.

What does this all mean by way of warning? Well, it powerfully reinforces our Commission's conclusions that technology transfer is pervasive and that deception and denial work. Further, it points up the fact that longer range ballistic missiles are increasingly attractive to a number of countries because the world knows from the Gulf War that combating Western armies, air forces and navies is not a wise choice.

This reality makes threats such as terrorism, ballistic missiles and cruise missiles more attractive. They are cheaper than armies and air forces. They are attainable. And ballistic missiles have the advantage of being able to arrive at their destination undefended.

We concluded unanimously that we are in an environment of little or no warning. We believe that arguments to the contrary are not supported by the facts.

This led us to our unanimous recommendation that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning. Specifically, we believe the Department of State should review its policies and priorities, including sanctions and non-proliferation activities; the intelligence community should review U.S. collection capabilities, given their more complex task; and last, that the defense establishment should review both U.S. offensive and defensive capabilities and strategies based on extended warning.

In short, we are in a new circumstance and the policies and approaches that were appropriate when we could rely on extended warning no longer apply.

Thank you very much, Mr. Chairman. Dr. Blechman, Dr. Graham and I are available to respond to questions.

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

Yes.

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

SIGNATURE AND DATE

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

DONALD H. RUMSFELD

This 9th day of January, 2001.

[The nomination of Donald H. Rumsfeld was reported to the Senate by Senator John Warner on January 20, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on January 20, 2001.]

NOMINATION OF DR. PAUL D. WOLFOWITZ TO BE THE DEPUTY SECRETARY OF DEFENSE

TUESDAY, FEBRUARY 27, 2001

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

The committee met, pursuant to notice, at 9:38 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Allard, Hutchinson, Sessions, Collins, Bunning, Levin, Cleland, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, and Carnahan.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Anita H. Rouse, deputy chief clerk; and Scott W. Stucky, general counsel.

Professional staff members present: Charles S. Abell, John R. Barnes, Edward H. Edens IV, William C. Greenwalt, Gary M. Hall, George W. Lauffer, Patricia L. Lewis, Thomas L. MacKenzie, Cord A. Sterling, and Eric H. Thoemmes.

Minority staff members present: David S. Lyles, minority staff director; Richard W. Fieldhouse, professional staff member; Gerald J. Leeling, professional staff member; Peter K. Levine, minority counsel; and Michael J. McCord, professional staff member.

Staff assistants present: Jennifer Key, Thomas C. Moore, Jennifer L. Naccari, and Michele A. Traficante.

Committee members' assistants present: George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; Michael P. Ralsky, assistant to Senator Hutchinson; Arch Galloway II, assistant to Senator Sessions; Kristine Fauser, assistant to Senator Collins; Menda Sue Fife, assistant to Senator Kennedy; Christina Evans and Barry Gene (B.G.) Wright, assistants to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Andrew Vanlandingham, assistant to Senator Cleland; Davelyn Noelani Kalipi, assistant to Senator Akaka; Peter A. Contostavlos, assistant to Senator Bill Nelson; and Sheila Murphy, assistant to Senator E. Benjamin Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning. The committee meets today on a very important nomination by President George W. Bush for the Deputy Secretary of Defense, Dr. Paul Wolfowitz. I have had the privilege of knowing Dr. Wolfowitz for many years, worked

with him in various capacities, and I commend the President for his nomination of this outstanding public servant.

You are a man of accomplishments in many venues. You have many years of service in government and academia. You served in the Department of Defense on two previous occasions, as Deputy Assistant Secretary of Defense for Regional Programs from 1977 to 1980 and as Under Secretary of Defense for Policy during the period 1989 through 1993. You were Under Secretary of Defense for Policy during the Persian Gulf War, a critical juncture in the history of our country. The tenth anniversary is now being observed by our Nation and the coalition partners who came together under the leadership of President George Bush to mount that most important offensive against the aggression of Saddam Hussein.

You have served in various other government assignments, including Chief of the State Department Policy Planning Staff and as Ambassador to Indonesia under the Reagan administration. In addition, you have had a distinguished career in the academic world, having taught at Yale, Johns Hopkins, and the National War College. Most recently, you served as Dean and Professor of International Relations at the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University.

You have also appeared before this committee many times, providing valuable testimony, throughout your public career. Your insights and expertise have assisted this committee, and indeed Congress as a whole, in our deliberations and responsibilities, and we are confident, at least this Senator is, that you will continue to give that valued counsel and advice to this committee and Congress as a whole.

If confirmed, you will be returning to the Department of Defense at a very challenging time in our history. In the judgment of many, and certainly this Senator, the threats growing against our interests as a Nation and those of our allies are more diverse, more complicated, than any time in contemporary history.

I agree wholeheartedly with the directions which President George W. Bush and Secretary of Defense Don Rumsfeld are taking towards their new leadership roles in national security affairs, and most particularly the Department of Defense. It is a wise decision for the President and the Secretary of Defense to determine that they would undertake a top-to-bottom study long-term of the issues, beginning with the threat, the need to realign the military in many ways to meet these changing threats, and to take a long and counseled course for deciding which programs should continue and those that should be terminated.

I continue—and I am perhaps a lone voice in some respects on this—to believe that we have short-term interests that have to be addressed, hopefully eventually in a supplemental appropriation late this summer or perhaps even earlier—before the Fourth of July is the target date I have. We will work along on that issue.

Secretary Rumsfeld has asked this committee, during his confirmation hearing and in subsequent consultations, to move as quickly as we can on key nominations. I think that we are doing that in every respect. I commend my distinguished colleague, the ranking member, Mr. Levin, in working to see that this nomination

has been handled properly and promptly, and we will continue to do that.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you. Let me welcome our nominee. I see Senator Sarbanes is here to introduce him and we are delighted that he is present this morning. I am pleased to join you in welcoming Paul Wolfowitz and his family to the Armed Services Committee for today's hearing.

Mr. Wolfowitz is familiar with the work of this committee from the many times that he has testified before us and the House in his role as Dean of the Johns Hopkins University School of Advanced International Studies. He surely is familiar with the job to which he has been nominated from his previous service as Under Secretary of Defense for Policy.

The Deputy Secretary of Defense serves in a position of awesome responsibility. He is the alter ego of the Secretary. In this capacity, the new Deputy Secretary will play a key role in determining how our country will meet the national security challenges that face us today. For example:

- How do we need to transform our military forces to meet a new set of threats over the coming decades?
- What new weapons systems and technologies do we need to field? Do we need to skip a generation of technology to do so?
- Will the National Missile Defense make us more or less secure?
- Should we commit to deploy such a system?
- If so, what system should we deploy and under what circumstances?
- To what extent should the United States remain engaged around the world—for example in Kosovo, Bosnia, Colombia, and even on the Korean peninsula?
- What is the best approach to restrain Saddam Hussein from developing weapons of mass destruction and from threatening his neighbors in the Persian Gulf?

Over the years, the best approach to foreign policy and national security policy has always been a bipartisan one. The administration is properly conducting a strategic review to determine the direction of our national security strategy and what direction our defense programs should take in the years ahead.

I have supported President Bush's and Secretary Rumsfeld's decision to conduct this review before determining the level of resources that we should apply to our national defense. I look forward to working with them on these issues over the next several years.

In addition, the Deputy Secretary has traditionally served as the chief manager of the Defense Department. A wide array of management challenges, including financial management, information security, and human capital issues, cut across functional areas in the Department to such an extent that no official other than the Secretary or the Deputy Secretary has the authority needed to address them.

To take just one example, DOD's financial systems remain in need of modernization, with hundreds of partially-linked, error-prone computer systems spread throughout the Department. As a result, the Department remains unable to account for billions of dollars of property, equipment, inventory, and supplies, and unable to reconcile billions of dollars in differences between checks issued by the Department of Defense and reported to the Treasury.

So if Mr. Wolfowitz is confirmed, and I expect that he will be, he will have a very full plate indeed. I look forward to working with you, as I know all members of this committee do.

Chairman WARNER. Thank you, Senator Levin.

Senator Sarbanes, we are very fortunate, and indeed the nominee, to have you appear before this committee this morning. In my 23 years in the Senate I have come to know you very well and respect your knowledge on foreign affairs and national security matters. Indeed, we have traveled abroad together many times in this context of our security responsibilities. It is a privilege for this committee to welcome you this morning and to have you speak on behalf of this distinguished nominee.

STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR FROM MARYLAND

Senator SARBANES. Thank you very much, Mr. Chairman, Senator Levin, members of the Armed Services Committee.

I am pleased to have the opportunity to recommend this morning to you, very strongly recommend, a distinguished Maryland resident, Dr. Paul Wolfowitz, for the position of Deputy Secretary of Defense. Now, Mr. Chairman, I hope you will not hold it against him that he chose to live on the Maryland side of the Potomac and not the Virginia side.

Chairman WARNER. We observed that, but we will let it go by.

Senator SARBANES. We will let it pass. Thank you very much.

Chairman WARNER. He will be working in Virginia, though.

Senator SARBANES. I understand.

Chairman WARNER. If confirmed.

Senator SARBANES. Paul Wolfowitz has had a long and impressive career in both government and academia. Actually, his involvement in public service dates back to 1966, when he was a management intern in the Bureau of the Budget. From 1973 to 1977 he held various positions at the Arms Control and Disarmament Agency. That posting was followed by his service as Deputy Assistant Secretary of Defense for Regional Programs from 1977 to 1980, then Director of the Policy Planning Staff at the State Department in 1981 and 1982, and Assistant Secretary of State for East Asian and Pacific Affairs from 1982 to 1986.

President Reagan then sent him from 1986 to 1989 as U.S. Ambassador to Indonesia, the fourth most populous country in the world. During his tenure there, his post was cited as one of the four best-managed embassies reviewed by the inspectors in 1988. His last government position was Under Secretary of Defense for Policy from 1989 to 1993, when Dick Cheney was the Secretary of Defense.

This is a very wide-ranging and balanced government service, involving both the State Department and the Pentagon, and I think a very impressive blend of responsibilities.

Shortly after leaving government service in 1993, Paul was appointed Dean of the Paul H. Nitze School of Advanced International Studies of the Johns Hopkins University here in Washington, commonly known as SAIS. SAIS is one of the preeminent institutions of higher learning devoted to the study of international relations. It is no wonder, of course, that he was appointed dean at this prestigious school because, in addition to important government service, he has outstanding academic qualifications: a B.A. in mathematics and chemistry from Cornell University in 1965, followed by an M.A. and a Ph.D. from the University of Chicago in political science and economics. He has taught at Yale, SAIS, and the National War College, where he was the George F. Kennan Professor of National Security Strategy.

In my view, in the post-Cold War environment in which we operate, Paul's extensive background and experience should serve him well in this very significant and important post of Deputy Secretary of Defense. He has a solid grasp of complex defense and security issues, the diplomatic skills to operate in the international arena, the intellectual strength to look ahead to the challenges facing us in the 21st century, and the administrative skills to be the number two person in our largest government agency. No doubt his mathematics degree and his experience on budget matters will also come in handy at the Pentagon from time to time.

Mr. Chairman, I would like to close with a quote from a statement released by the President of the Johns Hopkins University, William Brody, an outstanding educational leader, issued at the time of President Bush's announcement of his intention to nominate Paul to this position. President Brody said: "The bad news is that Johns Hopkins is losing a great dean. The good news is that the country is getting a very smart, very focused, clear-thinking leader as Deputy Secretary of Defense. Paul Wolfowitz will serve the Nation well."

Mr. Chairman and members of the committee, I strongly concur with this assessment. I believe you have a highly qualified nominee before you who will serve our country well as Deputy Secretary of Defense, and I strongly urge his favorable consideration by the committee.

Chairman WARNER. Senator, we thank you. I think those of us who had the opportunity to know this distinguished nominee concur in your observations and that of the distinguished President of Johns Hopkins. Thank you, Senator.

Senator SARBANES. Thank you, Mr. Chairman.

Chairman WARNER. At this point, I submit for the record the statement of Senator Barbara A. Mikulski, who could not be here in person due to other Senate responsibilities.

I also submit for the record the statement of Senator Strom Thurmond.

[The prepared statements of Senator Mikulski and Senator Thurmond follow:]

PREPARED STATEMENT BY SENATOR BARBARA A. MIKULSKI

Mr. Chairman: I appreciate the opportunity to express my support for the nomination of Dr. Paul Wolfowitz to be Deputy Secretary of Defense.

Dr. Wolfowitz is well known to members of the Armed Services Committee. For over 30 years, he has committed his life to public service. As the Under Secretary of Defense for Policy, he was the principal civilian responsible for strategy, plans and policy. As the Assistant Secretary of State for East Asian Affairs, and as our Ambassador to Indonesia, Dr. Wolfowitz understands foreign policy as well as defense policy—and how the two are linked.

Most recently, Dr. Wolfowitz served as dean of the Paul H. Nitze School of Advanced International Studies at the Johns Hopkins University. He repositioned the school from a Cold War orientation, which it had since its founding, to a focus on the impact and challenges of globalization in the post-Cold War era. He strengthened the faculty, increased the endowment, raised funds for student aid and enhanced the school's visibility among policymakers in Washington and around the world.

At the Pentagon, Dr. Wolfowitz will face great challenges. We need to improve the quality of life for our men and women in uniform—so that we can continue to attract the best and the brightest to serve in our military. We also need to upgrade our weapons and technology. For example, the average Navy aircraft is 18 years old. We need to invest in new aircraft quickly—to give our pilots what they need to defend America.

I am pleased that Dr. Wolfowitz will bring his keen intellect and wide ranging experience to the important position of Deputy Secretary of Defense. I look forward to working with him to ensure that our military remains strong in a world constantly challenged by ethnic conflict, civil and nationalist tensions, and the proliferation of weapons of mass destruction.

Mr. Chairman, I'm sorry that other Senate responsibilities prevent me from being here in person, but I look forward to voting for Dr. Wolfowitz when his nomination is considered by the full Senate.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman:

Mr. Chairman, I join you and the members of the Committee in welcoming Dr. Wolfowitz. I also want to take this opportunity to thank Deputy Secretary of Defense DeLeon for his service to our Nation while on the House Armed Services Committee and during the past 8 years in the many challenging positions he held in the Department of Defense. We may not always have been on the same side, but we always had the same goal of providing the best for our soldiers, sailors, airmen and Marines.

Secretary Wolfowitz, congratulations on your nomination and on your superb record of public service. Your willingness to serve a third tour in the Department of Defense speaks highly of your dedication to our country and to the men and women who wear the uniforms of our military services. It is also noteworthy because holding public office requires many sacrifices and the rewards are few.

Mr. Secretary, once confirmed, you will be part of the team that will face the challenge of transforming our armed forces, and for that matter the Department of Defense, to meet the challenges and threats of a new century. I want you to know that you can count on me, and, I believe the entire Armed Services Committee, to provide, on a bipartisan basis, the support that will be so critical toward achieving that goal. I wish you success and hope you will not hesitate to speak out forcefully on behalf of the men and women of our Armed Forces and the civilian employees of the Department of Defense.

Thank you, Mr. Chairman.

Chairman WARNER. Dr. Wolfowitz, you now have the unlimited opportunity to express such views as you wish. Following that, we will have a 6-minute round of questions by our members.

STATEMENT OF DR. PAUL D. WOLFOWITZ, NOMINATED TO BE DEPUTY SECRETARY OF DEFENSE

Dr. WOLFOWITZ. Thank you, Mr. Chairman. I know that unlimited opportunities are best kept short and I will read just a part of my statement and submit the rest for the record.

I want to thank Senator Sarbanes for being so gracious as to make time in a very busy schedule to come and introduce me.

Chairman Warner, Senator Levin, members of the Armed Services Committee, it is a great honor to appear again before this committee, one that has done so much over the years to make our Nation strong and the world more peaceful. I am grateful to the President and to Secretary Rumsfeld for the confidence that they have shown in me by nominating me for a position of such great responsibility.

If confirmed by the Senate, this will be my third tour in the Pentagon. It is also the second time that I come before this distinguished committee to seek confirmation for a senior position in the Department of Defense. On the previous occasion in 1989, it was a very different world. The Cold War was still a reality. Even in the heyday of Mr. Gorbachev, the principal threat to our Nation still came from a Soviet Union that was armed to the teeth with nuclear and conventional weapons. We had well over two million men and women on active duty to deter and, if necessary, to defend against this constant threat.

Twelve years ago many observers believed that the United States was in a period of permanent decline and many pointed to other nations as models for reforming our economy. Budget deficits were taken as a given, the personal computer was a toddler, and the Internet was a mere infant.

In the intervening years, the Cold War has become truly a part of history and we've fought and won a major war in the Persian Gulf. America did not decline, it prospered. We remain a vibrant world power with a position that is in many respects unique in the history of the world.

Under these circumstances, it was only natural that our Nation desired to reap a peace dividend. We reduced our defense budget by 40 percent. We cut the force by nearly the same amount. Our defense budget was drawn down to the lowest percentage of our gross domestic product since the late 1930s.

But the world remains, in Secretary Rumsfeld's phrase, a dangerous and untidy place. The need, indeed the demand, for U.S. leadership has increased as well. So, despite declining defense budgets and a shrinking force structure, in the past decade we drastically increased the number of military deployments for humanitarian and peacekeeping operations. This added greatly to the workload of an already busy force, one that was struggling to maintain its combat readiness, with dedicated but tired troops manning aging equipment.

Today, as General Shelton has said, the force is frayed. We must begin a long overdue renovation and transformation of the armed forces, so that we can preserve and extend the peace well into the 21st century. President Bush has set this task as one of the highest priorities of his administration.

The President has set three important goals for the Department of Defense. First, we must strengthen the bond of trust with the American military. As General Creighton Abrams said when the all-volunteer force was first created: "People aren't in the Army; they are the Army." The same is true of all the military services.

Building on the dedicated work of the Senate and the House, we must continue to improve military pay and quality of life.

But good pay and fair allowances by themselves won't keep the best people in the service. Working with Congress and our allies, we must also re-examine the balance among force levels, commitments, and deployments. We will have to make sure that we are focused on the most important defense tasks and not placing unreasonable demands on our men and women in uniform.

We will also have to acknowledge the relationship between morale and readiness. President Bush has said that even the highest morale is eventually undermined by back-to-back deployments, poor pay, shortage of spare parts and equipment, and declining readiness.

Second, we must develop the capabilities to defend against missiles, terrorists, and the complex set of threats to our information systems and our all-important assets in space. U.S. military strength in the field is unparalleled. Many of our enemies therefore have determined that in order to move against us they must be able to strike us at home. Some have chosen to develop long-range missile systems. Others have chosen to support or direct terrorist attacks with conventional devices, weapons of mass destruction, or cyber weapons against our Nation, our forces, or our diplomats abroad. We must do everything in our power to stop them.

Third, the Department of Defense must take advantage of the technological revolution to help us create a military for the 21st century. To this end, at the direction of the President, Secretary Rumsfeld has already launched a review of our defense strategy and programs designed to provide a sound understanding of the state of our armed forces and their readiness for the 21st century security environment.

This work must be done quickly and it must be done before we can know what our true defense resource requirements are. President Bush and Secretary Rumsfeld believe, as the Secretary puts it, that we need to engage our brains before we open the taxpayers' wallets. I strongly support that approach and will work hard to shape a prompt and effective review.

In addition to that review, to support and make progress on the President's goals, the Secretary has set five key objectives for the Department of Defense: First, to fashion and sustain a new form of deterrence appropriate to the new strategic environment, a deterrence based less on massive levels of punishment or retaliation and more on the use of both defensive and offensive means to deny our adversaries the opportunity and benefits that come from the use of weapons of mass destruction.

Second, to assure the readiness and sustainability of our armed forces now and into the future. This will require not only spending to bring up current readiness levels, but also investment in the modernization efforts that our forces need to avoid being caught in a trap of making ever-increasing expenditures to maintain aging equipment.

Third, to modernize our command and control and space capabilities to support our 21st century needs. That infrastructure is the foundation of American military strength.

Fourth, to begin reshaping the U.S. defense establishment to meet new challenges and take advantage of new opportunities, we must begin to move, as President Bush has said, beyond marginal improvements to replace existing programs with new technologies and strategies. Building on the superb human capital of the current force, we must fashion a future force that is at once more agile, more lethal, and more rapidly deployable. It must be able to operate over increasingly longer ranges. It must integrate the capabilities of all of the services so that field commanders have the best possible combination of air, sea, and land weapons for each situation, and it must have the best technology that America can offer. Our dedicated soldiers, sailors, airmen, Marines, and Coast Guardsmen deserve no less.

Finally, we must reform Department of Defense structures, processes, and organizations. We need to seek greater efficiencies, not only to safeguard the taxpayers' money, but also because that will allow us to create better weapon systems and invest more in the cutting edge of our Nation's defenses.

There is no more solemn responsibility that the American people entrust to the Federal Government than to provide for the common defense. There is no group of Americans who deserve more respect and honor from their fellow citizens than the men and women of our armed forces who daily put themselves in harm's way for that constitutional purpose. It is both exciting and humbling to be asked once again to help lead them in their work for the common defense.

Mr. Chairman, it is more than just an honor to be nominated by the President to be Deputy Secretary of Defense. It is also a great responsibility. I appreciate the trust that President Bush and Secretary Rumsfeld have placed in me. If confirmed, I look forward to continuing to work closely with this committee to achieve our common goals. Indeed, I pledge to you that, if confirmed, I will work with the services, Congress, and the defense industry to help the President and the Secretary prepare our armed forces to meet the challenges of the 21st century.

Thank you. I look forward to your questions.

[The prepared statement of Dr. Wolfowitz follows:]

PREPARED STATEMENT BY DR. PAUL WOLFOWITZ

Senator Warner, Senator Levin, Members of the Armed Services Committee: It is an honor to appear again before this great committee, one that has done so much over the years to make our Nation strong and the world more peaceful. I am grateful to the President and Secretary Rumsfeld for the confidence that they have shown in me by nominating me for a position of such great responsibility. When I think of the men and women who have sought confirmation here in the past, and the number of important laws—like the Goldwater-Nichols Act—that have originated with this committee, I feel truly humbled.

If confirmed by the Senate, this will be my third tour in the Pentagon. It is also the second time that I have come before this distinguished committee to seek confirmation for a senior position in the Department of Defense.

On the previous occasion, in 1989, it was a very different world. The Cold War was still a reality. Even in the heyday of Mr. Gorbachev, the principal threat to our Nation still came from a Soviet Union that was armed to the teeth with nuclear and conventional weapons.

We had well over 2 million men and women on Active Duty to deter and, if necessary, defend against this constant threat.

Twelve years ago, many observers believed that the United States was in a period of permanent decline, and many pointed to other nations as models for reforming

the U.S. economy. Budget deficits were taken as a given, the personal computer was a toddler, and the Internet was a mere infant.

In the intervening years, the Cold War has become part of history, and we have fought and won a major war in the Persian Gulf. America did not decline, it prospered. We remain a vibrant world power, with a position that is in many respects unique in the history of the world.

Under these circumstances, it was only natural that our Nation desired to reap a peace dividend. We reduced our defense budget by 40 percent, and cut the force by nearly the same amount. Our defense budget was drawn down to the lowest percentage of our gross domestic product since the late 1930s.

But the world remained, in Secretary Rumsfeld's phrase, a "dangerous and untidy" place. Amidst the peace that encompassed the developed world, ethnic conflict, regional thugs, failed states, terrorists, and the proliferation of missiles and weapons of mass destruction presented new challenges. The need, indeed the demand, for U.S. leadership increased, as well.

Despite declining defense budgets and a shrinking force structure, in the past decade we drastically increased the number of military deployments for humanitarian and peacekeeping operations. This added greatly to the workload of an already busy force, one that was struggling to maintain its combat readiness with dedicated, but tired troops manning aging equipment. Today, as General Shelton has said, the force is "frayed."

We must begin a long overdue renovation and transformation of the Armed Forces in order to preserve and extend the peace well into the 21st century. President Bush has set this task as one of the highest priorities of his administration. As the President has reminded us, peace is not ordained, it is earned; and it must be earned, in particular, by the hard and often dangerous work of our men and women in uniform.

The President has set three important goals for the Defense Department:

First, we must strengthen the bond of trust with the American military. As General Creighton Abrams said when the All-Volunteer Force was first created, "people aren't *in* the Army, people *are* the Army"—and the same is true of all the military services.

Building on the dedicated work of the House and the Senate, we must continue to improve military pay and quality of life. But good pay and fair allowances by themselves won't keep the best people in the service. Working with Congress and with our allies, we must also reexamine the balance among force levels, commitments, and deployments. We will have to make sure that we are focused on the most important defense tasks, and not placing unreasonable demands on our men and women in uniform.

We will also have to acknowledge the relationship between morale and readiness. President Bush has said that "even the highest morale is eventually undermined by back-to-back deployments, poor pay, shortage of spare parts and equipment, and rapidly declining readiness." Our men and women in uniform must have first-class equipment, adequate materiel for training and maintenance, decent barracks, modern family quarters, and suitable working conditions.

Second, we must develop the capabilities to defend against missiles, terrorists and the complex set of threats to our information systems and our all-important assets in space. U.S. power in the field is unparalleled. Many of our enemies have determined that in order to move against us, they must be able to strike us at home. Some have chosen to develop long-range missile systems. Others have chosen to support or direct terrorist attacks—with conventional devices, weapons of mass destruction, or cyber weapons—against our Nation, our forces, or our diplomats abroad. We must do everything in our power to stop them.

Third, the Department of Defense must take advantage of the technological revolution to help us create a military for the 21st century. To this end, at the direction of the President, Secretary Rumsfeld has already launched a review of our defense strategy and programs designed to provide a sound understanding of the state of our Armed Forces and their readiness for the 21st century security environment. This work must be done quickly, and it must be done before we can know what our true defense resource requirements are. President Bush and Secretary Rumsfeld believe, as the Secretary puts it, that we need to "engage our brains before we open the taxpayer's wallet." I strongly support that approach and will work hard to shape a prompt and effective review.

In addition to that review, to support and make progress on the President's goals, the Secretary has set five key objectives for the Department of Defense:

First, we must fashion and sustain a new form of deterrence appropriate to the new strategic environment. The proliferation of missiles and weapons of mass destruction is a key element in the new strategic environment. We need new concepts and forms of deterrence to deal with it. We need a deterrence based less on massive levels of punishment or retaliation, and more on the use of both defensive and offensive means to deny our adversaries the opportunity and benefits that come from the use of weapons of mass destruction.

Second, we must assure the readiness and sustainability of our Armed Forces, now and into the future. This will require not only spending to bring up current readiness levels, but also investment in the re-capitalization and modernization efforts that our forces need to avoid being caught in the trap of making ever-increasing expenditures to maintain aging equipment.

Third, we must modernize our command and control, and space capabilities to support our 21st century needs. Our command, control, communications, and intelligence infrastructure is the foundation of American military strength. That infrastructure is essential for current operations and indispensable for adapting today's force to take advantage of new technology to meet 21st century challenges. As Secretary Rumsfeld has said, we must significantly improve our intelligence and space capabilities, as well as our ability to protect them against various forms of attack.

Fourth, we must begin reshaping the U.S. defense establishment to meet new challenges and take advantage of new opportunities. We face the demanding task of preparing for an uncertain future where there are many individual, unpredictable threats but no single major adversary to focus our efforts. We will have to make a stronger effort to define the key tasks and begin to move, as President Bush has said, "beyond marginal improvements to replace existing programs with new technologies and strategies."

Building on the superb human capital of the current force, we must fashion a future force that is at once more agile, more lethal, and more rapidly deployable. It must be able to operate over increasingly longer ranges. It must integrate the capabilities of all of the services so that field commanders have the best possible combination of air, sea, and land weapons for each situation; and it must have the best technology that America can offer. Our dedicated soldiers, sailors, airmen, marines and coast guardsmen deserve no less.

Finally, we must reform Department of Defense structures, processes, and organizations. We need to seek greater efficiencies not only to safeguard the taxpayer's money, but also because that will allow us to create better weapons systems and invest more in the cutting edge of our Nation's defenses.

There is no more solemn responsibility that the American people entrust to the Federal Government than—in the words of the Constitution—"to provide for the common defense." There is no group of Americans who deserve more respect and honor from their fellow citizens than the men and women of our Armed Forces, who daily put themselves in harm's way for that constitutional purpose. It is both exciting and humbling to be asked again to help lead them in their work for the common defense.

Mr. Chairman, it is more than just an honor to be nominated by the President to be Deputy Secretary of Defense, it is also a great responsibility. I appreciate the trust that President Bush and Secretary Rumsfeld have placed in me. If confirmed, I look forward to continuing to work closely with this committee to achieve our common goals. Indeed, I pledge to you that I will work with the Services, Congress, and the defense industry to help the President and the Secretary prepare our Armed Forces to meet the challenges of the 21st century.

Thank you. I look forward to your questions.

Chairman WARNER. Thank you, Dr. Wolfowitz.

By the long-standing tradition of this committee, the Chair now propounds to you questions that are given to each nominee. First, have you adhered to applicable laws and regulations governing conflict of interest?

Dr. WOLFOWITZ. Yes, I have, Senator.

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

Dr. WOLFOWITZ. No, I have not, Mr. Chairman.

Chairman WARNER. Will you ensure that you and your staff comply with the deadlines established for requested communications, including questions for the record, by this committee and other committees of Congress?

Dr. WOLFOWITZ. Yes, Mr. Chairman. I consider that a high priority. I also will work with Secretary Rumsfeld, as he indicated in his testimony, to try and see if we can streamline some of those requirements, because they are quite substantial, I have observed already.

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

Dr. WOLFOWITZ. I certainly will, Mr. Chairman.

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

Dr. WOLFOWITZ. Yes, they will.

Chairman WARNER. The Chair notes that you have responded to the questions propounded by this committee and that they will be made a part of the record today.

Now we will proceed on a round of 6 minutes to each member. Dr. Wolfowitz, you were in the Department of Defense during the Gulf War, and I copied a note from your opening statement in which you said, "We fought and won the war in the Persian Gulf." Unquestionably, the coalition of military forces did fight bravely and win that war. It is interesting, it was a war of about 100 hours.

The decision was made not to pursue Saddam Hussein's forces back into Iraq and I have always defended that decision that was made by our then-President George Bush. But the aftermath is not necessarily one of victory. We have seen 10 consecutive years now in which, although early on there was some compliance with the UN Security Council resolutions by Iraq, there has been absolute defiance of the Security Council resolutions and the understandings that were agreed to by Saddam Hussein.

This morning I looked at the headlines and it said the U.S. is prepared to revise the sanctions regime and the caption was that we would lessen the sanctions. My question to you is, what do we get in return from Saddam Hussein and what is the likelihood that he will now comply with the clear obligations he undertook at the end of the conflict and the clear mandates of the Security Council?

Dr. WOLFOWITZ. Mr. Chairman, in compliance with the strictures on me as a not yet confirmed nominee, I have not been intimately involved in the policy process on Iraq. I saw the same article you saw in the paper this morning. I have not yet seen a complete transcript of what Secretary Powell said.

Chairman WARNER. I recognize that you have not been involved in that. I understand that. But you have devoted much of your career to these types of issues and questions. What counsel and advice would you share with the President and the Secretary of Defense?

Dr. WOLFOWITZ. I believe that what one has to do in approaching this issue, and it is a very difficult issue and you are absolutely correct in saying that we may have won the war, but we still have a major problem there as long as Saddam Hussein is in power—one needs not just a single policy decision, for example one concerning sanctions, one needs an overall strategy.

That strategy has to reflect the reality of where you are today and where you hope to be a year from now or 2 years from now. I do believe that part of the reality is that where we are today is that we have lost a lot of ground since the end of the Gulf War and he has gained a lot of ground. In particular, the coalition that the first President Bush assembled to confront Iraq is not anything like what it used to be.

Part of that problem is that Saddam has succeeded to a disturbing degree in cultivating the notion that the sanctions are not punishing him, they are only punishing the Iraqi people. I believe that part of what we need to do is make clear that the sanctions that are in place are not intended and should not prevent humanitarian assistance or food or medical supplies from getting to the Iraqi people.

But I would also emphasize sanctions are not a policy; they are at best a part of a policy. I think the overall policy has to focus on how one can prevent him from getting weapons of mass destruction or get rid of them if he has them, how to keep him from becoming a threat to his neighbors by conventional or unconventional means, and hopefully, if possible, to devise a strategy to assist the Iraqi people in freeing themselves from this tyrant. That is not going to be something that is going to happen overnight.

Chairman WARNER. I have just returned from a trip to that region. Senator Stevens, Chairman of the Appropriations Committee, and I and several other Senators, visited in Egypt with President Mubarak. We visited in Israel with Prime Minister-designate Sharon. It seems that there is a feeling that we can reconstitute under U.S. leadership in some measure the coalition of nations that fought that battle 10 years ago. Speaking for myself, I think that is probably the key to such new policies as we have towards Iraq.

Regrettably, the United States and Great Britain have been going it alone certainly in the containment of Saddam Hussein through the very courageous air operations in the north and the south. In the Gulf itself we have been joined by several other nations in the naval activities to curtail the smuggling and other trafficking to and from Iraq in the Gulf waterways. But largely it has been the United States and Great Britain alone.

My question to you is what is the likelihood that we can reconstitute in some measure that some 20-plus nations, is my recollection, that participated in that Gulf action?

Dr. WOLFOWITZ. I think it is going to depend on what we want them for, and in fact we may not need all of them, depending on what we want to do. But I do think the key to putting the coalition together the first time and the key to reassembling another coalition if we need it is to convince people that there is a long-term outcome that benefits them.

I think one of the problems we face today is they see many short-term costs. Every time there is a military strike, Arab governments

suffer criticism from their own people. That is just one of many short-term costs. They do not see the long-term gain or benefit. It is crucial, I think, as the American piece of putting this coalition together to convince people that there is an outcome that is worth enduring those obvious costs.

Chairman WARNER. During the course of the early comments by President George W. Bush and based on his campaign commitments to the American people was the commitment to say that we would not engage the U.S. forces in the many and diverse actions that were undertaken by President Clinton. We now recognize that the Department of Defense was underfunded and the troops overextended in that period and corrections have to be made.

In your work with Secretary Rumsfeld and indeed with the extraordinary competent security team the President has put together, what is the general framework? What are the general guidelines that should be laid down, in your judgment, to guide future military commitments by the United States and to guide those situations in which we will simply say, no, we will not participate?

Dr. WOLFOWITZ. I think clearly one of the most important criteria is that it has to be something that is important to our national interests. It also has to be something where military forces can achieve the objectives of our national interest, and I think it has to be something where we have a strategy for success, that we have a way of achieving our goals and completing the mission and not end up in something that is an unending commitment with no way out.

It is also true, Mr. Chairman, that I believe we need to be more careful about how we engage our forces. But one also has to be very careful about how you disengage. One cannot rewrite history and it is very important as we try to reduce the requirements and burdens that we have imposed by many commitments all around the world that we not recreate the very situations that we went in to prevent.

Chairman WARNER. Thank you.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Dr. Wolfowitz, applying those criteria, where are we currently deployed where we should not be?

Dr. WOLFOWITZ. It is not so much that we are deployed somewhere that we should not be, but I think everywhere that we are deployed we should look at the question of whether we need as much as we have. We should look at the question of whether we are heading down a road where we may tragically pull out precipitously.

I think one of the very important things we want to avoid is the precedent—and it has been a bipartisan failure—in Beirut where we lost Marines and then suddenly pulled out, and Somalia where we lost Rangers and suddenly pulled out. It is very dangerous to have a commitment where we are undertaking dangers that we have not fully appreciated and that the American people are not prepared to support.

As a general principle, I think we need to look as much as possible at turning responsibilities over to other people. Sometimes that means turning responsibilities over to our allies, sometimes—

and I would hope this might be true in some places like East Timor and the Balkans—turning more responsibility over to the indigenous people themselves. Sometimes, where it is a matter where our highly trained combat people are performing what is essentially a police function, I would hope we could find policemen, hopefully not Americans, who can perform those functions.

So it is less a matter that there is a specific place that we should pull out of, but rather everywhere that we have this very precious resource engaged we should try to make sure that there are not better alternatives.

Senator LEVIN. I think we always should do that on an on-going and continuing basis. But you are not prepared to tell us where, applying those criteria and asking those questions, we should now plan on withdrawing forces?

Dr. WOLFOWITZ. No, I am not. I think that is part of what this defense review that the Secretary is undertaking has to look at, although it is not entirely a Defense Department responsibility.

Senator LEVIN. On the Iraq questions that the Chairman asked, you have previously said that the no-fly zones do not matter. You have been highly critical of that policy. You have also advocated what you have called a serious policy aimed at liberating the Iraqi people by creating a liberated zone in southern Iraq that could be used as a base by the Iraqi opposition. You have stated that it will take American forces, to use your words, to create a protected area in which the opposition forces can organize.

Now, General Zinni, who is our most recent CINC in that area of the world, has taken a very different approach, saying that that approach which you have proposed is a dangerous illusion that was likely to lead to what he called a "Bay of Goats"—like a Bay of Pigs kind of an operation.

Do you still advocate the commitment of U.S. forces to support opposition elements within Iraq in an effort to overthrow Saddam?

Dr. WOLFOWITZ. Senator, it would depend on what those opposition forces are actually capable of doing. Every statement one makes, thoughtful statement about Iraq policy, as I said to the Chairman before, has to look at the context. In 1991, a month after the end of the Gulf War, we actually did put ground forces back into northern Iraq to create a protected zone under which Kurdish opposition forces could operate, and to this day, although there was a significant failure in 1996, northern Iraq is a largely liberated area.

I think some of the statements you are referring to go back to a time a few years ago when Sandy Berger, President Clinton's National Security Adviser, was saying that the problem of Saddam's weapons of mass destruction was something worth fighting for, and my reaction was, if it is worth fighting for, then it is worth fighting with whatever capabilities we need and not simply limiting ourselves to air power.

Senator LEVIN. Is it worth fighting for?

Dr. WOLFOWITZ. It depends on what we are being asked to do. When we were asked in 1991 to get the Kurdish refugees back into northern Iraq, it was a plausible plan that made sense. I have not yet seen a plausible plan today, but I would be very interested in seeing one.

Senator LEVIN. Is that goal worth seeking?

Dr. WOLFOWITZ. I think there is no question that the whole region would be a safer place, Iraq would be a much more successful country, and American national interests would benefit greatly if there were a change of regime in Iraq.

Senator LEVIN. That being the case, why then do you apparently now back away from your previous statement that it is worth achieving a base from which the Iraqi opposition can attack Saddam?

Dr. WOLFOWITZ. Senator, because I believe it depends on the context. It depends on what your real options are. If there is a real option to do that, I would certainly think it is still worthwhile.

Senator LEVIN. But you are not then saying that as of today there is a real option?

Dr. WOLFOWITZ. I have not seen it yet.

Senator LEVIN. On North Korea, do you have evidence that North Korea has cheated on the Framework Agreement?

Dr. WOLFOWITZ. No, I do not, Senator. But during the months I spent with now Secretary Rumsfeld on the Ballistic Missile Threat Commission that he chaired, we kept hearing statements that there is no evidence of this and no evidence of that, and the commission as a whole began to come up with the saying, which I think George Tenet adopted, that absence of evidence is not evidence of absence.

In the case of a country like North Korea, where it is so hard to know what is going on, it is very hard to get hard evidence. There are bits of information that suggest it might be possible, but there is certainly no proof.

Senator LEVIN. Do you advocate abrogating the Framework Agreement at this time?

Dr. WOLFOWITZ. Not if the North Koreans comply with it, no.

Senator LEVIN. Based on what you know, do you favor abrogating it at this time?

Dr. WOLFOWITZ. No.

Senator LEVIN. Thank you.

My time is up. Thank you very much.

Chairman WARNER. Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

Dr. Wolfowitz, I do not think I have ever seen someone come in for confirmation with a more glittering array of credentials than you have. I think we are very fortunate to be having you at this confirmation hearing. Your credentials, as I think outlined by the Chairman and others, are both in the world of academia as well as in the Pentagon.

What do you in your mind feel particularly qualifies you for this job with your background?

Dr. WOLFOWITZ. I appreciate the question, Senator, because you have been polite, but I think one of the questions is: You are taking on—I am asking to be confirmed for a job that is essentially the chief operating officer of the Pentagon and it is quite a management challenge. I have had quite a bit of management experience. I would say for the last, ever since I was Assistant Secretary of

State for East Asian Affairs, so that makes it the last 18 years, I have been managing organizations of 100 or multiple hundreds of people, and I think I would say reasonably successfully.

I think there are two things that I bring to it as a manager. One is I believe in managing for results, whether the result was a focused American policy that helped to remove Ferdinand Marcos in the Philippines or the result when I was Under Secretary of Defense for Policy implementing, designing and implementing a strategy that helped to keep Israel out of the Gulf War, or designing and implementing a strategy that raised $50 billion, more than $50 billion, from our allies and friends to support the war effort, or, on a more modest scale, but I hope I had a real impact, as Dean of the Johns Hopkins School of Advanced International Studies, managing an enterprise of, if you count our students, over a thousand people, tens of millions of dollars, which is just a rounding error at the Pentagon, but it's real money, and a very successful capital campaign that raised four times our original goal.

So I believe results is the way you measure management, not how many jobs you've held, and I believe people are the way you get results. That is the other thing I hope I bring to the job.

There is something I think that some private sector managers do not quite appreciate about managing in government. It is even more so in the academic world. Your flexibility to reward people or to penalize people tangibly is limited. You have to motivate them in other ways. I think I have had the experience of motivating very good people to work ungodly hours for the national interest, and I hope I can continue to do that.

Senator INHOFE. I am sure you can.

The Chairman talked about how it might become necessary to reconstitute the 20-plus nation alliance that we once had should it become necessary in the Middle East. My concern is, while I am concerned for that, I am also concerned equally about reconstituting our state of readiness. The CINCs have identified some 87 readiness-related deficiencies, of which 31 of these are listed as category one, and that is our ability to fight a war.

Are you prepared to try to address these? We brought these up before and nothing has happened in the last few years. How do you look at these identified deficiencies?

Dr. WOLFOWITZ. I think that is one of the most important issues that this defense review that Secretary Rumsfeld is undertaking has to address. It is really central to the first of the President's priorities, because readiness is both a matter of our ability to fight wars, but it is also a measure of our ability to keep competent, capable people in the military services. So it is a top priority.

Senator INHOFE. Also, some of the readiness issues that are there today, where there are some $4.5 billion of near-term readiness requirements, some of these I have been out in the field and I have seen. I use the example of out at Fort Bragg during a rain storm just that there is no roof on the barracks and they are covering up their equipment with their bodies. Real Property Maintenance (RPM) accounts that are supposed to be done immediately, they are robbing one account for the other to get ammunition.

What is your feeling about a supplemental covering some of these things that really have to be done?

Dr. WOLFOWITZ. As the Secretary said, we really have to do this review and do it quickly and see what our total requirements are and see if everything we are doing we need to do. But clearly we cannot have a force that is suffering from the kinds of problems that you have identified and we have to cover those things.

Senator INHOFE. They are immediate.

In your statement, I appreciate the fact that you talked about the problems that are out there threatening us, not just being missiles but other types, the suitcase type. When you sit on the floor of the Senate, those who are opposed to a National Missile Defense system are saying the real threat is that in a truck or a suitcase. Certainly, being from Oklahoma and the Murrah Federal Office Building, which you are very familiar with, I guess the most significant domestic terrorist attack in the history of America, I am very sensitive to that. Yet, just one nuclear warhead has a thousand times that explosive power. So I hope that you would look at both of these tracks at the same time as the real threat that is out there.

You performed very well in the Rumsfeld Commission concerning the necessity for a National Missile Defense system and I applaud you for that, and I look forward to working with you in this committee to achieve that goal.

Thank you.

Dr. WOLFOWITZ. Thank you.

Chairman WARNER. Thank you very much.

Senator Cleland.

STATEMENT OF SENATOR MAX CLELAND

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

Dr. Wolfowitz, welcome and we appreciate your commitment to public service. You talked earlier in your testimony today about the over-commitment of American men and women and the stress on families from our commitments, the need to review those commitments, which I certainly share. Senator Pat Roberts and I took the Senate floor a number of times last year to talk about the sense in which we were over-committed and under-funded as a Nation.

Then, in terms of Iraq, I hear that the air campaign may not be enough, that certain things are worth fighting for. I just want to get it straight. Are you prepared to support an American ground invasion of Iraq to overthrow Saddam Hussein?

Dr. WOLFOWITZ. No one has proposed that, Senator, and I do not believe that even the statement Senator Levin referred to has to do with how we might support efforts by the Iraqi people to overthrow their own government.

Senator CLELAND. I just wanted to say that that would be a dramatic increase in American commitment abroad and American forces are now stretched pretty thin. I just wanted to make that clear, since you have talked about over-commitment and then in effect indicated the air campaign may not be enough and that certain things were worth fighting for. I just wanted to clarify your position on that. You do not now support an American ground invasion with American forces to overthrow Saddam Hussein?

Dr. WOLFOWITZ. I have never supported an American invasion to overthrow Saddam.

Senator CLELAND. Thank you very much.

Dr. WOLFOWITZ. But Senator, I think it is also fair to say, to point out that the prolonged commitment to that region of our forces that Chairman Warner referred to earlier is in part because that war ended inconclusively. We can debate endlessly whether we should have fought longer, fought differently. But the fact is one of the things that produces protracted commitments is inconclusive conclusions.

Senator CLELAND. As a Vietnam veteran myself, I am familiar with inconclusive conclusions and situations that turn out badly if you do not pursue them in the right way. Enough said.

May I just say that part of my concern about the overcommitment of American forces is the inability to get them there quickly. If we are to actually make sure that we are not overcommitted, but are able to respond to hot spots in the world, that means that we have to have global airlift strength. The Hart-Rudman Commission recently reviewed American airlift capability and found it basically inadequate.

I would just like to call that to your attention, because great aircraft like the new C–130J, the C–5B, and its possible modernization, are all part of a global airlift strategy that I think fits into our strategic needs very well, and I would just call that to your attention, the deficit in the airlift capability.

There is another deficit I would like to bring to your attention. The key to our defense is our defenders and I think we would all agree with that. Almost all new service members enroll and contribute to the GI Bill, the Montgomery GI Bill, yet only about half of these service men and women actually use these benefits. Many who use the benefits do not use all of their entitlement. The great historian Steven Ambrose has said that the creation of the GI Bill was the single most important law ever passed by the Federal Government. Yet many of these soldiers and sailors and airmen and Marines are getting out of the service. Many would like to stay in the service, they tell me as I get around to bases, not only here in this country but around the world, but they feel they have to leave so that they can provide, especially for the education of their spouses and children.

I believe many of these service members would stay in the military if they could transfer part of their unused entitlement to the GI Bill to family members in return for a service commitment. That is a win-win situation, it seems to me. It is an idea actually supported by the Hart-Rudman Commission report. Service secretaries could use this retention tool selectively, just as they use reenlistment bonuses selectively.

I would deeply appreciate it if you would give serious consideration to how the Department of Defense can use the transfer of GI Bill benefits to family members, in other words making the GI Bill more family-friendly, as the military itself has become a more family institution, use it as a retention tool, and continue to give us your best thoughts on how we might pursue this idea.

Is that something that might be of interest to you?

Dr. WOLFOWITZ. It sounds very interesting and it certainly addresses probably our highest priority, which is how to keep good people, attract good people, and keep them in the service. I know

there is nothing that a parent cares more about than the education of their children. I know that as a father.

Senator CLELAND. You put your finger right on it. The old saying is you recruit a soldier, but you retain a family. I was just in Osaka, Japan, and a Navy admiral mentioned to me that the decision to stay in the Navy is made at the dinner table. So these retention decisions of our aviators, of our top quality people, of our high tech people, of our senior captains and senior NCOs seem to be made around the dinner table. This question of the ability to care for the education of our spouses, the education of our kids, is something that is of growing importance.

We thank you very much for your testimony today.

Mr. Chairman, no further questions. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator. I wish to associate myself with your observations about that GI Bill. You know that I will work with you again to achieve those goals. Just yesterday in Virginia I had a constituent raise that very issue of transferability.

Senator LEVIN. Mr. Chairman, I wonder if you would yield for 10 seconds so I could join in the Chairman's support of Senator Cleland's comment on the GI Bill transferability issue. This committee has been very supportive of that effort. So, if you are confirmed, maybe you can help us persuade some of our House colleagues on it.

Dr. WOLFOWITZ. It will be high on my list to look at, Senator.

Chairman WARNER. Senator Hutchinson.

STATEMENT OF SENATOR TIM HUTCHINSON

Senator HUTCHINSON. Thank you, Mr. Chairman.

Dr. Wolfowitz, I join my colleagues in welcoming you and in expressing our belief that our Nation is very fortunate to have you. I also want to pick up on what Senator Cleland was saying. I chair the Personnel Subcommittee. Senator Cleland is our ranking member. We have worked closely on this whole issue of retaining our men and women in uniform. While at one time most of our service men and women were single, that is not the case any more. Most of them have families, and the issue of not just their education, but the education of dependents, is foremost in their minds.

I have supported, and still support very strongly, Senator Cleland's efforts at portability on the Montgomery GI Bill. But I also believe that there may be other areas, other methods by which service men and women can ensure that their children are going to receive an education. I just ask for your commitment to work with our committee in exploring ways in which we can ensure that that opportunity is there for all of the dependents of our men and women in uniform.

Dr. WOLFOWITZ. I will do so with enthusiasm.

Senator HUTCHINSON. Thank you. I think when you speak of strengthening the bond of trust, that is a big part of the quality of life that we are all concerned about.

Also, I want to raise an issue concerning the acquisition policy of the Department of Defense on vaccine production. In the early 1990s the Department made the mistake, I believe, of abandoning its plans to construct a GOCO vaccine production facility. The con-

sequences of that erroneous decision are only now being made fully evident and fully demonstrated.

Last summer, partly as a result of prodding from this committee and our subcommittee's hearings, the gentleman that you will replace if confirmed, wisely, I think, decided to throw in the towel on that existing vaccine acquisition strategy and signaled that the Department would return to the pre–1994 strategy, namely the construction of a GOCO.

Now, during this time of transition there are grumblings that there are those who now want to abandon that or head in another direction, which concerns me. I have written Secretary Rumsfeld and have asked him personally to investigate that matter. If confirmed, will you assure me that you will personally look into this vaccine acquisition strategy to ensure that it is an open and fair process?

Dr. WOLFOWITZ. Yes, I will.

Senator HUTCHINSON. I also want to raise something I have been very concerned about, as well as Senator Reed and Senator Cleland, and that is the C–130 acquisition and beddown schedule for the future. The Little Rock Air Force Base, in my home State of Arkansas, is the schoolhouse for the training for the C–130s, and the Little Rock Air Force Base is scheduled to receive the C–130J flight simulator, it should be up and running by 2004.

But Little Rock is not scheduled to receive the first C–130J aircraft until 2006. That means there will be a 2-year gap between the availability of the simulator and the arrival of the aircraft. That is obviously a problem. It is a problem that Senator Reed faces in his State as well. That would be eased considerably if OSD and the Air Force provided $130 million in the budget, the 2002 budget, as was promised last year, for the purchase of two C–130J aircraft.

I do not ask you to make a commitment on that, but I do ask you to make a commitment that you will examine this budget issue and get back to me on what the possibilities are, because obviously if you are going to have a schoolhouse to train the pilots and you have the simulators there you need the aircraft there.

Dr. WOLFOWITZ. I will look into that.

[The information referred to follows:]

There are two C–130J aircraft in the President's budget request for fiscal year 2002, while a third aircraft is on the Air Force's unfunded priority list. For now, the Air Force will continue to conduct in-flight training at the students' ultimate operational training bases.

Senator HUTCHINSON. That is a very brief answer, but we are going to hold you to that.

Dr. WOLFOWITZ. I will do it.

Senator HUTCHINSON. We look forward to working with you, and we are very pleased that the President has nominated you and I look forward to your confirmation and being able to have the next couple of years to really see that commitment to the quality of life, to health care, to housing, to pay, being fulfilled and the whole retention issue that has been such a severe problem eased.

Dr. WOLFOWITZ. Thank you. It is, I think, a unique time to both fix some old problems and move forward on some new ones, and

I really look forward to working with you and this committee to do that.

Senator HUTCHINSON. Thank you, Dr. Wolfowitz.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator. Senator Nelson.

STATEMENT OF SENATOR E. BENJAMIN NELSON

Senator BEN NELSON. Thank you very much.

Dr. Wolfowitz, there is a report coming out from the Pentagon that questions the policy in "Plan Colombia" as it relates to strengthening the efforts at controlling the growth in coca and therefore the growth of cocaine to the United States. It is questioning whether the policy ought to be on controlling the area of supply or whether our efforts in "Plan Colombia" ought to be more in the nature of working with sub-south countries as well as within Colombia to build those economies and to work with those countries.

I wonder if you can give us your distinction between what you would consider to be an appropriate role for the United States in Colombia with "Plan Colombia" and what might border on nation-building. My concern is that there is a lot of discussion and things are categorized as nation-building when we disagree with the efforts, but also it seems to be sanitized language when we say we need to work with these countries to help them with their infrastructure and with their democracy.

Can you give us a distinction? I note that in the answers to the questions about Colombia that you have reserved the right to make statements later, given the fact that you are only being considered for approval here at the present time, and I can appreciate that. But I wonder if you could share with us a distinction that you would have between, let us say, what we are doing in Colombia and what might be considered by others as nation-building.

Dr. WOLFOWITZ. I have a lot to learn about Colombia, Senator, I think, including from you. I think you were just down there, I understand. I know the other Senator Nelson was and I met with him yesterday.

It does seem to me that one of the essential things that has everyone concerned, including myself, is that we not find ourselves in a situation as we were 35 years ago where we are fighting someone else's civil war. I think that is the essential thing to stay out of, and that that means I would draw the line, I think, less at—I try to understand what we mean by the exact terms, but I think most importantly we know when they are doing the job as opposed to us taking over the job.

I think helping the Colombians to help themselves is something that probably does serve American interests. But I would be very leery of something that looked like we were starting to get our troops involved in another war down there.

Senator BEN NELSON. Is it a question of an internal struggle or is our policy and our national interest to stem the flow of drugs north to the United States, which may be a completely different mission than strengthening Colombia, although it may have some connection, but it may be a different mission?

Dr. WOLFOWITZ. I think that is ultimately a major part of our interest, although I would think also it is not in our interest from ei-

ther point of view to see a so far rather democratic government in Latin America taken over by drug lords. So yes, I think there is a difference, and I think the primary purpose of our efforts to date has been to stem the flow of narcotics.

One of the things I need to learn is whether you can really disentangle those two as much as we say we are doing.

Senator BEN NELSON. At some point you might be in a position to help us understand which is the primary role and which is the secondary role.

Dr. WOLFOWITZ. I will work very hard on that, and I look forward to actually learning from those of you who have just been down there. I think there is nothing like being on the spot.

Senator BEN NELSON. Thank you, Mr. Chairman.

Chairman WARNER. Thank you. That is a very important subject before this committee and I commend you and our distinguished ranking member for undertaking a trip down there.

Senator Sessions.

STATEMENT OF SENATOR JEFF SESSIONS

Senator SESSIONS. Thank you, Mr. Chairman.

Dr. Wolfowitz, we are delighted to have you here. You have an extraordinary background, the kind of background I think is most valuable in public service. You have had three tours in the Pentagon, the State Department, SALT talks, but have also been in the private sector and in a university, where you have had the opportunity to study, maybe more objectively, the events that go on around the world, and now back in the leadership. I think it is tremendous that you have agreed to take on this challenge, which I think is very great.

When I first came here about 4 years ago, George Gilder gave a little talk and told us that the 19th Century was a century of progress, the 20th Century was the century of the devil, with wars and oppressions and death, the likes of which we had never seen before, in a time when it really should not have happened, and that the 21st century has the potential to be the greatest in the history of mankind.

I guess I want to ask you, do you feel that the United States has an interest, a responsibility, and an ability to help shape this new century in a way that promotes peace and prosperity around the world, and if so, would you comment in general about how that might be done?

Dr. WOLFOWITZ. I believe very strongly, Senator, and I think the reference you made to past history is unfortunately all too true. The 20th Century started on an extremely optimistic note. People thought technology and economic progress was going to bring untold benefits and even outlaw war, that people would see war was not worth pursuing any longer. Then World War I came and it was all downhill from there. Once that terrible genie is out of the bottle, the consequences ripple on for decades. The consequences of World War I were felt well into the end of the last century.

I think one of the greatest things to be concerned about is that we come to take for granted the structures that have produced a relatively peaceful world today. I say relatively. It is peaceful for us. It is peaceful for the big countries of Europe. Obviously, there

are a lot of parts of the world that do not look peaceful at all. But the big wars do not threaten us now.

I think it is very important to have an active strategy that is not just a military strategy—in fact, I think diplomacy and even economic policy may be just as important or more important—a policy that tries to protect those large zones of peace that we have created in the world and to try to extend them. I do believe a strong American military is part of that. I think it is an indispensable part of that. I think the goal is to keep wars as small and as far away as possible, and hopefully smaller and further away, until eventually the whole world benefits from that.

Senator SESSIONS. So I take it that you are committed to creating the kind of defense force that would be relevant to this new world we are in for the purpose of promoting peace and prosperity?

Dr. WOLFOWITZ. Exactly, and I also think that is a significant part of what Secretary Rumsfeld means when he talks about the need for rethinking the concept of deterrence for this new world.

Senator SESSIONS. That is going to take a challenge, because we have constructed a defense establishment designed for a different kind of threat. Institutions, I think maybe even government institutions most of all, are reluctant to change. Do you think and believe at this point that you will have to confront some outmoded thinking and to recreate some strategies and equipment that would meet these new challenges?

Dr. WOLFOWITZ. I am sure we will, and I know there is resistance to change. I would say that I also think there is particularly high resistance to change when you have a situation, as I think we have today, where we are trying to do too much with the force that we have and when people are stretched thin, when you are losing people because of excessive deployments, when they are afraid that if they identify some function they do not need that money will get taken away and they will suffer in their operational readiness accounts.

I think all of that puts a pressure on the force that makes it much harder to be innovative. So I think on the one hand we have to fix some of these immediate needs, but if you want to create the head room for people to think in an innovative fashion, I think you have to give them some confidence that when they do try to do things differently there will be rewards for that, rather than people saying, oh, well, you have just demonstrated we can do without that division because you are experimenting with it.

Senator SESSIONS. I agree. I have been to Kosovo a couple of times and I do believe that our men and women are basically doing police work. In fact, the UN was under an obligation and agreed to produce police forces that would allow our military to leave and they have not done so. So I think generating a system that actually produces police force in those kind of circumstances, so that our military do not have to be deployed, is the correct policy.

Let me mention one other thing. I am on the Seapower Subcommittee and I chair it now. We have learned that we had, perhaps when you were last in the Department or in the early 1990s, we had over 500 ships; we are now at 315. We have seen, as you note in your opening remarks, a 40 percent reduction in funding and personnel pretty much across the board.

I believe that there will be no way to transform this military, to maintain it at the right level, without some increasing expenditures to accomplish those goals. I hope and believe you will find every possible efficiency. I hope and believe you will find programs that you do not have to continue to fund, that could free up money for the things that we do have to fund.

But how are you feeling about this review that is going to take place, and how are you feeling about how much additional funding the Defense Department is going to need?

Dr. WOLFOWITZ. I would not, even in the security of a closed hearing, feel comfortable taking a guess at a number like that. I do share Secretary Rumsfeld's general feeling that we probably need more, but if we are going to ask for more we had better be very sure that everything we are asking for is something we need. I suspect there are things we are doing now that we could either stop doing or do much more efficiently.

I think it was President Bush during the campaign said that we need to spend more, but we need to spend smarter. Part of this review is going to be focused very much on spending smarter, so that if we come and ask you for more you can be convinced that it is needed.

Senator SESSIONS. I support your idea that you need to conduct a review before we just continue to continue programs. But I do believe that you will need some additional support. We will need to increase this budget, not beyond reason. A solid increase for a number of years to compensate for a long period now of neglect is going to be necessary if we are going to maintain our ability to defend our just national interests around the world.

I look forward to working with you. I am absolutely convinced that you and Secretary Rumsfeld are about to lead a tremendous revitalization of our Defense Department, and we thank you for it.

Chairman WARNER. We thank you, Senator.

Senator Akaka.

STATEMENT OF SENATOR DANIEL K. AKAKA

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

I would like to add my welcome to Dr. Wolfowitz this morning. I am familiar with you, as others who have been in Congress for a while, and I am familiar with your experience, accomplishments, and of course as has been said already, familiar with your impressive record here of service to our country.

I am also familiar with your prior service as Under Secretary of Defense for Policy from 1989 to 1993. I'm particularly pleased to know that you have given service as Assistant Secretary of State for East Asian and Pacific Affairs, since policies in the Pacific have the most direct impact in my home State. I should tell you, in case you were not aware, that my friend who worked at East-West Center, Mike Oxenberg, just recently passed on. I know you have known him and have worked with him on China.

Dr. WOLFOWITZ. It is a great loss to our country, Senator.

Senator AKAKA. News reports indicate that China has been helping develop a fiber optics communication system for Iraq's military. This is the same system that British and American forces just attacked, I understand. How important do you think it is that we

should prevent this system from becoming operational and how persistent should we be in attacking it?

Dr. WOLFOWITZ. Senator, I have not had the benefit yet of classified briefings on the details of that. It does seem to me the principle is very clear. If they are building something that threatens the safety of our air crews, we should do what we have to do to eliminate it or otherwise assure their safety.

We should also, I think, make it very clear to the Chinese that this is behavior that has a real cost in our relations.

Senator AKAKA. I know, as I said, you have been in policy. Do you support a policy which would permit the Chinese to resume the launching of commercial satellites which the U.S. licenses?

Dr. WOLFOWITZ. I think it depends crucially on whether we can have the kind of adequate safeguards that make sure that our missile guidance technology does not end up in the hands of the Chinese. As a commercial matter, it is probably good all around, but I think there is evidence that suggests the practices in the past were not sufficiently rigorous.

Senator AKAKA. As I have indicated, I regard you as a person who has had such a broad view of our country and our security. So let me ask you this one. There have been discrepancies in the readiness reports of operational forces. It is my understanding that some of the discrepancies have been attributed to a reporting system which is designed to provide a view of the current state of readiness, rather than a projection of the future.

If confirmed, how will you address the issues surrounding the accuracy of determining the readiness of operational forces?

Dr. WOLFOWITZ. The first thing I would do, if it has not been done already, is to work with Secretary Rumsfeld to make sure that we have a really first class person in that Under Secretary job, Manpower and Readiness, because this is a huge task. I would work with that individual to try to consider carefully whether the kinds of measures we are using for readiness are, number one, measuring what we want them to measure; and number two, to make sure they are not—every time you set up a way of measurement, whether it is military readiness or academic excellence, people start to game the system and they start to design to the measurement instead of to something else.

So you have to be very careful. I suppose this is a Heisenberg Uncertainty Principle. When you start to measure and you put out a certain measurement, you change how people behave. You want to make sure that you are changing it in the way you want to change it and not in an unintended way. But it is a very big issue that you raise and a very legitimate one.

Senator AKAKA. I am also aware of your work out in the Pacific Rim and in the Philippines and what you have done there. Again, I want to say that I am glad to see you here and seeking, I think, the position here with this administration. We all know that the future of our country and the security of our country leans in the Pacific and that area, so it is important to have a person like you.

Thank you very much, Mr. Chairman.

Chairman WARNER. Thank you, Senator.

Dr. WOLFOWITZ. Thank you.

Chairman WARNER. Senator Bunning.

STATEMENT OF SENATOR JIM BUNNING

Senator BUNNING. Thank you, Mr. Chairman.

First of all, welcome to the committee.

Dr. WOLFOWITZ. Thank you.

Senator BUNNING. I want to explore just three different areas with you, Doctor. First, base realignment and closures. I notice in your answers that Senator Warner has shared with all the members that you took what we call a powder. You did not answer the question. You said: "As Secretary Rumsfeld noted in his response to advance policy questions from this committee, we withhold an assessment of this issue until after the completion of the defense review." At least that is what is written down here.

Do you have any idea what the President's feelings are on base realignment and closure, because I am deeply concerned until I have seen the savings that occurred from the first and the second round of base closures and had them proven to me, not just put down on paper and here is what we saved, but a much more thorough examination. If we proceed in another round you are going to have a terrible time up here on the Hill trying to convince anyone that this is in the best interests of this country.

So do you have anything to add to your statement here?

Dr. WOLFOWITZ. I think I would say what I believe Secretary Rumsfeld said when he was up here, that he believes, and I agree with him, that the base structure should correspond to the force structure. We are only now looking at what the force structure ought to be as a product of this review.

There is a general feeling that we have more base structure than our present force structure requires. But until the review is done, it is a little early to state that as a firm conclusion.

You bring up another issue which I discussed with you in your office yesterday, and I concur very strongly that we need to make sure that the savings that are attributed to past BRACs have actually been realized and if we end up in another process of that kind, that we get real savings out of it. That is certainly something I will look into very hard if I am confirmed.

Senator BUNNING. Second, there is a statement that you just made this morning and I wonder how that fits into this statement. I will read from the statement: "Finally, we must reform the Department of Defense structures, processes, and organizations. We need to seek greater efficiencies, not only to safeguard the taxpayers' money, but also because that will allow us to create better weapons systems and invest more in the cutting edge of our national defense."

I want to make sure that if we are going to do something here in closing down a base or removing structures that it is not just to save money, but that it does not force us to try to do more with less. If I have heard it once in the last 14 years, I have heard it an awful lot of times, that the Defense Department can do more with less.

It can like heck, and it has been proven that it cannot do more with less and ask for more deployments. So does that fit into that statement that you made?

Dr. WOLFOWITZ. I certainly agree with you we have been trying to do more with less and the consequences are that frayed force

that General Shelton referred to. I do believe—when I wrote those words in that statement, I am thinking much more of the kinds of efficiencies that people say we could achieve in things like the way we do our pay and accounts system, the way we purchase electricity for our bases.

There seem to be a lot of places where we are much less efficient than the private sector and there is no obvious reason why we ought to be. But I certainly agree with you the purpose is not simply to save money. We need that money. There are a lot of needs, both immediate needs and long-term needs, it has to be applied to.

Senator BUNNING. Last but not least, Britain's Foreign Minister, Robin Cook, recently was before this committee. He told us about the effort of the European allies to form a 60,000-member force which would perform humanitarian action and perform military police type duties, such as overtaking security checkpoint duties in the Kosovo region and those things.

Are you familiar with this effort of our European allies?

Dr. WOLFOWITZ. I am in general terms and in some detail.

Senator BUNNING. Let me give you an experience that I had that shows that maybe we should encourage our European allies. I just spent a day or 2 at Fort Campbell in Kentucky, and 3,000 of our finest young men and women are about on June 1st to go off and replace 3,000 people that are in Kosovo.

I went out to the training site on site, and those men and women were being trained to be MPs. I asked the general, how is that in the best national interest of our country, national security, to be MPs in Kosovo? He disagreed that it was not in our best interest, but they were being trained to secure their own safety when they were there.

Would you like to expand on that a little bit?

Dr. WOLFOWITZ. I repeat I think what I said earlier, which is I believe it is in our interest, where possible, to get our allies to take over jobs that they can do and that we do not need to do. It is in our interest to get local forces to take over tasks that they can do that we do not need to do. Where we are talking about police work, we really ought to be looking for policemen or their equivalent to do it and not sending highly trained combat troops, in fact, as you correctly point out, untraining them, retraining them for a whole new task, and then having to retrain them for their combat missions when they come home. There is a lot in that that does not make sense and we ought to be looking for alternatives.

Senator BUNNING. I wish you good luck. Thank you.

Dr. WOLFOWITZ. Thank you.

Chairman WARNER. Thank you very much, Senator.

Senator Carnahan.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. Thank you, Mr. Chairman.

I want to welcome you to the committee today. I also want to congratulate you on your nomination and for your years of national service.

Although we live in a time of peace and prosperity, these are certainly challenging times for the Department of Defense. Once the threat to our national security was formidable and apparent. Now

the overall threat has been reduced, but we do not always know where the enemy is or where he is located or who he is or what weapons are at his disposal.

We live in a time of unprecedented budget surpluses, but the pressure on the defense budget remains quite heavy. If we are to continue to have the best and the most highly trained and most effective military in the world, we have to invest in our military personnel. That means higher salaries and better health care and improved quality of life for those who wear the uniform.

I think we also owe it to our troops that when they are placed in harm's way that they are properly equipped and that they are trained to perform the tasks for which they have been sent.

The military services continue to demand newer and sophisticated weapons systems, but these demands must be evaluated against the type of threats we expect to face and balanced against competing defense and domestic spending priorities. There are discussions of transforming our entire armed forces structure, but we face a bureaucracy that is set in its ways and very resistant to change. So I expect that you will have a difficult time, but hopefully a very rewarding job. I look forward to working with you in those efforts.

I have a few questions I would like to ask today. Senator Bond and Congressman Gephardt have been very involved in urging the South Korean government to purchase F–15s. I am very supportive of those efforts as well. The new purchase of F–15s is necessary to keep the F–15 production line running.

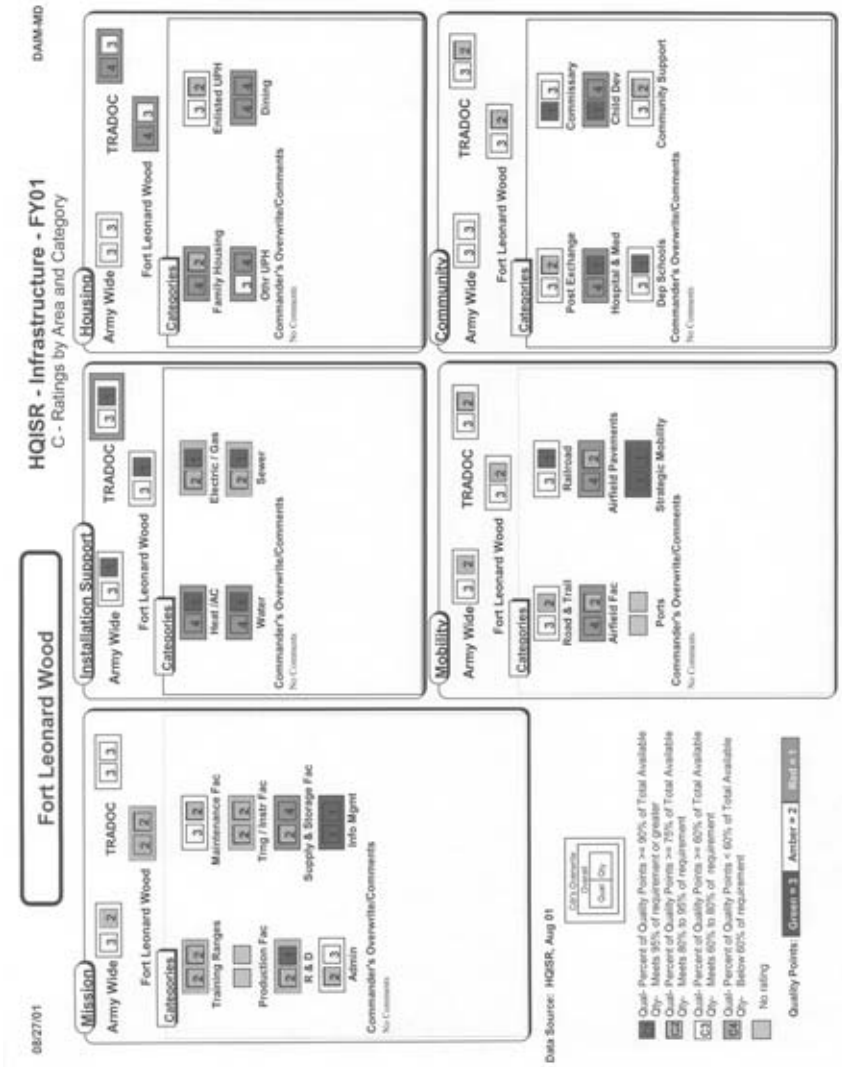
Given the uncertainty of whether we will be relying on the Super Hornet or the F–22 or the Joint Strike Fighter, do you agree that it is in our national interest to continue the production of the F–15?

Dr. WOLFOWITZ. Senator, I certainly think it is very much in our national interest to maintain a strong industrial base. Clearly, aircraft production is a big part of that. You asked me when I met with you yesterday about this forthcoming Korean decision. It seems to me that there are two strong principles here which we should emphasize to our Korean allies in their consideration of what kind of aircraft to buy. One is that it will be far more effective if we are both flying the same kind of aircraft. It is not just a matter of interoperability, but the ability to repair one another's systems.

Second, given that their budgets are tight as well as ours, I hope they will buy the best value for the dollar or for the won, and I suspect very much that is going to be the American plane.

Senator CARNAHAN. I also mentioned to Secretary Rumsfeld when he was here a concern that had been expressed to me a number of times. That has to do with the readiness of our TRADOC posts, especially the one at Fort Leonard Wood. I would like for you to, if you would, check on that for me and get back to me with more information about that.

[The information follows:]



The question I will ask today is one that is a little bit more general. I understand the Department is doing a comprehensive review, but I would like to hear what your views are on what measures the Department should take to address the short-term readiness of our troops.

Dr. WOLFOWITZ. Clearly, one of the most serious readiness deficiencies that I have been briefed on is shortages in training facilities and lack of training time and lack of resources to do training properly. There is no, I think, more important contributor to the readiness of forces than the fact that they are well-trained.

I remember going right after the Gulf War with Secretary Cheney to visit the Second Armored Division inside Iraq, and Secretary

Cheney talked to a tough-looking senior master sergeant who I think had spent 26 years in the Army and asked him, was it tough? He said it wasn't anywhere near as tough as the National Training Center. That is the kind of training you want to have. It is an essential part of readiness and it is certainly something we will be looking hard at in this review.

Senator CARNAHAN. Thank you very much.

Chairman WARNER. Thank you very much, Senator.

Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you, Mr. Chairman.

Dr. Wolfowitz, I first want to echo the comments of my colleagues in thanking you for accepting this considerable challenge and for bringing your considerable expertise and talents to bear in this exciting new position.

Dr. WOLFOWITZ. Thank you, Senator.

Senator COLLINS. As a new member of the Senate Armed Services Committee, I have had a parade of service chiefs and senior officers come to my office to brief me and those meetings have been very helpful. I have, however, been concerned by what I have heard. Over and over again, senior officers have told me that there has been a pattern in the last administration of robbing our modernization accounts to pay for pressing readiness problems.

Indeed, one senior officer told me that he was actually instructed to prepare a budget in the last administration that he knew would not possibly meet the readiness needs of his service. In fact, there was a reliance on supplementals in the last administration that caused there to be lots of concerns about the training moneys available for our troops and other readiness issues.

It seems to me we need a new approach and that is a lousy way to go about budgeting. Are you going to commit today to a truth-in-budgeting process so that we really know what the numbers are and can make sure that we are not essentially gaming the system?

Dr. WOLFOWITZ. I think it is essential not only for Congress to know, but for the President and the Secretary of Defense to know. I certainly agree with you it is a misuse of the budgeting process to have expenditures that you fully know you are going to need submitted as an emergency supplement to your budget. We have to figure out how we work our way out of that process that you correctly identify we have gotten into.

Senator COLLINS. On a related issue, I have also heard from these senior officers about inefficiencies within the Defense Department's acquisition and procurement process. For example, one senior officer told me that the Defense Logistics Agency adds a markup of 22 percent to each uniform that it buys. He was saying that if he could eliminate the middleman within DOD that he could save a great deal of money.

Are you planning to take a thorough look at the internal acquisition and procurement systems of DOD to see whether there are ways to improve efficiencies and perhaps save substantial sums of money?

Dr. WOLFOWITZ. Absolutely. One of the things that has struck me a lot in briefings I have had over the last 6 weeks or so is there

just are shelves full of studies going back at least to David Packard's commission in the early 1980s that identify all kinds of reforms. I keep asking the question: We do not need more studies; we need to implement these things; why is it not happening?

It is not that people have not tried, and it is not as though it is going to be simple to do so. But I certainly think, with this unusual man we have as Secretary of Defense, we have a real opportunity now to get some things done that everyone agrees are long overdue.

Senator COLLINS. I agree. I think everyone knows what the problems are, but there has been too much internal resistance to solving them that has prevented needed reforms from being implemented, so I appreciate that commitment.

Finally, I want to echo Senator Sessions' concerns about our current shipbuilding rates. The current rates of shipbuilding do not support the goal of a 300-ship naval fleet as identified by the last QDR. The Clinton administration's defense budgets have been gradually taking the Navy, not toward a 300-ship Navy, but rather toward a considerably smaller fleet.

Adding to the challenges are the facts that many defense experts believe that even a 300-ship Navy is inadequate for our current operational and deployment requirements. I hope as part of the top-to-bottom review that you and the Secretary are conducting that you will take a very hard look at what we can do to make sure that our shipbuilding budgets are adequate to make up for the deficiencies of the past 8 years.

Dr. WOLFOWITZ. That will be a very important part of what we look at, yes.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator, very much.

Senator Nelson.

STATEMENT OF SENATOR BILL NELSON

Senator BILL NELSON. Thank you, Mr. Chairman.

I just want to say to the ranking member, thank you again for that trip to Colombia over the last few days. It was extraordinary, it was informative, it was personally enjoyable to be with you and the other members, and I thank you very much.

Senator LEVIN. Thank you. Your contribution to that very quick trip was really crucial. Our learning was mutually at a high level. You and Senator Ben Nelson, Senator Jack Reed, and I travelled and again, thank you for participating.

Senator BILL NELSON. Dr. Wolfowitz, it was a pleasure to visit with you yesterday. I want to encourage you on the seeming new policy of the administration to break the mold, to think outside the lines. It is, I think, refreshing that you approach it this way, and with the changing nature of the threat to the United States I think it is essential. I thank you about that.

Now, what I would like to get from you is some of your ideas about what are going to be the appropriations needs over the course of the next decade. Chairman Warner and a group of other Senators from this committee had recently written a letter asking for necessary appropriations having to do with a supplemental for

this year. Senator Warner, if I recall, it totaled some perhaps $7 billion additional moneys in this particular year. This is for the 2001 budget, even before we get to the 2002 budget.

If I recall also, that had to do with pay and benefits, health benefits. It had to do with spare parts. It had to do with the cost of fuel and a number of things like that. That is $7 billion before we even get to the decade that we are talking about.

Can you give me some clue as to what you think are going to be the needs of increased defense spending over the course of the next decade?

Dr. WOLFOWITZ. I suppose the real answer is without the review I cannot say very much. But I guess if you want a clue, it seems to me there is a general feeling, unless we are going to radically change what we try to do in the world—and I say radically because I think we probably do have to change what we try to do in the world, and we may want to do more. But unless we are going to do radically less, we probably need more resources.

But we also have to find savings within what we do, because we cannot simply add to the defense budget. That is why even the short-term question of what do we need to make it through 2001 is something that requires a thorough look at what we are already spending our money on.

Senator BILL NELSON. I know that that is the answer that you have to give at this point and I respect that. So let me suggest what I think the truth is on the answer. The fact is, as we change the nature of our defense posture we can save money, but at the same time, since the reason for a Federal Government in large part is to provide for the national defense, we cannot be penny wise and pound foolish, particularly with research and development and particularly with regard to the provision of our forces in the field, the supplies, the material, and the quality of the troops by virtue of what it is going to cost in competition with the private sector in order to be able to retain them.

I think the bottom line is that there is going to be a considerable demand for increased spending over the course of the next decade. I think we are fooling ourselves if we do not plan for that. We have some choices to make very shortly in formulating a budget and how much are we going to allocate for defense and how much for education and for prescription drug benefit, and balance all that against the need to protect social security and the surplus in the Medicare trust fund, and then balance all of that on the question of how large is going to be the tax cut.

So I think there are, as we approach the subject matter of this committee, people that are fooling themselves if they think that we are not going to need substantial defense increases over the next 10 years and do so at the peril of providing for the common defense if you use it up in other areas so that we do not have it, or so that the only choice that is left to us is the choice of going back into deficit financing, which was one of the reasons of a poorly performing economy in the decade of the 1980s.

So you see where I am coming from, Dr. Wolfowitz. I congratulate you on your nomination. I congratulate you ahead of time. I am going to be visiting with you about these budgetary matters in the future.

Dr. WOLFOWITZ. I look forward to it, Senator. Thank you.

Senator BILL NELSON. Thank you.

Chairman WARNER. Thank you very much, Senator.

We will now have a second round of questions. I will initiate those questions and my distinguished colleague, Mr. Levin, will follow up.

I was quite interested in your selection of a quote in your opening statement, that General Creighton Abrams said when the all-volunteer force was first created that, "People are not in the Army; people are the Army." I was privileged to serve in the Pentagon at that time when he was Chief of Staff and I have the greatest respect for that military leader. He was exactly right.

As you said, you will become the chief operating officer and people will be at the very top of your agenda. This committee, indeed Congress as a whole, are very concerned about the inability of the Department of Defense, all services, some with varying degrees, but all services, having difficulty retaining particularly that critical group of younger officers, captains, so to speak, lieutenants in the Navy, who are making that pivotal decision as to whether to go on and perhaps commit for a career of at least 20 years.

Similarly, the enlisted ranks, the middle grade and senior petty officers, sergeants and the like, are likewise not staying in the numbers that we need.

Now, there has been some modest improvement here recently, possibly as a consequence of the initiatives taken by the past administration and Congress. This committee took the initiative to increase the pay raises, took the initiative to increase the quality of health care.

What are your initiatives that you are going to assert, if confirmed and you take on this responsibility, to stem the flow of these young people out of the military, somewhat induced by very lucrative opportunities for their trained skills in the private sector?

Dr. WOLFOWITZ. Pay and allowances are one of the first things one looks at. You are absolutely correct, this committee has taken very important decisions, including just at the end of the last year, that I think should help us. Some of I suppose the kinds of tangible benefits that Senator Cleland referred to earlier that can help service people think that by staying in they are ensuring their children's future, that is very important.

I think, as I said earlier, it is equally important to make sure that people feel that they are getting the right kind of training and equipment to perform the missions, because at the end of the day I think what keeps people in the service will never be the pay and allowances. Pay and allowances have to be adequate, but they can almost always earn more money with less time away from home and less risk of life doing something else. It is the sense of mission.

It is very hard to convince people of a sense of mission if they are not being given equipment for that mission or the training for the mission is not adequate.

I also believe that, and I think hopefully this will be part of this review, we need as a country—and certainly this committee makes a big contribution in that respect—to convince the country that the mission these men and women are doing is important, because that

I think is one of the greatest psychic rewards and therefore one of the greatest rewards that they get for service.

So you have to look at it, I think, as a whole. It starts with pay and allowances, but it goes right up to what the President, Congress, and the country believe is the importance of what they are doing.

Chairman WARNER. It is also family separation, Dr. Wolfowitz. That is brought about by overdeployments in terms of the number of times that these young men and women are sent abroad. They will accept not only a reasonable level, but a high level, because that is what they joined to do. But I think we have in the past few years seen where we have crossed that invisible line to where they are now confronted with serious family situations because of their departure from family for prolonged periods, and they are all too often coming at a critical time when they are trying to raise some young children. How well all of us who have had that great privilege and challenge in life know the essential need for the two parents to be together as much as possible with those children in their formative years. Bear that in mind.

Dr. WOLFOWITZ. You are absolutely right, Senator.

Chairman WARNER. Also, but for a spare part no bigger than that tip of that pencil, airplanes cannot fly. The mechanics are instructed to go over and take it out of another airplane which is operational and cannibalize it and put that airplane parked for a while. That is why I am urging consideration of this supplemental. We have to get into the spare parts replenishment and the distribution of those spare parts right away, because these young people working, whether it is on ships or on the line of airplanes on the tarmac working on it, they need to feel that we are supplying those parts such that they can keep those pieces of equipment up and ready.

In my most recent visit to Kosovo a week or so ago, we visited a young captain who had several tanks and other motorized vehicles high on a hill in that sector that is becoming more and more destabilized, the valley. He said some of those units that he had up there were in a precarious situation because of spare parts. There is a trooper right out on the front line taking risks.

Again, I know this question of the supplemental is not a cheerful one, but I take the brunt of criticism directed. I just think it has to be studied and studied very carefully. I am confident that Senator Stevens, Senator Byrd, and others that are entrusted with the appropriations—therein is the primary responsibility—can manage that in a way that we can achieve it, hopefully for the military, and maybe restrict it and let the President indicate that he will veto if this thing becomes a giant snowball rolling down the hillside with everybody's need attached to it. So I will continue to work on that.

The industrial base. We can really be no stronger as a Nation and a military if we do not have those companies who are willing to get out there and put at risk their capital and to have the ability to attract the talent that is necessary to do the research and development and the test and evaluation on these systems that are coming along.

What are your views about assisting the industrial base, and particularly the question of across-the-ocean mergers? They are primarily in the Atlantic, trans-Atlantic, but they could well become also in the Pacific region a factor that concerns the industrial base here at home. That will be your responsibility. What are your views on that subject?

Dr. WOLFOWITZ. First, Senator, Mr. Chairman, I am very concerned about the health of our industrial base. It is crucial to our ability to support forces in the future. It is crucial to our ability to innovate. I think it is hurting badly.

I think when one looks at this issue of trans-Atlantic or even possibly trans-Pacific mergers, I think the crucial question is do these mergers contribute to our ability to innovate, contribute to the long-term health of our industrial base, or conversely are they a kind of fire sale where we are transferring absolutely essential American capabilities abroad in a way that will hurt our long-term competitiveness.

I think some degree of distributing production across defense establishments of our allies as well as ourselves may be a way to make the overall industrial base more efficient. But certainly one of the things we better look at is to make sure that if some of that is going eastward across the Atlantic that there is enough gain coming back the other direction that we are all better off in the long run.

Chairman WARNER. I thank you.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

I want to go back to Colombia first. Senator Bill Nelson indicated that four of us went down to Colombia last weekend. Let me just give you a quick impression, and then ask you for a response. First, our focus clearly has to be on the demand side of this equation. We are creating the demand which is creating the supply that Colombia currently is supplying in the area of cocaine. But stemming the flow of cocaine and the supply of it is an important goal as well. That is number one.

Second, we should not send our forces there to try to go after the narco-terrorists and the narco-suppliers, but we should, as you put it, assist them to assist themselves, to go after those folks that are creating this problem.

This is third—unlike many other countries in Latin America, the army in Colombia has been supportive of the democratic government in Colombia traditionally and is now. Strengthening that army is essential to the survival of that democracy against the onslaught of the narco-traffickers, number one. Those narco-traffickers are now funding the threats to that democracy both from the guerrillas and from the paramilitaries. So, when we strengthen the professionalism and the training and the protection of human rights by that army, we are in the process trying to accomplish two things. First, we are stemming the flow of narcotics to this country, attempting to reduce that coca crop. Second, we are in the process strengthening Colombian democracy. Both things are going on and they are inseparable.

So when you talk about disentangling the two goals, the goal of supporting Colombian democracy or nation-building and the goal of

stemming the flow of cocaine, both of those goals are dependent upon strengthening the professionalism, training of the army, and making sure that they protect human rights in order to reduce the power of the narco-traffickers. So the goals, it seems to me, are inseparable and talking about disentangling them may miss the point. I just want to give you that thought and give you a chance to respond if you want, or just to think about it, either way.

Dr. WOLFOWITZ. I will respond. You are taking me in the direction I was heading already. I can see a clear difference between their doing the job and our doing the job, and that is the line I would like to keep clear and bright. I know people make a distinction between fighting narco-terrorists and fighting the civil war. I guess I have—you are saying it yourself. It is hard to disentangle because the instrument for doing both, especially if they are going to do it themselves, is their own military.

When I was Ambassador in Jakarta, the Colombian Ambassador—and it may have been the first they ever sent to Indonesia—was not a foreign service officer. He was a judge who had sent some narco-terrorist to jail and he was in Indonesia essentially to protect his life. He told me with great bitterness that all that money from the United States that's sucking cocaine up from Latin America is destroying his country and destroying democracy in his country. It was very poignant and very moving. People like that judge-become-ambassador are very courageous people.

It seems to me if they want our financial support, our material support, our training support, within limits we ought to provide it. If they want the lives of our service people, then we will say, it is your country, it is your lives that should be on the line.

Senator LEVIN. They have not asked for that.

Dr. WOLFOWITZ. I know they have not.

Senator LEVIN. I do not think there is any support for that that I know of in this country. What there is, however, support for in "Plan Colombia" is what I just described and what you just described. I gather you, in general, are supportive of that goal; is that fair to say?

Dr. WOLFOWITZ. Yes.

Senator LEVIN. Back to Iraq for a moment and what many thought, including myself, was an unclear signal to Saddam prior to his invasion of Kuwait. Would you comment on that? I think you have spoken on that issue before. Comment on the importance of clarity of our signals and the lack of clarity in terms of that signal to him as to what the impact would be should he move on Kuwait.

Dr. WOLFOWITZ. Well, I believed at the time and I believe now that we sent ambiguous signals. I argued strongly at the time that we should send a clearer signal. In fairness to that administration, it also has to be said that one of the greatest ambiguities came in congressional testimony where an Assistant Secretary of State was pushed in my view a little bit too hard to say exactly what our commitments were.

I liked Secretary Cheney's formulation at the time, which was: We have stood by our friends in the past and we will stand by them in the future, no further questions. I think if the administration had stuck to that line it would have been a better signal.

But having said that, two things. Number one, given how Saddam behaved when he was faced with the threat of Desert Storm and his unwillingness to yield at that point, I think there is every reason to be skeptical that even a very clear signal would have deterred him. He was convinced that we were weak, that we had lost in Vietnam, we would lose again there.

Number two, there is no question that once he invaded it was a great help in dealing with our Arab friends in the region that no one could accuse us of having provoked the attack. There is always a little bit of a tradeoff between sending clear signals on the one hand and being seen as being belligerent on the other.

At the end of the day, I think history probably would have taken a similar course.

Senator LEVIN. Just two last questions, and I thank our Chairman for yielding to me and so graciously allowing me to extend my questions so I can go to another hearing.

When you were Under Secretary for Policy in President George Bush's administration, there was an employee in the Office of Nonproliferation Policy who became convinced that the administration was about to present false information to Congress in a classified briefing about Pakistan's nuclear capabilities. The individual complained to his supervisor and the supervisor then became concerned that the employee might take it upon himself to correct the inaccurate information presented to Congress.

I am not getting into the merits at all of that case, as to who was right or who was wrong. But there was a response by the supervisor there ordering him not to supply that information, and terminated the employment and apparently acted to ensure that security clearances be removed from that employee. I do not want to get involved in the specifics of that, either. That is the background. There is apparently litigation going on, so I am not asking you to comment in any way which could affect that litigation. The reason I am asking you this is because of the questions asked of you at this hearing about providing information to this committee and to our designated staff, who are cleared to receive classified information. It is important, I believe, to us that people who wish to come to give us classified information in no way be deterred from doing so or be threatened or be in any way deterred from providing that to, again, designated staff who are cleared to receive classified information.

The Whistleblower Protection Act does not apply to this type of case because information is classified. But putting that aside, do you believe that it is appropriate in any way to retaliate against an employee who threatens to take accurate information to properly cleared congressional staffers, as a matter of policy?

Dr. WOLFOWITZ. My answer is absolutely not. I do not believe that kind of retaliation is appropriate at all. I would go a bit further, too. I think it is terribly important, and on that specific issue of what Pakistan was doing with nuclear weapons there was a legal obligation to keep Congress appropriately informed.

Senator, I was not even aware of that employee or the entire case until about 18 months ago when I was asked to give a deposition in a civil suit. Most of the events he alleged took place before I was confirmed as Under Secretary.

Senator LEVIN. I did not want to get into your——

Dr. WOLFOWITZ. Well, OK, but you brought it up. So I believe——

Senator LEVIN. I assume you were aware of it one way or another.

Dr. WOLFOWITZ. Only within the last——

Senator LEVIN. The issue. I do not mean back then. I mean you are aware of it.

Dr. WOLFOWITZ. I have been aware of the issue. In fact, there have been times on that issue when I specifically sensed that people thought we could somehow construct a policy on the house of cards that Congress would not know what the Pakistanis were doing. I have always thought policies based on withholding information from Congress are going to fail in the long run. In that case, there was a clear legal obligation to keep Congress informed.

Senator LEVIN. I appreciate that.

My final question is the question of whether and how to deploy a National Missile Defense part of the strategic review or is it left out of the strategic review as far as you know?

Dr. WOLFOWITZ. My understanding is it is a piece of the strategic review. There are many pieces. There is not a single—as Secretary Rumsfeld said when he was up here, surely one of the things that is going to come out of this strategic review is we can make some decisions now, we are going to have to review some more. I do not think this is a process that is going to end. But clearly you cannot make decisions about long-term resource requirements without factoring in what missile defense requirements are going to be.

Senator LEVIN. Mr. Chairman, let me just again thank you. I want to congratulate Dr. Wolfowitz and wish him the best of luck. I know there will be a lot of important efforts here to keep this committee on the bipartisan tack that it has always tried to follow and that we can look to you to assist us in that process.

Dr. WOLFOWITZ. Thank you. I think I have had courtesy calls with 18 members of this committee, and every one of them has been a strong bipartisan supporter of a strong national defense. So I am sure the other six are as well, and I really look forward to working with this committee if I am confirmed.

Senator LEVIN. Thank you.

Chairman WARNER. I have several more questions I wish to ask. Speaking for myself and I think others, we were shocked about this recent series of allegations regarding a long and trusted member of the Federal Bureau of Investigation and the allegations of his sharing classified material with another nation. Also, regrettably, a person who preceded you in the office to which you aspire to serve this Nation was the subject of a pardon recently by the President with regard to allegations about his handling of classified materials.

As the chief operating officer, it seems to me, in consultation with the Secretary of Defense and other persons in the administration, you should undertake a review of the Department of Defense with regard to the handling of classified material and the means by which to detect any violation of the regulations of the use of that material by employees at all levels of the Department.

Therefore, my question to you is how do you view the importance of classification, the responsibility that those entrusted with documents that are classified and how they should deal, not only in the safeguarding of that, but the sharing of that information? How do you intend to deal with that issue and what are your views with regard to classified material?

I feel very strongly that the most rigid rules should apply and that when an individual is found to have violated, and subject to the appropriate legal actions that have to be reviewed to verify that violation, whether it is a court case or whatever, that accountability of the strongest measures should be done. What are your views?

Dr. WOLFOWITZ. I agree very strongly with you about that, Senator. It is kind of shocking, the extent to which classified information frequently and with great speed finds its way into public in one form or another. I do think we need to do everything we can to hold people accountable, to make it clear that we take this seriously.

I know any one of us has come across a classified document that we may have thought was overclassified. But that does not give you an individual right to take it on yourself to declassify it or downgrade it. There are procedures for doing that and they should be stuck with.

You are talking about two very different things and the second one—the first one is a matter of treason. We clearly have to look at what that whole Hansen case tells us about our counterintelligence capabilities, which clearly have missed two big ones in recent times, and think about how to protect ourselves from that kind of traitor.

On the more almost mundane matter of the day-to-day handling of classified materials, I think we lead by example. We have to be careful ourselves. We have to take infractions seriously. If we think that things are overclassified, then we need in an orderly way to take care of that problem, but not let individuals take it on themselves.

Chairman WARNER. Are you prepared to commit to this committee that, if confirmed, you will undertake as one of your top priorities a review of that subject within your Department?

Dr. WOLFOWITZ. I will do so, Mr. Chairman.

Chairman WARNER. Thank you.

The President, I think quite wisely, and the Secretary of Defense, in the course of his hearing before this committee, put increased emphasis on the subject of homeland defense. This committee has taken a number of initiatives to strengthen the ability of our communities to deal with a terrorist attack involving weapons of mass destruction, biological, chemical. We have really been out on the cutting edge. We have a Subcommittee on Emerging Threats and Capabilities and it has been one of the most active subcommittees. I commend the chairman and ranking member for the past work and indeed what they propose to do in the coming year.

But this is a subject of great concern to this Senator and I think many others. It is astonishing. I do not want to harp too much on my recollections, but I remember when we had blackouts in Washington, D.C., in the early stages of World War II. I was a youngster

then. I remember it well. People would sit here and listen to me make that statement in astonishment.

But that was the last time, really, that this Nation felt imperiled at the hands of an adversary. At that time it was primarily the Nazi submarine fleet, which was actively sinking shipping off of the shores. I will not go into further details, but it was the silhouetting of the shipping as a consequence of the lighting emanating from the shores. A drastic number of ships lost right off the Atlantic coast of the United States.

There have been other incidents. But now we have come to the point where we are threatened by intercontinental ballistic missiles, we are defenseless. I commend the President for his strong initiatives to address the question of missile defense. We have covered it here today.

But the terrorism that could strike here at home is a major concern. We have taken initiatives in the last authorization bill of this committee, to try and urge a reorganization of the lines of responsibility in our Federal Government. I do not have it with me, but I will see that you get it, a chart showing the voluminous number of crossed lines and crossed authority that exists today. I do not say that as a criticism of the past administration. It is just a statement of fact.

I would hope that you would put this high on your list of priorities to address, because we have to have, I think, greater involvement by all departments and agencies of the Federal Government in this question of homeland defense. I just wondered what you thought about the missions for the Department which you will hopefully be responsible as Deputy Secretary of Defense. Right now the Department of Justice has primary authority, and we come up against the time-honored law of Posse Comitatus which limits the involvement of the U.S. military as it relates to the daily lives of our people in this country. I think that doctrine is well-founded in history and should be protected.

But again, the assets and the knowledge of the Department of Defense need to be shared at every level of government and with the communities as to how best to protect themselves and, if an incident were to happen, how we can best assist those in the community that will come to the rescue of their fellow citizens.

Dr. WOLFOWITZ. Actually, I know John Hamre, when he was Deputy Secretary, took a very strong interest in this issue, as will I if I am confirmed.

Chairman WARNER. I commend him. He did indeed. We talked many times on this subject.

Dr. WOLFOWITZ. Actually, during, I guess it was the transition—it was actually the period of the recount of the Florida vote—he convened a very interesting 3-hour session over at CSIS of officials from the Clinton administration with a number of people prospectively on both the Gore and Bush group, to talk about this issue. What that discussion and many others reveals is there is a fundamental problem that you identify of how the U.S. Government organizes itself to deal with this problem, which has both a domestic and a foreign aspect, both a law enforcement and a security aspect.

We need to do everything we can to prevent that kind of attack, everything we can, where possible, to defend against it. But also this question of how you respond is crucial. I was in Israel during the Gulf War with Deputy Secretary Larry Eagleburger, whom President Bush sent over to persuade the Israelis not to get in the war. So I have been in a country under missile attack. We knew the odds and the odds individually were not that dangerous, but the whole country is immobilized by it.

The Israelis had a very substantial civil defense effort and they were quite clear that without that civil defense effort, without the little bit of warning that our satellites were able to provide so the people could go into shelters, they would have had a mass panic. So the ability to deal with an event if it happens I think is very important for the stability of society as a whole. It has to get a high priority.

Chairman WARNER. That is an interesting historical footnote that you mention about your visit with my old friend Dr. Eagleburger, former Secretary of State. I too was in Israel, on February 18th, 1991, with Senator Nunn—then Chairman of the Armed Services Committee—Senator Stevens, and Senator Inouye. We were in the headquarters of the Defense Ministry when the last Scud fell on Tel Aviv. We had to stop our meetings and put on our gas masks.

The strike landed a mile or two away. I never felt—well, you are in the hands of the gods when that thing came in, because it did not have any particular target except to hit the population. It was used as a terrorist weapon, not as a military.

The people of Israel and the government of Israel showed enormous courage at that time to withhold their ability, and they had it, to retaliate because they knew of how it could fracture and impede the progress of the coalition at that time engaged in repressing Saddam Hussein.

So I share that. But I hope that you put this high on your agenda, this subject of homeland defense.

Dr. WOLFOWITZ. I will, Mr. Chairman. I hope our whole government does.

Chairman WARNER. The National Missile Defense system, as I said, the President is taking a strong leadership role, together with other members of his cabinet. Secretary of State Powell, I think in a very forceful and successful way, based on the reports received, asserted the right of the United States to defend itself in the face of this threat. We stand, as I think we have to repeatedly say, defenseless against an incoming strategic intercontinental ballistic missile, and indeed other missiles for that matter, and we must marshall the resources of this country to determine whether or not we can devise a limited ability to interdict the accidentally fired or terrorist missile or whatever the case may be, up to a dozen or more of these missiles.

As the President and Secretary Powell and others have pointed out, it is not a system that in any way should lessen the deterrence that Russia looks to its system to provide, or indeed other nations. It is simply an essential protection for our cities and communities here at home.

Now, you have spent time on this. Have you ever sorted out the sea-based system and how that could be brought in a timely way to augment the current architecture that was employed by the last administration?

Dr. WOLFOWITZ. If I may make one general point quickly and then get to your question. I think you said something which I think is missed too often, and that is we are not talking about missile defense as it emerged during the Cold War. We are not talking about SDI, we are not talking about how to compete with the Soviet Union. We are talking about a limited missile defense, of a kind that, frankly, I would think the Russians themselves would want to have.

On the specific question of sea-based options or, I would say, other options more generally, I think one of the things we need to do, and hopefully the Russians will concur in this and we can do it cooperatively, is to relax a number of the restrictions of the ABM Treaty that I believe have prevented us from looking adequately at those kinds of options. I am just starting to get read into this on a classified basis, but it is quite clear to me from what I have seen already that our development would have looked very different over the last 10 years if the ABM Treaty had not been there or if it had been modified.

What we want to do is find the most effective, least expensive, and least provocative way of proceeding in this direction. I think that is something that hopefully we can persuade the Russians and our allies and many other people is in their interest as well.

Chairman WARNER. I thank you for that observation and I share that. Actually, I was in the Department at the time the ABM Treaty was negotiated and happen to have been part of the delegation that attended the signing, that ceremony. I was there for other purposes.

Dr. WOLFOWITZ. It was a different era, was it not, Mr. Chairman?

Chairman WARNER. It was a different era. It was May 1972, and at that time I was Secretary of the Navy and had finished negotiations of the Incidents at Sea agreement which was signed the day before the ABM Treaty.

The point being that, yes, we do need to address modifications, amendments, to the ABM Treaty because the Treaty does serve, I think, an important role in the architecture, the world architecture of arms control agreements. But I think progress is being made with the Russians to come to the realization that this country has a right to defend itself and employ that technology which can be most efficiently and cost effectively used to achieve that system.

Again, I commend the President for his very clear, forceful message to the entire world that he is going to protect the rights of this country to defend itself and that he will pursue, I think, in a diligent way, in consultation with our allies, amendments to the ABM Treaty.

Dr. WOLFOWITZ. I think we are getting more of a bipartisan consensus in this country, which is progress.

Chairman WARNER. I think you are correct in that.

But I do believe that we have to begin to put more focus on the sea-based option as a follow-on or an adjunct, whatever phraseol-

ogy you wish, because that gives us in my judgment a greater protection of the instruments themselves on the high seas from interdiction of the defense system as a part of any attack, a limited attack.

Now, moving on to Secretary Rumsfeld's very important point when he was before this committee, he said that this Nation needs "a reasonable exit strategy" as a precondition for the decision to make a military intervention. What definition would you apply to "a reasonable exit strategy"?

Dr. WOLFOWITZ. That we can define what our goals are, successfully achieve those goals, and then take our forces out. I suppose one might—at least that would be what I would generally strive to achieve. I suppose there might be a situation like the one we used to have in Europe or the one we still have in Korea, where "exit" is not the right word; it is a long-term commitment, but a stable one where you have a deterrent force in place.

But certainly for most of the things we are talking about I would hope it is the kind of thing where you can finish the job and be done.

Chairman WARNER. Dr. Wolfowitz, that concludes the questions from the committee. I think that your responses have been very clear. I thank you for your what I perceive as total cooperation today. This committee will very shortly gather to determine the balance of the confirmation process, but at the moment I am optimistic we can conclude it in an expeditious manner.

I thank you very much.

Dr. WOLFOWITZ. Thank you, Mr. Chairman.

[Whereupon, at 12 noon, the committee adjourned.]

[Prepared questions submitted to Dr. Paul D. Wolfowitz by Chairman Warner prior to the hearing with answers supplied follow:]

FEBRUARY 23, 2001.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

PAUL D. WOLFOWITZ.

cc: Senator Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Defense Reorganization Act of 1986 has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. These reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improving the ability of the Department to protect America's security and further its vital interests. The reforms have helped improve the interaction among the services in conducting military operations by making joint operations the norm.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Do you anticipate submitting legislative proposals to amend Goldwater-Nichols?

Answer. If confirmed as Deputy Secretary of Defense, I will work with the Secretary to review the extent to which the reforms have been implemented and the extent to which they have achieved their stated goals. As Secretary Rumsfeld has noted, we would consult with Congress on any changes that might be appropriate.

Question. If so, what areas do you plan to address in these proposals?

Answer. It would be premature to offer any thoughts on the question at this time.

RELATIONSHIPS

Question. What do you see as the relationship between the Deputy Secretary of Defense and each of the following?

The Secretary of Defense

Answer. If confirmed, it is the Secretary's intent that I act as the Department's chief operating officer under the Secretary's direction as chief executive officer. It will be my duty to execute the policies of the President and the Secretary within the department, and, when new direction or guidance is needed, to facilitate the timely, accurate, and reasoned presentation to the Secretary of issues that require his or the President's consideration.

Question. The Under Secretaries of Defense

Answer. My relationship with all other senior officials of the Department will, for the most part, be based on the chief operating officer role described above. If I am confirmed, I will seek to carry out the policies and guidance of the Secretary with respect to actions and initiatives of the respective Under Secretaries, and bring to the Secretary's attention facts, options, analyses, and recommendations from the Under Secretaries when such guidance or direction is needed.

Question. The Assistant Secretaries of Defense

Answer. My relationship with Assistant Secretaries of Defense and other senior officials of the Office of the Secretary of Defense would be similar to that described above in relation to the Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. If confirmed, I intend to work closely with the Chairman to assure his full participation in the leadership team of the Department of Defense.

Question. The Vice Chairman of the Joint Chiefs of Staff

Answer. The Vice Chairman of the Joint Chiefs of Staff has a vital role in developing and implementing joint plans, programs, and policies for the Services. If confirmed, I anticipate working very closely with the Vice Chairman.

Question. The Secretaries of the Military Departments

Answer. The Secretaries of the Military Departments carry out the policies of the President and the Secretary of Defense in their respective Military Departments and make recommendations to the Secretary and to Congress relating to their Military Departments and the Department of Defense. If confirmed, I intend to work

closely with the Secretaries of the Military Departments. I will assure that they are aware of the President's and the Secretary's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs. This includes assuring that the recommendations of the Secretaries of the Military Departments are brought to the Secretary of Defense and that they understand his policies.

Question. The Chiefs of Staff of the Services

Answer. The Chiefs of Staff provide advice to the Secretaries of their respective Military Departments and other senior officials, and carry out the policies of the Secretaries of their respective Military Departments and the Secretary of Defense. My relationship with the Service Chiefs will follow the model outlined above, but with the extra dimension that my relationship will be in the context of my overarching relationship with the Military Departments and the Joint Chiefs of Staff.

Question. The Service Acquisition Executives

Answer. The Service Acquisition Executives are most directly involved with their respective Service Secretaries and the Under Secretary of Defense for Acquisition, Technology, and Logistics. In the role of chief operating officer of the Department, I will, if confirmed, promote the successful involvement of the Service Acquisition Executives in the development and execution of the policies and initiatives of the Secretary of Defense in the acquisition field.

Question. The Inspector General

Answer. As the Department's chief operating officer, I consider it my responsibility to support the Department of Defense Inspector General (DODIG) in carrying out his or her duties as set forth in the Inspector General Act.

QUALIFICATIONS

Question. Section 132 of Title 10, United States Code, provides that the duties of the Deputy Secretary of Defense are to be prescribed by the Secretary of Defense.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. In general, if confirmed, I expect to be the chief operating officer of the Department while the Secretary fulfills the role of the chief executive officer. It will be my duty to execute the policies of the President and the Secretary within the Department and, where necessary, to present well-reasoned advice when policy must be changed or modified. If confirmed, I will endeavor to establish close and effective relationships with Congress and to insist that responsible officials in the Office of the Secretary of Defense and the Military Departments do likewise.

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

Answer. If confirmed, this will be my third senior position in the Department of Defense and the second one that requires confirmation by the Senate. I served as Deputy Assistant Secretary of Defense for Regional Programs from 1977–1980 and as Under Secretary of Defense for Policy from 1989–1993. This latter position covered a period of time that included the end of the Cold War, the revision of our national strategy, and the planning for and conduct of major military operations in Panama and the Persian Gulf region. In addition to these positions, I have held senior management positions as Assistant Secretary of State for East Asian and Pacific Affairs, and served as U.S. Ambassador to Indonesia, running one of the most important U.S. embassies in Asia. Finally, for the last 7 years I have managed a school of international affairs that entailed the development of fiscal and academic programs for 750 students on campuses in Washington, D.C.; Nanjing, China; and Bologna, Italy. The school is a $30 million per year operation. While in the job, I also supervised a team that more than doubled the school's endowment.

Question. Do you believe that there are any steps you need to take to enhance your expertise to perform the duties of Deputy Secretary of Defense?

Answer. I believe that I have an excellent, general base of experience for this position. Without presuming confirmation, I have already begun to benefit from excellent information briefings from the SASC Staff, various offices within the Office of the Secretary of Defense, and the Joint Staff. Courtesy calls with over a dozen members of this committee have been invaluable. I believe if confirmed, I am ready to assume the duties of the position of Deputy Secretary of Defense, which will remain a learning experience, as long as I hold the office.

BUDGETARY IMPACT OF CONTINGENCY OPERATIONS

Question. Over the past several years, military units have been increasingly deployed to contingency operations around the world. While participation in these operations may improve discipline, unit cohesion and leadership skills that are not

generally possible to develop during normal garrison activities, they disrupt operating budgets, cause lost training opportunities, and accelerate wear and tear on equipment. Additionally, increased OPTEMPO impacts quality of life and could jeopardize retention of high-quality people. Finally, unless funded through timely emergency supplemental appropriations, they divert funds from programs designed for needed readiness or modernization.

Do you have any ideas as to how to reduce the impact of these operations on both near and long-term readiness and modernization programs?

Answer. Near term, contingency operations—regardless of their intrinsic merits—can damage readiness by interrupting needed training for wartime operations, accelerating wear and tear on equipment, and eroding the quality of life of military personnel and their families. However, that damage can be minimized through careful management, and whatever damage is unavoidable can sometimes be offset by benefits to the units participating in these operations. Key to avoiding damage is robust funding for readiness accounts, so that readiness needs can be met before, during, and after contingency operations. Looking long-term, damage to modernization programs is best prevented by timely funding so that the Department does not have to disrupt procurement and RDT&E programs. Especially key is accurate DOD projections of operational costs and timely congressional approval of supplemental appropriations that are needed for unbudgeted contingency operations.

PREPARATION FOR FUTURE THREATS

Question. We have heard a great deal recently about the fact that Russia no longer poses the threat to U.S. interests that the Soviet Union and the Warsaw Pact once did. Because of this, many argue that we can continue to cut back on defense spending and force structure beyond that which we have already achieved. Recognizing the need for a comprehensive examination of our national security requirements, Congress passed legislation last year that would make permanent the requirement for the Department of Defense to conduct the Quadrennial Defense Review (QDR). As a result of the last QDR, the Department recommended a reduction in military personnel levels despite the recognition that we will continue to engage in numerous peacekeeping activities. This, in part, led the National Defense Panel to state that "there is insufficient connectivity between the strategy on the one hand, and force structure, operational concepts, and procurement decisions on the other."

Do you believe that the Two Major Theater War scenario continues to be the most appropriate basis for determining force structure, operational concepts and procurement decisions for U.S. armed forces?

Answer. Modern history suggests that the United States has often faced more than one security contingency at a time. With that history in mind, preparations are appropriate. The increasing diversification of current and emerging threats requires that we build forces and operational concepts aimed at fashioning a new approach to deterrence. The manner in which the United States underwrites deterrence—for example, how we posture our military to be able to respond to multiple contingencies—is an issue of military strategy and operations and the adequacy of available resources at the time. This issue will be examined in the strategic review.

Question. Do you believe that the force structure, operational concepts, and procurement decisions recommended by the QDR are sufficient to provide the capability to engage in overlapping Major Theater Wars today, and to prepare for the potential military threats of the future?

Answer. It is important that we shape and prepare the armed forces to respond to whatever national security challenges may confront us. We must ensure that the military has the tools it needs to fight and win, should that be necessary. The technological revolution makes possible new forces and concepts of operations that can transform the way we fight in the future. These matters will be among those examined in the strategic review.

Question. What are the principal threats to U.S. vital national security interests that you believe the Department should examine both in the near and long term?

Answer. The centrifugal forces in world politics have created a more diverse and less predictable set of potential adversaries, whose aspirations for regional influence and whose willingness to use military force will produce challenges to important U.S. interests and to those of our friends and allies. Modern technology and its proliferation also confront us with an expansion of unconventional threats, including nuclear, biological, and chemical (NBC) weapons, missiles, terrorism, and the newer threats against space assets and information systems. At the same time, we have traditional responsibilities to existing allies in key strategic theaters that remain in our vital interests.

Question. Would you agree that the uncertainty which we face in the future requires us to maintain a military which is both strong and flexible?

Answer. In addition to fielding strong, flexible military forces for an uncertain future, the United States can help build a new national security environment by integrating the economic, technological, and diplomatic tools at our disposal, maintaining and strengthening our alliances, and promoting continued market and democratic reforms around the world. By providing for a military that is second-to-none and equipped to meet the newer challenges of the 21st century, I believe we can best ensure a peaceful strategic environment that advances U.S. national security interests and those of our friends and allies. The goal is to assure that our country has the new capabilities necessary to deter and defend in this new security environment so we are able to contribute to lasting peace and stability.

READINESS INDICATORS

Question. Over the past several years, the committee has observed discrepancies between the readiness reports we receive from the Pentagon and the information we receive from the operational forces. Many of these discrepancies are attributed to a readiness reporting system including the SORTS data which is designed to provide a snapshot of the current state of readiness rather than a projection of the future.

If confirmed as the Deputy Secretary of Defense, will you work with the Services to try to develop a better system of measuring and reporting readiness, including a way to predict future readiness, so that we have an adequate understanding of any readiness problems within the operational forces?

Answer. At its core, our readiness reporting system centers on the readiness of our forces for high intensity combat operations. While the current system is useful, I know that it can be improved, and I support efforts to do so. The basic position as developed in this committee and others and as outlined by President Bush remains clear: we have an urgent need to address any decline in operational readiness.

PLAN COLOMBIA

Question. The United States is heavily involved in resourcing and training Colombian security forces that are fighting the growth and processing of coca leaves and the transport of refined cocaine. U.S. forces are specifically precluded, by policy, from taking a direct part in any such operations.

Do you favor continuing U.S. support for Colombian security forces in this effort?

Answer. The Department's counterdrug programs and policies are currently under review. This is a process in which I will participate if confirmed. At this point, however, it would be premature on my part to comment on this review until it is completed.

Question. Are you committed to maintaining the policy that precludes U.S. forces from taking a direct part in these operations?

Answer. As with all other Department policies, if confirmed I will reserve the right to review the existing policy and make my recommendations to the Secretary. However, in principle, I support the policy which prohibits DOD personnel from accompanying drug law enforcement and foreign military forces on counterdrug field operations.

Question. Would you favor increasing U.S. assistance to the countries bordering Columbia to prevent a relocation of coca growth elsewhere?

Answer. U.S. counterdrug policy relative to programs in the region is currently under review within the interagency, to include the Department of Defense. It would be premature on my part to speculate on the outcome of these reviews.

MAINTAINING OUR INFRASTRUCTURE

Question. The Department of Defense maintains the world's largest infrastructure, with a physical plant value exceeding $500 million. It is widely acknowledged that much of this infrastructure is in poor condition and therefore impacts quality of life and readiness.

What are the most critical infrastructure issues facing the Department of Defense?

Answer. Our physical plant is too big, too old, and too often in poor condition. The Department faces the daunting task of rationalizing its infrastructure and finding the resources to properly sustain, restore and modernize the facilities and installations we will keep. Improving the quality of life and workplaces for our servicemembers and their families is critical to readiness and retention. The Department believes that it has excess facility capacity and infrastructure in the wrong

locations. We will address these issues during our planned review and the months thereafter.

Question. The Military Housing Privatization Initiative was enacted to provide a means for solving the military services' housing crisis.

Has the initiative lived up to its expectations? If not, what actions would you advocate to assure the success of the program?

Answer. The Military Housing Privatization Initiative was slow to start, but with nine projects now awarded, it has demonstrated that it is a powerful and important tool to solve our housing shortfall. Enthusiasm is high in the Military Services to do more, but the success of the program depends on capturing lessons learned at the initial projects and applying them as we move forward.

DEFENSE HEALTH FUNDING

Question. As you are aware from your current position, the Department of Defense has identified a core program shortfall in the Defense Health Program of $6 billion from fiscal year 2002–2005. These figures do not include any expansion of the Department's capabilities or resources to meet the commitment to the over 65 military retiree population and their families.

If confirmed as Deputy Secretary of Defense, how do you plan to address this shortfall?

Answer. Addressing this or any other major program funding shortfall will be our task once the DOD strategic review is completed and used to set guidelines for future spending. Additionally, however, we will be scrutinizing processes and management—including those in the Defense Health Program—to make improvements, increase efficiency, and save money.

AVIATION MODERNIZATION PROGRAMS

Question. In a recent presentation, the Air Force Chief of Staff stated that if all of our current aviation modernization programs execute as planned, in 15 years the average age of aircraft in the inventory will be 30 years. Specifically there has been much speculation that the current tactical aviation modernization plan is not affordable.

Is this a viable program?

Answer. The requirements and timing of the tactical fighter programs are subjects in the on-going review which Secretary Rumsfeld has initiated. Although a major investment, the modernization of U.S. tactical fighters is of immense importance and deserves careful review.

Question. With the cost of individual platforms escalating, will we ever be able to rejuvenate our fleet of aircraft without a significant increase in our modernization budgets?

Answer. Given the aging of the current fighter force structure, replacement aircraft must be procured. Once the review is complete, we will be in a position to address the budget necessary to satisfy the required future force structure.

Question. How do you expect the development of unmanned aerial vehicles to impact our requirements for manned platforms over this period?

Answer. Our unmanned aerial vehicles have demonstrated their value as intelligence, surveillance, and reconnaissance assets. As the quantity and capability of these unmanned systems increase, we expect them to pick up more of these roles, complementing our heavily tasked, manned intelligence surveillance and reconnaissance fleet. We also have technology programs to begin to develop combat roles for unmanned aerial vehicles. If the technologies prove successful, these unmanned systems will complement our manned combat fleet.

READINESS

Question. Over the last few years we have seen increasing evidence that the readiness of the U.S. Armed Forces has begun to deteriorate as a result of the over-commitment of an under-resourced Department of Defense. Whether you look at the comments of Army Training and Doctrine Command commanders, the testimony of the Service Chiefs, or reports of severe shortages aboard deployed naval vessels, all point to a pending readiness crisis. Many have argued that we are approaching a readiness death spiral where maintaining today's aging equipment and facilities is preventing the modernization necessary to maintain readiness in the future.

What do you view as the major readiness challenges that will have to be addressed by the Bush administration, and, if confirmed, how will you approach these issues?

Answer. Our new administration faces a number of readiness challenges across the military. These include the classic "unit readiness" concerns of robust manning,

functioning equipment, and realistic training so that our military is prepared to defend the vital national interests of the United States. Our war fighting commanders around the world must have the assets to synchronize and use their units in effective joint and coalition forces. This "joint readiness" requires effective command, control, communications, and computer (C^4) systems; robust intelligence, surveillance, and reconnaissance (ISR) systems; sufficient lift to mobilize forces and equipment; interoperability; and healthy logistics practices and sustainment stocks. I believe that the U.S. also needs to be better prepared for the growing threats posed by terrorism, weapons of mass destruction (WMD), threats to critical information and other infrastructure systems, and vulnerable space assets. Some of the more pressing concerns lie in the condition of equipment, or more broadly, the materiel readiness of the forces. Of particular concern is the readiness of our aviation forces. They continue to struggle to overcome the ill effects of higher-than-planned use and inadequate parts support that have accrued since the end of the Cold War. While increased funding in the past 2 years has had some positive effect on materiel readiness, there is more work to be done. DOD's equipment is growing older, and we will be continually challenged to keep our existing forces ready while preparing for the threats of the future. Our National Guard and Reserve Forces also have a number of unique challenges in meeting their mission requirements upon deployment that require our immediate attention. As we undertake a thorough review of the National Military Strategy, we will address these concerns.

READINESS SUPPLEMENTAL FUNDING REQUIREMENT

Question. The military services have provided this committee with a list of $4.5 billion in near-term readiness requirements, such as spare parts and equipment maintenance, and another $2.5 billion for emergency personnel and modernization programs, that they have identified for this fiscal year.

Have you taken a look at the military services fiscal year 2001 emergency requirements and will the administration submit a supplemental budget request to fund these items?

Answer. I have not studied in detail the service's unfunded fiscal year 2001 requirements. The administration's position is that DOD's strategic review must be completed before any decision on submitting an fiscal year 2001 supplemental appropriations request is made.

VIEQUES

Question. Over the past 18 months Naval forces deploying from the east coast of the United States have been prevented from conducting live-fire training on the Navy's training range on Vieques, Puerto Rico, which has had a significant impact on the readiness of these forces to execute their wartime missions. An agreement was reached with the then-Governor of Puerto Rico, and legislation passed to implement that agreement, which will provide economic incentives to the people of Vieques in return for their cooperation in the restoration of live-fire training. Unfortunately, the current Governor has stated that she will not abide by the terms of this agreement and that she will insist the Navy cease operations immediately.

If confirmed, what actions will you take to achieve the restoration of live-fire training on Vieques?

Answer. It is my understanding that Vieques is a superior site for rehearsing amphibious operations, the only site currently used for aerial mine warfare training, and is the only location currently available on the east coast where aircraft, naval surface ships, and ground forces can employ combined arms training with live ammunition under realistic conditions. It is also the only range currently available on the east coast that allows the Navy and Marine Corps to conduct naval gunfire training. I understand that to date no alternative sites, providing the ability to conduct combined arms training with live ammunition under realistic conditions, have been located. If confirmed, I will work with Secretary Rumsfeld and the Department of the Navy to explore all possible options for solutions that best meet the national interest.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Do you believe that the military services need to retain a core capability to perform certain activities such as equipment maintenance, and what approach you take to allocate workloads between the public and private sector?

Answer. The size and composition of DOD's facilities to perform equipment maintenance is an important aspect of the overall readiness of the Armed Forces. The appropriate balance between government and private sector facilities must be struck in a manner that assures the equipment employed by the Armed Forces will be

ready for use when needed. This balance in turn will be affected over time by the nature of the technology used in military equipment. A balance will be reviewed to assure that capabilities essential to national defense that cannot reliably be provided by the private sector will be provided by the government sector. Moreover, critical capabilities will be maintained in the government sector.

Question. Do you believe that significant savings can be achieved through outsourcing, and if so, do you have any data that would be applicable to those activities which you would outsource?

Answer. I believe significant savings can be achieved by competing the Department's non-core activities with the private sector. While there has been some debate over the actual magnitude of the savings, recent studies have all agreed that savings are substantial. I believe specific functions should be identified for study where the most potential for savings and efficiency improvement exists. For example, past studies indicate base operating support functions achieve above average savings. I would review all functional areas to identify and target those commercial activities that offer the most promise for competition with the private sector.

COMMERCIAL VS. MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. If confirmed, what actions will you take to review the Department's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. I understand the Department has reviewed its current and long-term electromagnetic spectrum needs, and will continue to re-assess these regularly. The Department has also revised its acquisition regulations to mandate more stringent procedures for determining and validating, prior to production decision, the requirements for and availability of spectrum for all equipment and systems to be utilized by the Department. If confirmed, I plan to support these efforts and ensure that the Department continues to investigate new technologies for the more efficient use of the electromagnetic spectrum such as software programmable radio technology.

Question. If confirmed, what actions will you take if the study currently being conducted within the Department of Defense determines that there will be a significant cost and operational impact if the military services surrender the 1755—1850 MHz band of frequencies?

Answer. If confirmed, I will need to be thoroughly briefed on the study to fully appreciate its findings. The Department will continue to work closely with the National Telecommunication and Information Administration and the Federal Communications Commission in determining the best decision for the Nation, balancing national security and economic development, in identifying spectrum for the next generation of wireless systems while understanding that the Department's readiness must not be comprised. I know that Secretary Rumsfeld assigns a very high priority to this. I would also like to acknowledge the tremendous support the Department has received from this committee in supporting the Department's assured access to the electromagnetic spectrum.

BASE REALIGNMENT AND CLOSURE

Question. The previous administration insisted that another round of base closures was needed to streamline the defense budget and to shift resources into personnel programs and weapons procurement. However, when asked if in the absence of an additional base closure round they would provide, for congressional consideration, a list of those facilities that they consider excess and eligible for closure, they have been unable, or unwilling, to do so.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. See response below.

Question. Would you recommend additional rounds of base closures?

Answer. See response below.

Question. Would you provide a list of those facilities for congressional consideration absent the authorization of another round of base closure?

Answer. See response below.

Question. Would you support another round of BRAC but limited to where excess capacity exists?

Answer. As Secretary Rumsfeld noted in his response to Advance Policy Questions from this committee, we will withhold an assessment of this issue until after the completion of the defense review.

POLICY TOWARD IRAQ

Question. Ten years after the successful conclusion of Operation Desert Storm, tens of thousands of U.S. troops remain in the Persian Gulf region—at a cost of $1 billion per year—to enforce the current U.S. policy of containing Saddam Hussein. Despite our efforts, Saddam remains in power in Iraq, his weapons programs unchecked; the international coalition that repelled him from Kuwait has virtually collapsed; and our friends and allies in Europe and the Gulf region are reestablishing diplomatic ties with Iraq.

What steps do you think the United States should take to reinvigorate the international community's efforts to ensure Iraqi compliance with the obligations Iraq accepted at the end of the Gulf War—particularly those obligations related to disarmament?

Answer. The administration is in the process of reviewing all the elements of U.S. policy toward Iraq. This review will have to address whether more can be done to secure Baghdad's compliance with the conditions laid down by the United Nations, particularly its obligation to foreswear the pursuit of weapons of mass destruction. It will also have to address the complex task of rebuilding support for an effective policy in the region and in the international community.

Question. What role do you believe the Iraqi opposition can play in these efforts?

Answer. This is an issue that the Iraq policy review now underway will have to address. It would be inappropriate for me to comment on it at this time.

Question. Do you believe that sanctions are an effective tool against Saddam Hussein?

Answer. Sanctions can be a part of an effective policy, but they are not a substitute for a policy. The administration is reviewing whether any adjustments are needed in the U.S. approach to administering the sanctions. It is important to remember that the focus of the sanctions is not the Iraqi people but preventing Saddam Hussein from developing and using weapons of mass destruction against his own people or his neighbors, as he has done before.

U.S. MILITARY PRESENCE IN BOSNIA

Question. Last December marked the 5-year anniversary of the NATO military presence in Bosnia. Although reduced from its early high of about 60,000 troops, the international community, under NATO leadership, today maintains a force of over 20,000 troops in Bosnia, almost 4,600 of whom are American. Despite over 5 years of an international military presence in Bosnia, we are far from achieving the goal of a unified, multi-ethnic nation, as envisioned in the Dayton Accords which ended the war. In fact, during the most recent nation-wide elections in Bosnia, the Nationalists—those who oppose the aims of Dayton—made surprising gains.

What should the United States do to break the stalemate in Bosnia and help create the conditions for the withdrawal of U.S. troops?

Answer. NATO is currently assessing options. It would be inappropriate for me to comment further.

Question. Should we consider a renegotiation of the Dayton Accords?

Answer. Dayton has served the central purpose of stopping the war. The Dayton Accords include procedures for making changes. Whether any changes are made is ultimately a matter for the Bosnians themselves to decide.

NORTH KOREA

Question. What is your view of the agreed framework between the United States and North Korea?

Answer. The Agreed Framework is one element of an overall effort by the U.S. and its democratic allies, the Republic of Korea and Japan, to prevent war and reduce the level of confrontation on the Korean Peninsula. It is important to remember that their overall problem is not only a nuclear one but also involves a large North Korean conventional military threat and a long record of North Korean hostility toward the South. The historic summit between Kim Dae-Jung and Kim Jong-Il is a significant positive step, but we need to proceed with caution. We also need to make sure that North Korea honors its commitments as we live up to ours.

Question. What steps can the United States take to reduce the risks from North Korea's weapons proliferation activities?

Answer. The risks posed by North Korea fall in three areas: the potential to build an ICBM capable of hitting U.S. territory; the continued domestic deployment of missiles that put our allies at risk; and the export of long-range missiles and missile technology to world trouble spots that heighten regional tensions. The administration is committed to the deployment of an effective national missile defense as soon

as it is technologically feasible. Given the widespread deployment of North Korean derived theater range ballistic missiles and the threat those missiles pose to deployed U.S. forces as well as our friends and allies, the administration would attach a high priority to the development and deployment of effective theater missile defense systems in a timely and efficient manner. It is in the U.S. interest that the North Koreans terminate their programs and stop exporting missile technology to other countries. The administration will pursue that objective—the precise means would likely be determined following a review of U.S. policy toward North Korea and its proliferation policies.

AFRICA

Question. The Defense Department is currently involved in a number of initiatives in Africa to help certain nations be better prepared to provide their own regional peacekeeping forces and humanitarian missions. The African Crisis Response Initiative and the ongoing training of several Nigerian army battalions for peacekeeping duty in Sierra Leone are two examples of this policy.

Do you support such initiatives which are aimed at helping African nations be better prepared to respond to a regional crisis?

Answer. Yes. The current strategy to develop peace operations and humanitarian response capacity in Sub-Saharan Africa includes two key objectives: to develop defense partnerships with important states, and to actively engage sub-regional organizations. One of these important states is Nigeria, with whom the U.S. is currently implementing peace operations training in support of UNAMSIL in Sierra Leone (Operation Focus Relief, or OFR).

EXPORT CONTROLS

Question. The domestic satellite industry has complained that it has lost a significant amount of market share, and billions of dollars, as a result of the satellite licensing provisions that were enacted as part of the National Defense Authorization Act for Fiscal Year 1999.

What is your view of these complaints?

Answer. Let me start by saying that the satellite industry is an important industry for national defense. We must ensure that government processes are not unnecessarily impeding legitimate exports of satellites that provide the critical revenues for the industry to continue to invest in advancing the state of the art. The satellite industry itself has released information suggesting that competitive pressures facing the industry are the result of a number of factors including launch failures, competition from land-based communications systems, and growing capabilities of foreign suppliers. All of these factors must be reviewed in the course of establishing an appropriate policy on the export of satellites. National security must always be of paramount consideration.

Question. Do you believe that Congress should revisit the issue of how we license exports of satellite technology?

Answer. I believe that the administration will be examining this issue carefully (including any statutory or regulatory changes that might be required), and will consult closely with Congress as this review proceeds. Any review must be undertaken in a manner that preserves fundamental national security interests.

Question. Over the past 2 years, 16 ambassadors from NATO countries have written to the Secretary of State expressing their deep frustration with the U.S. export control system. Deputy Secretary of Defense Hamre initiated an effort to streamline export control process without weakening controls. What is your view of Secretary Hamre's reforms?

Do you believe that further streamlining is required?

Answer. The administration will be reviewing this issue.

Question. What policies and procedures do you believe need to be changed in the export license control process that would reflect the right balance between national security and commercial interests?

Answer. Exports of sensitive high technology affect U.S. national security interests in many ways. First, we must protect our military personnel and our security interests by ensuring that sensitive technologies are not exported to potential adversaries or to foreign entities that represent a significant diversion risk. Second, we must have sensible and effective policies and procedures to ensure that appropriate transfers of military and commercial systems and technologies that support our coalition warfighting objectives are permitted. Finally, we must be mindful that the U.S. is not the only country with advanced military and commercial technology. Efforts to control exports can sometimes become counterproductive if they weaken American technical capacity without protecting truly critical technologies. Thus, we

need to work aggressively with our allies and friends to ensure that our policies and approaches toward the export of such technologies meet our mutual security interests. The Department of Defense has an essential role to play in designing export control policies and implementing the principles I have outlined. We will be working closely with Congress and the other Executive Departments on these important matters.

Question. Do you believe the Department of Defense should play a greater role in the export licensing process than it currently does in determining whether sensitive technologies should be exported overseas?

Answer. The Defense Department must play a strong role in the export control policy process. Defense has a tremendous amount of technical expertise in the export control area and should have the ability to apply these assets to the overall export control process. I will be reviewing whether there are specific changes that should be proposed concerning DOD participation in these processes.

Question. What critical military technologies do you believe the United States should not license for export overseas and why?

Answer. There are obviously a number of critical military and dual-use systems and technologies that must be export controlled to preserve U.S. military technological advantages and to ensure that these items do not fall into the wrong hands. This is a changing picture as military capabilities advance and technology become diffuse worldwide. We must ensure that we have a system in place that regularly reviews the specifics to make sure that we are controlling the most important items and that we are not controlling items that cannot be effectively controlled because of widespread availability.

Question. Senator Gramm recently reintroduced his bill to reauthorize the Export Administration Act. Senator Gramm has characterized his bill as an effort to build a higher fence around a smaller number of items, the export of which would have a detrimental impact on our national security. Others have expressed concern that the bill does not pay sufficient attention to national security concerns.

What is your view of Senator Gramm's bill?

Answer. I have not studied the bill but will do so as soon as possible.

Question. Do you support the reauthorization of the Export Administration Act?

Answer. It is my understanding that the administration is in the process of reviewing the bill and will have some comments soon.

TECHNOLOGICAL CAPABILITIES OF TERRORISTS

Question. A key disadvantage of the proliferation of information technology is that potential and acknowledged adversaries can now gather data, imagery, and intelligence updates from many of the same sources and means that the U.S. military uses. Keeping a step ahead of these capabilities is a great concern for this committee.

What would you propose the Department of Defense do to address this concern?

Answer. While greater access to multiple sources of data has many advantages for the U.S., it is also true that our adversaries can use commercial imagery and other burgeoning information technologies to monitor and target U.S. interests. While we cannot prevent commercial capabilities from becoming more sophisticated and widespread, we do have the ability, with the proper blend of resources, personnel and processes, to enhance the likelihood that the U.S. will continue to maintain the information advantage it needs. Furthermore, the control of certain technologies remains an issue of significant concern to the Department. We will continue to review each export license request and appropriately apply conditions and provisos to those licenses to protect our national security interests. The Secretary has made it clear that information superiority is one of his top priorities. If confirmed, I intend to fully support these efforts.

Question. According to the Department of Defense's most recent annual report to Congress entitled "Worldwide NBC Weapons and Missile Threat", "technology to improve the delivery of nuclear, biological, and chemical weapons is becoming more advanced and in some cases more available. Some countries are focused on the production of better missile guidance and control mechanisms and countermeasures to defeat ballistic missile defense systems."

What options should the Department of Defense pursue to address the threat posed by this growing capability?

Answer. The Department of Defense needs to continue to support U.S. Government nonproliferation efforts intended to prevent or reverse the proliferation of nuclear, chemical, and biological weapons, their means of delivery, and associated technologies. It needs to press ahead with its counterproliferation programs to ensure that U.S. forces are prepared to fight and win in chemical and biological weap-

ons environments. It must develop and deploy missile defenses that are effective against current and emerging ballistic missile threats. We also must strive to build stronger international non-proliferation regimes and simultaneously look for opportunities for cooperative programs with like-minded Defense Ministries.

COOPERATIVE THREAT REDUCTION (CTR)

Question. Last month Secretary Rumsfeld told the committee that "we need to be aware of the fact that Russia, in particular, claims to lack the financial resources to eliminate weapons of mass destruction, but continues to invest scarce resources in the development of newer, more sophisticated ICBMs and other weapons. We would not want the U.S. investment in the [DOD] CTR program to become the means by which Russia frees up resources to finance its military modernization programs. A review of ongoing [DOD] CTR projects and their respective national security benefits would be appropriate."

What are the most important factors that should be considered during this review?

Answer. The most important factor for this review should be the extent to which the assistance provided to the eligible states of the former Soviet Union enhances the security of the United States. Each eligible state is unique and that will also be an important consideration. Russia is the only eligible state that is permitted by international treaty to retain and modernize its nuclear forces. Therefore, an important factor for review should be whether the Department's CTR program is structured to prevent support for Russian military modernization programs.

Question. Do you agree that the CTR program serves the U.S. national interests by reducing the threat from former Soviet weapons of mass destruction?

Answer. Certainly the elimination of former Soviet strategic and tactical nuclear weapons and their delivery vehicles that the CTR program has funded has benefited U.S. national security. As the previous answer indicates, we need to monitor the details of implementation to insure that those purposes continue to be achieved.

RESERVE COMPONENTS

Question. Although the Department of Defense is committed to the "Total Force," as recently demonstrated by the deployment of the 49th Armored Division of the Texas Army National Guard to Bosnia, there is concern among the Reserve community that this commitment to the "Total Force" is only "lip service." Those who question the Department's support of the Reserve components point out the Reserves do not receive an appropriate share of the defense budget for modernization and military construction. A specific issue was that the fiscal year 2000 military construction program. While the request for the National Guard amounted to about 3 percent of its critical needs, the active-component funding request covered nearly 20 percent of their critical needs.

What role should our Reserve components have in the post-Cold War era?

Answer. Over the last several years, the National Guard and Reserves have been transformed from a Cold War force held in Reserve to an essential force serving in the "front lines" daily. For example, during each of the past 5 years, Reserve component personnel have performed between 12.5 and 13.5 million workdays per year supporting the active force. The Total Force Policy is now a fundamental principle guiding the restructuring and reorientation of our Nation's military forces. At the same time, though, we must be careful not to place too much of the burden of our national security objectives on the Guard and Reserve. These are immensely capable forces that play a critical but well-defined role in our force structure. As such, the role of our Reserve components will be examined, along with our other Armed Forces, during the review of the overall defense strategy.

Question. Do you believe the Reserve components are fully integrated into the "Total Force?" If not, what further steps should be taken to make the integration a reality?

Answer. The integration of the Reserve components has improved steadily. Although barriers to full integration into the Total Force have been reduced or eliminated, work remains. For example, quality of life programs are needed to recruit and retain Reserve component forces. We need to work together to address employers' concerns and provide family support programs.

Question. What should be the basis for level of funding in the administration's budget request for the Reserve components?

Answer. Keeping the required force trained and ready remains our top priority. The basis for the level of funding for the Reserve components in the administration's budget request should be based on the readiness requirements placed on the Reserve components by the National Military Strategy, the ongoing strategic review

being undertaken by Secretary Rumsfeld at the President's direction, the fiscal year 2001 QDR, and other missions assigned by the Services. The Reserve components should then be resourced to ensure interoperability to meet the requirements identified by those mandates.

Question. Due to the leaner Active Duty military and greater number of operational commitments, the Department of Defense has increasingly called on the Reserves and National Guard. In 1989, reservists and members of the Guard recorded one million days of duty. In each of the past 3 years, that figure has averaged 13 million days. This increased workload has had an impact on the individual reservist and on his civilian employer. As a result, retention and recruiting are impacted and in extreme cases the relationship between the reservist and his employer.

In your judgement, is it realistic to expect the Reserve components to assume an increasing role in operational deployments and in the "Total Force" without adverse impact on their civilian jobs?

Answer. The Reserve Forces are a major and integral part of our National Defense team. The key to their effective use is maintaining the proper balance of utilizing their capabilities without overusing any specific segment of the force. We will endeavor to seek a level of participation for our reservists that maximizes the investments made in their training and equipping while mediating the potential for inadvertent harm done by their overuse.

Question. What can the Department do to mitigate the impact of increasing Reserve deployments on the civilian employers?

Answer. The key to mitigating the impact of Reserve component deployments on civilian employers is early notification, a predictable return of the Reserve component member, and not calling upon the same individual too often. We will continue to improve our ability to return reservists from deployments when they are scheduled to return. Work needs to be done to ensure that the force structure contains sufficient high demand units so the same reservists are not used too frequently.

Question. The Reserve components represent a great asset to our Nation as they support the National military strategy while also serving to link our military forces to hometown populations where they serve. These forces also provide state governments with a critical ability to respond to natural disasters and are available to be the first responders to homeland defense mission requirements. Unfortunately, a significant portion of these forces appear to be improperly structured as there are a number of medium and heavy divisions in the Reserve components that have not been required or assigned to support warfighting requirements. These forces are similarly not equipped to properly support state missions. Tanks and mechanized infantry units are of little utility to governors who need these forces to respond to natural disasters. Modernizing these forces with combat support and combat service support equipment appears to be the most appropriate course to follow but would require Department of Defense oversight and a significant investment in resources.

How do you believe this issue should be addressed and what will you do to restructure our Reserve components to be in a better position to support both Federal and state mission requirements?

Answer. The National Guard and Reserve Forces play an essential role within today's force in supporting the day-to-day operations, at home and abroad. It is also my understanding that today's Guard and Reserve Force structure provides a significant portion of the Total Force's combat support/combat service support capability, which coincidentally, is also likely to be needed to help mitigate the consequences of a domestic Weapons of Mass Destruction event. While we anticipate that the Guard and Reserve will continue to play an important role in supporting our homeland security for the reasons you have articulated, it is important to note that the President and his key national security advisors are in the process of developing a new National Security Strategy. The President has already asked the Secretary of Defense to be prepared to undertake appropriate actions to reshape and restructure our force to meet that strategy. Therefore, it would be premature to predict with any precision what changes in structure are appropriate at this time.

PRIVATIZATION OF SERVICES

Question. The Department is relying increasingly on the private sector to provide critical services. Among the most significant privatization efforts are the areas of military family housing and utility systems.

What are your views on the ever-increasing reliance by the Department of Defense on the private sector to provide essential services to our military personnel?

Answer. I believe the Department should seek out private sector performance for non-core functions where they are more cost effective and efficient.

Question. If you support additional privatization of defense activities, what are they?

Answer. Following the success of housing and utility privatization, other defense activities should be reviewed as possible privatization candidates. This is an issue that, if confirmed, I will have to study in further detail.

Question. Although initial privatization efforts have resulted in near term savings, there is concern that over the long term there will be no savings.

What are your expectations of the long term benefits from these privatization initiatives?

Answer. All of our privatization efforts require analysis of life cycle savings to ensure they benefit the government over the long term. My understanding is that analysis of specific competitive sourcing competitions indicates that initial savings do, in fact, hold up over the life of the contract. In addition to savings, privatization supports the rapid infusion of best business practices, and attracts private sector capital to augment Department resources.

MANAGEMENT ISSUES

Question. During your tenure as Deputy Secretary, what key management performance goals do you want to accomplish, and how would this committee be able to judge whether you have accomplished them?

Answer. If confirmed, I plan to work with Secretary Rumsfeld to establish key management performance goals. At this point, it would be premature for me to offer specific performance initiatives, but in general, one of our primary goals should be to hire, support, and retain military and civilian personnel with the necessary skills to meet our mission needs. As we establish our goals, we must carefully consider the results of our ongoing strategic reviews as well as the QDR process, and look to closely tie DOD's strategic plans to our desired mission outcome. We also need to establish financial management operations that provide reliable information and foster accountability. Finally, we must look to reform our acquisition processes, establishing business practices that are more efficient and effective. I look forward to working with this committee and Congress as we strive to reduce or eliminate bureaucratic redundancies in the Department of Defense and streamline our management practices.

Question. To successfully lead an organization, a leader must be able to create and share a vision that inspires people to follow.

In your past experience, what specific steps have you taken to successfully create a vision for an organization, and how did you make sure that the entire organization had a common understanding of the mission and was aligned so that it could be accomplished?

Answer. In previous questions and in many documents supplied to the committee, I have outlined my work history and the many organizations that I have run. I have always believed that the importance of leadership and management jobs is measured not by the title but by the results that the whole organization achieves. Perhaps most telling in the area of establishing a vision were my positions as Under Secretary for Policy, and my work as Dean at the Paul H. Nitze School of Advanced International Studies (SAIS), The Johns Hopkins University. In OSD Policy from 1989–1993, I redrew the organization, picked new people, and held numerous team building sessions to drive home my vision for how policy would operate. I don't want to say that my team did it all alone. Indeed, working closely with Congress, the Military Departments, the Joint Chiefs of Staff, and our allies were integral parts of our standard operating procedures. I hope that the results—a new strategy and force structure, success in the Gulf War and in Panama, improved relations with our allies, highly successful arms control initiatives, and a whole set of new defense relationships with former adversaries—validated my approach. At SAIS, I followed the same organizational strategies and was very pleased with the results—we doubled the goal for the school's 5-year capital campaign, focused it on the school's top priorities and then reached our goal in 2½ years (eventually reaching almost four times the original goal by the end of the campaign). Through a combined team effort, we were able to not only achieve significant increases in the school's endowment, but also created new and up-to-date programs, better faculty, improved facilities, and improved communications with the central university administration in Baltimore. In both cases, the keys to success were setting sensible objectives that could inspire support, clear communications, good people, and lots of hard work. I agree strongly with someone who once said that good government is a team sport. If confirmed by the Senate, that is the spirit I will bring to my duties as Deputy Secretary of Defense.

Question. What steps do you intend to take to accomplish these objectives at the Department of Defense?

Answer. As noted above, it would be premature for me to offer specific performance initiatives at this time. If confirmed, I will work with Secretary Rumsfeld to establish key management performance goals. I look forward to working with this committee and Congress as we move ahead.

Question. The Government Performance and Results Act (GPRA) is intended to provide managers with a disciplined approach—developing a strategic plan, establishing annual goals, measuring performance, and reporting on the results—for improving the performance and internal management of an organization.

What are your views on this law and your experience with it, as well as your preliminary ideas on how this law might be implemented?

Answer. Congress enacted GPRA in 1993 to strengthen performance management within the Federal Government. At the time GPRA was enacted, most Federal agencies did not routinely use strategic planning or performance management to shape resource decisions. DOD was a major exception, having relied for more than four decades on the Planning, Programming, and Budgeting System (PPBS) to guide program development and resource-allocation decisions. The PPBS is well aligned, in structure and intent, with the results-oriented mandate of GPRA. Instead of introducing a new data reporting or management system to implement GPRA, DOD has elected to use GPRA reporting to provide an executive-level overview of how the Secretary employs PPBS performance objectives to manage the Department's resources.

Question. Are you familiar with the strategic plan, annual performance plans, annual accountability report, and financial statements of the Department of Defense?

Answer. Yes, I'm familiar with these plans and reports, which are an important part of communicating the President's and the Secretary's priorities to the Department, Congress, and in a larger sense, to the American people. GPRA requires each Federal agency to produce a strategic plan every 3 years, to submit a performance plan with each budget, and to publish a performance report at the end of each budget year, summarizing progress in implementing the performance plan. In the case of DOD, Congress subsequently passed legislation establishing the Report on the Quadrennial Defense Review as DOD's strategic plan. DOD's annual performance plans and reports are structured to track progress in executing the defense strategy. In the next month or 2, the Department will forward its fiscal year 2000 performance report to Congress. If confirmed, I will give it close attention.

Question. What do you consider to be the most important priorities and challenges facing DOD as it strives to achieve these management goals?

Answer. Fundamentally, I believe the Department has effective processes in place for developing its strategic plan, establishing goals and measuring performance, and reporting the results. The challenge is to make sure that the substantive results of those processes reflect the true needs of U.S. national security in the 21st century and that goals are clearly articulated. Overall, the quality of the data we use to monitor performance has allowed us to measure and report our progress in meeting annual goals. In those cases where data is lacking, we are working to improve the underlying data support systems. Over the past several years, the Department has worked closely with Congress, the General Accounting Office, and the DOD Inspector General to enhance the performance of its internal management systems. In that process, several challenges have been identified, including the effective management of information technology investments and the need to streamline and improve the efficiency of financial management systems. The Secretary has made the modernization of these financial management systems one of his priorities, and I certainly support that objective.

Question. What changes, if any, do you feel might be necessary in these plans?

Answer. With the change of administration, the Department will revise its strategic plan and annual performance plans to reflect the priorities of President Bush and Secretary Rumsfeld as informed in the ongoing strategic reviews. We will continue to work with Congress as we present future GPRA strategic plans, performance plans, and performance reports to ensure that our GPRA activities reflect a full and effective implementation of the law.

Question. What are your views on the importance and role of financial information in managing operations and holding managers accountable?

Answer. These are immensely important. Accurate financial information is critical to evaluating outputs, services, costs, efficiency, productivity, and other essential management indicators. Such information is a vital tool for holding managers accountable.

Question. How would you address a situation in which you found that reliable, useful, and timely financial information was not routinely available for these purposes?

Answer. I would move decisively to improve the system or get a different one that works. It is my understanding that given the financial challenges we are facing, systems will need to be replaced over time.

Question. What is your view of the importance and role of internal controls (i.e., management controls) in ensuring the reliability of financial information?

Answer. Internal controls are very important. Their most critical role is to hold managers accountable for results and the wise use of resources. Also, these controls are essential to ensuring the proper allocation, disbursement, and accounting of funds and to prevent waste, fraud, and abuse.

Question. How would you determine whether the Department has in place the key information management processes required by law, including a detailed architecture, an investment control process, and appropriate information security plans?

Answer. If confirmed, I will look to the DOD Chief Information Officer to advise the Secretary and me on what information management initiatives are currently in place and what additional steps need to be taken to ensure that information technology investments are consistent with plans, process change requirements, architectures, and other information management guidance. I believe that the Department already has laid the foundation for a structured and systematic process for determining whether the key information management processes required by law are in place.

Question. What role do you envision you would play in managing or providing oversight over these processes?

Answer. As I indicated above, if confirmed I will look to the DOD Chief Information Officer to provide guidance for DOD information management and to spearhead the coordination of information technology activities across the Department. As such, I intend to fully support the DOD Chief Information Officer in these and other information technology management efforts.

Question. How would you go about implementing or improving these processes?

Answer. It would be premature for me to make any recommendations until I have had more time to study this area. However, if confirmed I intend to work closely with the DOD Chief Information Officer and other senior leaders in the Department to identify opportunities to improve existing information technology and management processes, and to achieve those improvements.

Question. The Government Performance and Results Act (GPRA) envisions that agencies will link their human capital planning with their strategic and annual plans.

Can you describe your experience in building and maintaining the human capital needed to achieve results (getting the right employees for the job and providing the training, structure, incentives, and accountability to work effectively)?

Answer. Attracting the right people, matching "faces with spaces," ensuring professional development, and rewarding outstanding performance have been essential parts of every management job that I have ever held. Indeed, I believe that recruiting the right people for the right jobs and motivating them to perform are the most important keys to effective management. In government and in the academic world, where I have managed medium to large organizations, there are fewer tangible incentives to offer for performance and less flexibility to hire and fire. That means that one has to pay more attention, not less, to how you motivate people and provide as much intangible job satisfaction as possible, most importantly by empowering capable performers and entrusting them with meaningful responsibilities. Given our tight labor market, the Department of Defense's senior leadership and personnel managers will have to become more people-centric and rethink our incentive structure. If confirmed by the Senate, I pledge to make personnel issues—military and civilian—a central concern for senior departmental management.

Question. The DOD workforce has undergone significant downsizing in the past several years, and with the current tight labor market, it is becoming increasingly difficult to attract and retain talent.

How would you work to attract and retain individuals with the experience, education, and skills needed throughout the Department of Defense?

Answer. The issues facing DOD in recruiting, developing, and retaining an excellent civilian workforce require a multi-faceted approach. I believe we begin by determining carefully what future workforce needs will be. Armed with that information, we need to strengthen or put into place the appropriate accession and retention strategies, including policies, legislation, and compensation. We also need to offer development opportunities, both as key accession and retention tools and as insurance that we are growing the cadre of leaders and managers necessary to implement our Defense strategy. Finally, we must continue to manage the workforce transition effectively.

Question. To become a high-performance organization, an agency needs senior leaders who are drivers of continuous improvement.

What is your approach to motivating career employees to achieve excellence?

Answer. Career civil servants represent the core of operations, as they provide the continuity and institutional knowledge that support all of our military operations. Therefore, I believe in recognizing that value and rewarding excellence. One of the most important things is to communicate clearly the importance of the mission and an understanding of how their work contributes to the mission. Another way of doing so is to provide the education and training necessary to meet the increasingly complex mission. If confirmed, I will review existing education and training programs to ensure that they give current and prospective leaders the tools they need to manage effectively in the highly complex Defense environment. I will also make every effort to ensure that our career employees are appropriately compensated for all they do and would encourage public recognition of excellence.

SCIENCE AND TECHNOLOGY

Question. The Department of Defense Science and Technology program is at a 20-year low. The Strom Thurmond National Defense Authorization Bill for Fiscal Year 1999 established the goal of increasing the budget for the defense science and technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. This goal has not been met in the fiscal year 2000 nor the fiscal year 2001 budget request submitted by President Clinton. In President-elect Bush's speech at the Citadel he spoke of his support for a strong and stable technology base.

If confirmed, how will you reflect this support in the defense budget?

Answer. One of my goals will be to fund the Science and Technology (S&T) program at a level adequate to ensure the technological superiority of our armed forces. A downsized military needs a technological edge now more than ever. President Bush has committed to increasing defense R&D by at least $20 billion between fiscal years 2001–2006. The S&T accounts should receive a substantial share of this increase.

Question. The defense laboratories are facing a future of continued reductions in research and support personnel. This trend, if unchecked, could result in a loss of "critical mass" in research efforts across a number of areas critical to future programs. This situation is further complicated by the fact that in the current economy the Department is vying with industry for the best and the brightest high tech personnel, but is unable to compete on salary and quality of work. Finally, the process for hiring can take up to 18 months as opposed to direct hiring in industry.

If confirmed, how will you attract and retain scientists and engineers in the Department of Defense?

Answer. This is an important issue, central to transformation. Unfortunately, I do not yet know enough about it to give you a complete answer. If confirmed, I will ensure that attracting and retaining scientists and engineers is a key priority of the Department of Defense.

MODERNIZATION

Question. Last fall, the Congressional Budget Office estimated that if the Department were to execute just the current procurement plans, at the rates included in the approved acquisition strategy, that an additional $30 billion a year would be required in the procurement accounts alone.

Do you agree that the procurement accounts are not executable unless there is an infusion of additional funds?

Answer. The CBO estimate is based on the assumption that the currently approved plans are appropriate. The ongoing defense review directed by Secretary Rumsfeld will specify where shortfalls lie and what must be done to address those shortfalls. If confirmed, I will actively support that review.

Question. Do you believe that significant changes are needed in the Department's current procurement plans?

Answer. See previous answer.

Question. If confirmed, how do you intend to address this shortfall, if it in fact exists?

Answer. The aforementioned review of the U.S. national security strategy will result in consideration of which capabilities to modernize, upgrade or replace with new technology. Properly conducted, this process would address the Department's procurement plans.

Question. Even if all of the current aircraft modernization programs execute as planned, the average age of the tactical, strategic, and tanker fleet will increase.

Aging aircraft require ever-increasing maintenance, but even with these increasing maintenance costs, readiness levels continue to decline.

How can both the maintenance of the legacy force and the modernization efforts be affordable at anywhere near the current budget levels?

Answer. I look at Secretary Rumsfeld's ongoing defense review as the first step to addressing these issues. That review should clarify the appropriate balance between legacy forces and modernization efforts.

DEPARTMENT OF DEFENSE ORGANIZATION

Question. In the 50 years of DOD's existence, there has grown up a substantial bureaucracy, much of which duplicates functions in the military departments.

In your opinion, are there areas where functions should be centralized in DOD, at the expense of the military departments, or should functions be devolved from DOD to those departments? Please give examples.

Answer. Without a more careful internal review, it would be premature for me at this point to offer any thoughts on administrative restructuring. If confirmed, I will work with Secretary Rumsfeld and the Service Secretaries to identify redundancies in our bureaucratic infrastructure and to streamline our operations where possible.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Deputy Secretary of Defense?

Answer. We will need to consider a number of issues in evaluating our National Security Strategy and National Military Strategy. Our goal is to assure that our country has the new capabilities necessary to deter threats and defend our national security interests and contribute to peace and stability. This will involve transforming our U.S. military into a 21st century force, modernizing the intelligence and command, control, and communications infrastructure, and reforming DOD structures, processes, and organizations. In addition, our new capabilities and readiness must be sustainable. Balancing limited resources—even in an atmosphere of projected budget surpluses—is always a challenge. Properly outfitting our forces today, while at the same time ensuring we sustain robust modernization for the future, will be a key challenge for the new administration. Specific quality of life issues—such as morale, recruiting and retention, health care and benefits—will also be important.

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

Answer. These issues and others will be considered in the defense review and the QDR. Through these reviews, we will examine priorities and consider the fiscal implications associated with those priorities.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Department of Defense?

Answer. As Secretary Rumsfeld has noted, institutional change across the board—in the executive branch, the legislative branch, the private sector, as well as our allies—will present a great challenge. If confirmed, I plan to work with Secretary Rumsfeld to establish key management performance goals and to reduce or eliminate bureaucratic redundancies in the Department of Defense and streamline our management practices.

Question. What management actions and time lines would you establish to address these problems?

Answer. It is too early to establish time lines. If confirmed, I look forward to working with this committee and Congress as we address current problems in the Department of Defense.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

OVERSEAS PRESENCE

1. Senator THURMOND. The United States maintains a significant number of forces in forward deployed locations such as Europe and South Korea. With the end of the Cold War and ongoing peace initiatives on the Korean Peninsula, what is the justification for keeping the large number of forces forward deployed?

Dr. WOLFOWITZ. Although the Cold War has ended and tensions on the Korean Peninsula have begun to lessen, forward-deployed U.S. forces in Europe, South Korea, and elsewhere continue to serve a number of vital national purposes. Our forces in Europe not only ensure the continuing security and stability of this critical region, they are also well postured to respond to crises both in Europe and in adjoining regions such as the Middle East.

Despite some lessening of tensions on the Korean Peninsula, North Korea remains a significant military threat to South Korea. U.S. forces in South Korea and elsewhere in Northeast Asia represent a powerful deterrent to North Korean aggression and, should deterrence fail, would constitute a critical element of the initial response to that aggression. Moreover, as with our forces in Europe, our forces in Northeast Asia provide broader benefits. They demonstrate our ongoing security commitment to the region, underwrite regional stability, and provide rapid response to crises throughout Asia.

MOST SIGNIFICANT CHALLENGE

2. Senator THURMOND. Unlike the period of the Cold War, the United States Armed Forces are facing the challenges of a world that is politically and economically unstable and unpredictable. In view of this uncertain future what in your personal views will be the most significant challenge facing the U.S. Armed Forces in the next 10 years?

Dr. WOLFOWITZ. The most pressing challenge we face in the next 10 years will be ensuring our men and women in uniform have the wherewithal they need to address the threats of a new security environment, in which a more diverse, less predictable set of potential adversaries will seek to challenge the strategic interests of the United States and of our allies. Maintaining a capable and flexible force appropriate for this environment will require us to address issues ranging from recruitment and quality of life concerns to the expansion of unconventional threats brought by the proliferation of modern technology, including nuclear, biological, and chemical (NBC) weapons, missiles, terrorism and newer threats against space assets and information systems.

JUNIOR ROTC PROGRAMS

3. Senator THURMOND. As you may be aware, I am very interested in the Junior ROTC program. While the primary purpose of the program is to develop good citizens, there are tangible benefits to our Nation's Armed Forces. Statistics show that more than 40 percent of the students who graduate from the Junior ROTC program choose some form of military service.

Although I have expressed my goal to enhance the program to Secretary Rumsfeld, I want to make you aware of my interest in the program and would appreciate your views regarding Junior ROTC?

Dr. WOLFOWITZ. In his February 21 letter to you, Secretary Rumsfeld underscored his support for the Junior ROTC program and reported the intent to look into expansion during the Department's forthcoming defense review. I agree that JROTC

is a great way to improve the citizenship of America's high school youth, while helping students and faculty better understand and appreciate their armed forces.

DOD TRANSFORMATION

4. Senator THURMOND. Our services are undergoing or are planning major transformation to meet the challenges posed by threats of spreading technologies, increased nationalism, and weapons of mass destruction. In your personal view, why has it taken this long to begin the transformation and are these changes looking far enough into the future to be effective against emerging threats?

Dr. WOLFOWITZ. Implementing rapid transformation of the world's premier fighting force is difficult absent a compelling case for how and why the future security environment demands such change. It is a difficult challenge to balance this transformation with our nearer-term readiness concerns. As a greater consensus emerges on future security challenges, the pace of transformation should accelerate. The means to measure progress toward transformation goals are also required in order to manage the allocation of resources appropriately. It is our goal to achieve a clearer articulation of emerging challenges in the context of the current strategy review. The metrics for measuring success should follow closely. We must carefully look at process changes that will bring new transformed capabilities to the field more rapidly.

KEY ISSUES

5. Senator THURMOND. Your experience and knowledge regarding the Department of Defense and Congress will serve you well during your tenure as Deputy Secretary of Defense.

Based on that experience and on the needs of our Armed Forces, what is the one key issue that you would like to resolve before you leave office?

Dr. WOLFOWITZ. I have no single issue that will animate my work in the Department. Rather, I will focus my efforts on helping Secretary Rumsfeld attain the President's three major goals for the Defense Department:

- First, to strengthen the bond of trust with the American military;
- Second, to develop the capabilities to defend against missiles, terrorists and the complex set of threats to our information systems and our all-important assets in space; and
- Third, to take advantage of the technological revolution in order to help us create a military for the 21st century.

At the end of my tour, if I have improved the well-being of the Department's people—military and civilian, Active and Reserve—and their ability to defend our Nation, I will consider my mission accomplished.

MULTINATIONAL FORCE AND OBSERVERS—SINAI FORCE DEPLOYMENT

6. Senator THURMOND. A significant concern with both the Bosnia and Kosovo deployments is that they appear to have no end. We only need to look at our deployments to the Sinai Peninsula that started in 1982. The 900 servicemembers year round commitment contributes to the high operations pace of our Armed Forces and is a drain on the Department of Defense's resources.

In this era of peace between Egypt and Israel, what do these forces contribute to the peace in the region and when will this commitment end?

Dr. WOLFOWITZ. MFO-Sinai has been a particularly successful peacekeeping operation and a highlight of the continued peace between Egypt and Israel. The presence of U.S. forces in the MFO has been a major contributor to mutual Egyptian-Israeli confidence in the Camp David Accords. This success now presents the opportunity to consider whether this commitment is still necessary. The Department is now reviewing options for the possible reduction of U.S. troop commitment in the Sinai.

DEPARTMENT OF DEFENSE FACILITIES

7. Senator THURMOND. The average age of the Department of Defense facilities is 41 years and is increasing. To support this infrastructure the Department is investing less than 2 percent of its replacement value while the accepted corporate standard is at least 3 percent. In simple terms, we are not investing sufficient resources to maintain our facilities to ensure the quality of life and readiness.

As the next Deputy Secretary of Defense you will have a significant role in ensuring the readiness of our facilities. Other than providing the necessary fiscal resources to maintain our facilities, what other steps can the Department take to resolve this critical issue?

Dr. WOLFOWITZ. You are right, Senator, our physical plant is aging. DOD has previously reported that it maintains excess infrastructure. We will continue to demolish and dispose of excess facilities individually. We plan to improve utilization of existing facilities through more joint use and through partnering with the private sector on leasing underutilized facilities. However, the Department is currently conducting a comprehensive defense review that will help guide decisions regarding our infrastructure strategy. Until that review is complete, I will defer judgment on whether further initiatives and additional funding are needed.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

U.S.-CHINA MILITARY-TO-MILITARY RELATIONS

8. Senator SMITH. I believe China is a serious threat to U.S. national security and our allies in Asia. In 1999, Rep. Tom DeLay and I addressed the threat posed by the Clinton administration's policy of engagement with China with an amendment restricting military-to-military exchanges, a law which we believe the Clinton administration circumvented. We believe the military-to-military briefings given by DOD made available sensitive U.S. military information to the People's Liberation Army.

Would you support ending this military-to-military exchange program? Or would you propose to overhaul it to convert it into a program that teaches code of conduct for soldiers, the role of a military in a democratic society, etc., information which would actually benefit the PLA and would promote our stated goals of encouraging China to democratize?

Dr. WOLFOWITZ. Section 1201 of the Fiscal Year 2000 National Defense Authorization Act prohibits "inappropriate exposure" of U.S. operational capabilities and technologies to Chinese visitors. The Department of Defense will continue to strictly comply with the requirements of this provision in our military-to-military engagement with the PRC. As the new administration settles in place, we are undertaking a serious review of the schedule of military-to-military events with the PLA planned for 2001. In this review, we will ensure that our military-to-military program with the PLA supports U.S. policy objectives and will emphasize that the program must have increased reciprocity and transparency on the part of the PLA. Secretary Rumsfeld conveyed this message clearly and directly to senior Chinese leaders during his March 22, 2001 meeting at the Pentagon with Chinese Vice Premier Qian Qichen.

EXPORT CONTROLS

9. Senator SMITH. I am very concerned over easing export control restrictions to China, which has allowed the Chinese Government to purchase powerful computers and garner sensitive aerospace technology assistance from the United States that can be employed for military purposes. How do you see the DOD working to prevent such dual-use transfers of technology from occurring under the Bush administration? Do you believe the DOD should have a heightened role in determining the sale of sensitive dual-use technologies to China?

Dr. WOLFOWITZ. My objective is to ensure that we have a robust export control system that controls sensitive items and technologies that represent national security or proliferation risks. I am committed to ensuring that DOD plays a key role in the development and implementation of export control policy. In this regard, I will be paying close attention to the operation of existing interagency mechanisms and will work to revise them if it is necessary to protect our national security interests, particularly with regard to exports of sensitive dual-use technologies to high risk destinations.

TAIWAN POLICY

10. Senator SMITH. I support the sale of U.S. military hardware, including the Aegis system, to Taiwan in order for the island nation to defend its democracy against Chinese threats to reunify through military aggression. Furthermore, I support the Taiwan Security Enhancement Act (TSEA).

Do you agree that the U.S. should sell advanced military hardware such as the Aegis system and other types of military hardware to Taiwan to balance the military situation in the Taiwan Strait? Will you push for TSEA's passage in the Senate since President Bush endorsed the measure as a candidate?

Do you believe the United States military has a role to play in the collective defense of Taiwan as a democratic friendly nation beyond military hardware sales should China initiate military aggression towards Taiwan?

Dr. WOLFOWITZ. We support the provision of defense articles and services in accordance with the Taiwan Relations Act. We are currently evaluating this year's Taiwan's arms sales requests, to include the Aegis-derived Evolved Advanced Combat System. With regard to the Taiwan Security Enhancement Act, we support the intent of the legislation—ensuring the security of Taiwan. As has been stated publicly, the United States remains committed to maintaining regional peace and stability in this region, and we continue to stand firmly for the peaceful resolution of differences between the PRC and Taiwan. With regard to U.S. military support to Taiwan beyond arms sales, our forces are postured to safeguard U.S. interests and to react quickly to a range of possible contingencies in the region.

KE–ASAT

11. Senator SMITH. Over the last decade I have encountered considerable difficulty within the DOD and the previous administration to ensure the development and deployment of the Kinetic Energy Anti-Satellite (KE–ASAT) program. I believe we should finish the KE–ASAT program (which is 90 percent complete), which provides defensive measures against hostile space assets surveiling U.S. forces.

Do you support programs such as KE–ASAT that will protect U.S. troops and ensure U.S. military dominance? I would like to ask you for your commitment to completing this vital program and providing the necessary oversight over SMDC to do so, including returning the team to the program and necessary funding for completion, as General Shinseki committed to me to do.

Dr. WOLFOWITZ. I fully support protecting our U.S. troops and doing what is necessary to ensure U.S. military dominance. We will be looking at a new strategy for America's defense in our strategic review and subsequently in the Quadrennial Defense Review. As part of these reviews, we will look at how to programmatically and operationally support these very important goals.

SPACE COMMISSION REPORT

12. Senator SMITH. Last month, Secretary Rumsfeld released the findings of the Space Commission Report which made several recommendations to improve military space management and assets.

What are your views on the need to reform military space management and the need to implement the recommendations made by Secretary Rumsfeld and the Commissioners?

Dr. WOLFOWITZ. It is clear that the United States relies significantly on space for our national security. We need to ensure that the management and the organization of our national security space program reflect the importance of space to the Nation today. I believe that a more comprehensive approach is necessary to assign clear responsibilities and accountability for national security space programs. The Space Commission has presented a thorough, independent and objective assessment of our national space program. In our strategic review, we must seriously consider their recommended management and organizational changes if we are to meet the national security space needs of the 21st century.

COOPERATIVE THREAT REDUCTION

13. Senator SMITH. I have serious concerns with the Cooperative Threat Reduction (CTR) program which I believe subsidizes the Russian Government's ability to improve their military at U.S. taxpayers expense—allowing the Russians to use our funds to replace obsolete weapons with more sophisticated ones. Meanwhile, the Russians continue to modernize their military and proliferate weapons of mass destruction to other hostile states.

Do you believe the Cooperative Threat Reduction program could be reinvented to reach its original objectives—i.e. reducing the threat and conditioning funding to Russian compliance, particularly on proliferation issues?

Dr. WOLFOWITZ. As Secretary Rumsfeld has noted to Congress, the elimination of former Soviet strategic nuclear weapons and their delivery vehicles under the Coop-

erative Threat Reduction (CTR) program has benefited U.S. national security. I would note that the CTR program does not provide funds to the Russian Government. All assistance is in the form of contracts to either U.S. companies or to Russian enterprises and institutes. The weapon systems being eliminated are mainly operational systems while the pace of Russian strategic modernization remains slower than projected. Nevertheless, a review of ongoing CTR projects and their national security implications is appropriate and has now begun.

CHINESE MISSILES

14. Senator SMITH. Last year, I addressed in a floor amendment the sale of the Russian-made Moskit sea-skimming missiles purchased by China for use on Sovremenny Class destroyers, which China now possesses.

How do you view this direct threat to U.S. naval forces in the Pacific and how do we aid Taiwan as required under the TRA to counter this escalated threat?

Dr. WOLFOWITZ. Due to its high speed and maneuverability, the Moskit sea-skimming missile does present technical challenges to navies around the world. The Taiwan military has some limited capability against Moskit missile through U.S. supplied weapons systems. Perry-class and Knox-class frigates are equipped with the PHALANX Close-In Weapons System (CIWS), which is designed to intercept surface skimming, low-flying anti-ship missiles. In the event of a conflict, Taiwan's F–16 aircraft, equipped with the air-launched Harpoon missiles, could be used to attack People's Republic of China ships equipped with the Moskit anti-ship cruise missile.

PHALCON SALE

15. Senator SMITH. I have recently read in defense industry publications that Israel is attempting to resurrect its Phalcon early warning radar sale with China. This sale will increase China's ability to project force in the Taiwan Strait and into the South China Sea. I believe this sale would also threaten the U.S. Navy's 7th Fleet. What would you do as Deputy Secretary of Defense to deter this sale to China?

Dr. WOLFOWITZ. The United States has consulted with the Israeli government closely on its proposal to sell the Phalcon early warning aircraft to China. We have made clear to the Israelis that we view the Phalcon as a threat to U.S. interests and regional stability in Asia, as well as a potential threat to any U.S. forces involved in a military conflict with China, and we have clearly stated our opposition to the sale. Then-Prime Minister Barak announced in July 2000 that the sale would not go forward, and we consider the matter closed.

NATIONAL MISSILE DEFENSE

16. Senator SMITH. I am an ardent supporter of the creation of a multi-tiered missile defense system. I believe the United States should move forward with developing and deploying this system. Furthermore, I am in full agreement with Secretary Rumsfeld's assessment that without a missile defense, hostile nations will be able to alter the actions and limit options available to the United States.

Would the abrogation of the ABM Treaty help with the goal of pursuing missile defense?

How should the United States approach providing Great Britain, Japan and Taiwan and other allies with missile defense capabilities?

Dr. WOLFOWITZ. The issue of how to handle the ABM Treaty will be part of our overall strategic review. However, as senior administration officials have made clear, the ABM Treaty, in its current form, is no longer relevant. We will look at missile defense options unconstrained by the ABM Treaty, to see what makes the most sense. We hope to persuade the Russians of the need to permit deployment of effective missile defenses. But as Secretary Powell has noted, it may be necessary to withdraw from the ABM Treaty if the government of the Russian Federation will not agree to modifications necessary to accommodate our missile defense programs.

The administration has made clear that our proposed missile defenses would protect our friends and allies as well as the United States. We have also made clear our commitment to close and substantive consultations with allies. These consultations have begun, and we will seek the views of our allies about specific missile defense responses to the growing ballistic missile threat.

PEACEKEEPING AND HUMANITARIAN MISSIONS: IMPACT ON READINESS

17. Senator SMITH. I am disturbed at the dangerous decline of the U.S. military over the last decade. There is a long list of issues that concern me, but in particular, I see a pressing need to address military readiness. Furthermore, I believe peacekeeping and humanitarian missions correlate directly to our current readiness dilemma. What do you believe is the best way to work with the DOD to reverse our readiness deficiencies and to terminate U.S. peacekeeping and humanitarian missions that have no bearing on U.S. national security interests? Is anyone at DOD conceiving an exit strategy for the Balkans?

Dr. WOLFOWITZ. The Secretary is actively reviewing U.S. military participation in the full range of ongoing peace operations, humanitarian operations, and routine engagement activities to ascertain ways for reducing tempo strains on our personnel while also continuing to advance U.S. interests. In this regard, it is worth noting that in some cases, such as communications, engineering, and civil affairs, the impact of ongoing operations on readiness is not entirely negative, as they can provide excellent training for certain military specialties.

Our strategic goals in the Balkans are to maintain peace and security in South Eastern Europe, protect the strength of the NATO Alliance, and maintain U.S. credibility with our European Allies. With that in mind, we want to avoid precipitous withdrawals while continuously reviewing troop levels to tailor them properly to mission and environment. Changing conditions in Bosnia and Kosovo will allow adjustments with the intent of "right-sizing" our forces to the tasks at hand.

DEFENSE REVIEW

18. Senator SMITH. I am pleased that Andy Marshall has been selected to review the structure of the Defense Department. When will this review be completed and what kind of input will you or other appointees have in it? Will Senate Armed Services Committee members be briefed on Marshall's findings?

Dr. WOLFOWITZ. To clarify the structure of our review, Andy Marshall has been asked to review the Department's overall strategy. Additional reviews will be conducted to look at other areas of concern. Later this spring, Secretary Rumsfeld will provide testimony in support of the fiscal year 2001 Supplemental Budget, at which time he will outline some broad aspects of the review for Congress.

SECURITY CLEARANCE BACKLOG

19. Senator SMITH. Last year, I passed legislation that tightened the requirements for people seeking DOD security clearances for job-related purposes following revelations of clearances being granted to felons. But there is another problem, the clearance backlog.

The Defense Security Service (DSS) is still a chaotic and demoralized agency and the security clearance backlog has not improved. What is being done to resolve this problem? Will new leadership be appointed at the DSS?

Dr. WOLFOWITZ. I share your concern that this is a very serious issue that must be addressed quickly. As we assemble our senior leadership team, it will be a priority to consider any process changes that may be necessary to alleviate the current backlog in security clearances.

BASE CLOSURES

20. Senator SMITH. As I understand it, a BRAC round is being considered as a way to save money by the DOD. Portsmouth Naval Shipyard, (PNSY), which is located in New Hampshire, represents the best performance shipyard for attack subs. PNSY successfully rolled out "smartbase" technologies to demonstrate to the DOD the cost saving improvements of the "smartbase" technology. Can you outline what you believe are the parameters of any BRAC Secretary Rumsfeld and you would like to see?

Dr. WOLFOWITZ. Our base structure should fit our force structure requirements. We are looking at the issue of excess infrastructure, and will make a decision on how best to address this as soon as we can in the review process. When we have established the proper relationship between the force structure needed to execute our national security strategy and the infrastructure needed to support that force, we will work closely with Congress to develop a process that is fair and true to that objective.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

BASIC RESEARCH FUNDING

21. Senator SANTORUM. President Bush has emphasized the need to fund "leap ahead" technologies and has mentioned the possibility of "skipping a generation of weapons to make them more lethal and mobile." The only way this policy will succeed is if President Bush commits to investing heavily in basic sciences in American universities.

The Department of Defense has historically played a major Federal role in funding basic research and has been a significant sponsor of engineering research and technology development conducted in American universities. For over 50 years, Department of Defense investments in university research have been a dominant element of the Nation's research and development (R&D) infrastructure and an essential component of the U.S. capacity for technological innovation.

Supporting university research benefits the Department of Defense in many ways. In addition to producing important advances in knowledge, support to university research helps keep top scientists and engineers involved in defense research. Also, students who get hands-on research training become the highly qualified scientists and engineers of the future who go to work in academia, industry, and Federal laboratories.

In the 1990s, Basic Research funded through the Department of Defense peaked at $1.489 billion in fiscal year 1993 and declined to a level of $1.059 billion in fiscal year 1998. In fact, funding for Department of Defense Basic Research began to increase, beginning in fiscal year 1999, only after Congress took the lead in reversing this trend.

Do you believe that there exists a mismatch between the goals of President Bush and levels of investment in our Department of Defense Basic Research accounts?

If so, what do you believe is a more accurate figure that ought to be invested in Department of Defense Basic Research funding?

Can you indicate any short-term goals that you feel are achievable with respect to Department of Defense Basic Research funding?

Dr. WOLFOWITZ. First, it is important to review the funding history for the Department's Basic Research program. The funding numbers you have cited for fiscal years 1993 and 1998 are appropriated values in fiscal year 2001 constant dollars. The table below shows both the requested and appropriated amounts for the Department's Basic Research program in fiscal year 2001 constant dollars.

BASIC RESEARCH DOLLARS IN MILLIONS/FISCAL YEAR 2001 CONSTANT

	Fiscal Year								
	1993	1994	1995	1996	1997	1998	1999	2000	2001
Requested	1,277	1,398	1,337	1,300	1,220	1,215	1,148	1,133	1,217
Appropriated	1,489	1,312	1,282	1,176	1,090	1,059	1,098	1,157	1,314
Difference	+213	−86	−55	−124	−130	−156	−50	+24	+97

As stated in "A Blueprint for New Beginnings," outlining the President's Budget Request to Congress, "the President believes that the Nation's defense strategy should drive decisions on defense resources." Such is the case with Basic Research. However, determining a sufficient level of investment for Basic Research is not a precise science, rather it is a strategic decision to invest in broad areas of research that have the potential of yielding revolutionary advances, as well as pursuing solutions to known operational problems. An investment in Basic Research pays dividends in many ways. Basic research is a long-term investment with an emphasis on opportunities for military application in the future, yet it also, as you note, contributes to our national academic and scientific knowledge base by providing approximately 40 percent of the research funding for the Nation's colleges of engineering. The Department will sustain an investment in Basic Research because of proven significant, long-term benefits.

It has always been the Department's goal to fund Basic Research, and the remainder of the Science and Technology program, at a level adequate to ensure the technological superiority of our armed forces. However, we also need to ensure that the funding levels of the various components of the DOD budget are balanced based on our assessment of the most urgent requirements at any given time. The Department's compelling desire to increase the modernization budget, while sustaining readiness at a high level, must also be considered. The amount of funding the De-

partment will request for Basic Research will, I believe, be adequate to maintain our technological superiority both near-term and in the future.

DEFENSE INDUSTRIAL BASE

22. Senator SANTORUM. Last year, based on concerns articulated by the defense industry, the Department of Defense initiated a review of ways to improve not only the health of the defense industrial base but also competition among these companies. The review was carried out by a Defense Science Board (DSB) panel. The goal of the process was to see what kinds of actions in terms of acquisition practices, rules and regulations needed to be changed in order to help the Department get lower costs and more innovation.

The DSB report, *Preserving a Healthy and Competitive U.S. Defense Industry to Ensure our Future National Security,* concluded that the Department of Defense must move aggressively to help American companies attract and retain top talent as well as improve overall profitability by continuing changes in profit policies boosting investment in defense research and development.

The DSB panel issued a listing of 27 regulatory and policy changes designed to help ensure the financial health of the defense industry.

Have you reviewed the DSB panel's report on improving the health of the defense industry?

Are there other policy or regulatory changes that you would recommend to improve the health of the defense industry and improve innovation that were omitted by the report?

Are there ways that the Department could do a better job at encouraging firms to increase their independent research and development (IR&D) efforts?

Are there changes that can be made which will enable individuals who leave the private sector for public sector service the ability to return to private sector employment?

Dr. WOLFOWITZ. We are continuing to address the recommendations of the DSB panel's report. As we assemble our management team, we will be examining recommendations made by a variety of groups, such as the Business Executives for National Security Tail-to-Tooth Commission, in order to establish the initiatives we intend to pursue. It is recognized that we must consider ways that the Department can encourage firms to increase their IR&D efforts. For example, the recommendation made by the DSB to revise the IR&D policy regarding fees could incentivize contractors to spend IR&D dollars. This is an area that certainly requires further analysis and careful consideration. At this point, it would be premature to offer more specific detail on changes that may be necessary.

BASE CLOSURES

23. Senator SANTORUM. The military base closure process (BRAC) was first established in 1988. Since that time, 97 bases have been closed and about 400 have been realigned. The process of closure and community development after the base closes has suffered from problems in the past, especially in the late 1980s and early 1990s. Accordingly, between 1992 and 1995, the Federal Government adopted policies to improve the reuse and redevelopment process governing these closed facilities.

Congressional efforts to authorize additional base closing rounds have been unsuccessful due in large part to the belief that President Clinton interfered with the integrity of the process during the 1995 BRAC review.

In an effort to re-start the base closing process, several Members of Congress have discussed the creation of a "two-step" BRAC process. Under this proposal, the military services would identify certain "core" bases that would not be considered for closure. Facilities like the Pentagon or Andrews Air Force Base would fall into this category. These core facilities, which might comprise up to 25 percent of all bases, would be exempt from further review by the base closure commission.

A full assessment of "non-core" bases would follow this initial review period. Proponents of this approach believe that the two-step process would help eliminate community uncertainty and also help "core base" communities avoid the expense of hiring consultants and other experts to guide them through fighting the closure process.

Do you believe that the Department of Defense should recommend to President Bush that he request authorization of additional BRAC rounds?

If so, do you believe that the process must be changed to restore faith in the fairness of the process?

What are your thoughts on the proposed "two-step" BRAC process that has been suggested?

Dr. WOLFOWITZ. Our base structure should fit our force structure requirements. We are looking at the issue of excess infrastructure, and will make a decision on how best to address this as soon as we can in the review process. When we have established the proper relationship between the force structure needed to execute our national security strategy and the infrastructure needed to support that force, we will work closely with Congress to develop a process that is fair and true to that objective.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

STRATEGIC REVIEW

24. Senator LIEBERMAN. What is your role in the current strategic review?

Dr. WOLFOWITZ. As the Deputy Secretary of Defense I am part of a small group reviewing the work of each panel associated with our overall look at the Defense Department structure. I provide guidance regarding the particular areas each panel undertakes, as well as reviewing their results. I also make recommendations to Secretary Rumsfeld on various aspects of the overall review.

TRANSFORMATION

25. Senator LIEBERMAN. What do you think are the necessary actions to effect transformation?

Dr. WOLFOWITZ. Successful military transformation will require several actions, the first of which is to generate organizational slack and free-up resources needed to develop future capabilities. Second, we need to create new, experimental forces dedicated to the development of new combat capabilities. These forces would conduct long-term experiments, develop operational concepts and even look at new ways of organizing forces. Finally, when the U.S. engages in conflict, these new units, should they prove effective, would be vanguard forces to test and refine our new methods.

STRATEGIC REVIEW

26. Senator LIEBERMAN. How do you intend to assure the strategic review puts the main focus on these actions?

Dr. WOLFOWITZ. As discussed earlier, Andy Marshall is conducting one element of the strategy review. For the past 8 years, he has carefully reviewed past military transformation efforts and the conditions that allowed them to be successful. Also, there is a panel dedicated solely to the issue of transformation among the group of panels contributing to the Defense review.

QUADRENNIAL DEFENSE REVIEW

27. Senator LIEBERMAN. How do you see the review connecting to the Quadrennial Defense Review (QDR)?

Dr. WOLFOWITZ. The Defense review is an iterative process that will be ongoing. The findings and recommendations of the various elements of the Defense review will serve as road maps for key issues that must be considered during the QDR process, and subsequently, in the development of future budget requests.

DEFENSE REVIEW

28. Senator LIEBERMAN. Please tell us the time lines for the review.

Dr. WOLFOWITZ. Again, I want to emphasize that the Defense review is an iterative process that will be ongoing. Accordingly, specific completion dates have not been established.

TOP PRIORITIES

29. Senator LIEBERMAN. What do you see as the top priorities for the Defense Department and the Pentagon?

Dr. WOLFOWITZ. The Department's top priorities, as outlined by Secretary Rumsfeld are:

1. Fashion and sustain deterrence appropriate to the new national security environment, aimed at devaluing investment made in weapons of mass destruction and their delivery systems. This must be based on a combination of nuclear and nonnuclear defensive capabilities working together to deny the opportunity and benefits associated with the threat or the use of weapons of mass destruction against U.S. forces, our homeland, and our allies.

2. Assure the readiness and sustainability of our forces, reducing unnecessary risks to American interests and to the lives of American service men and women. Inadequate readiness takes a larger toll on the future quality of our forces. Even the highest morale is eventually undermined by back-to-back deployments, poor pay, shortages of spare parts and equipment, and declining readiness.

3. Modernize U.S. Command, Control, Communications, and Intelligence (C^3I) capabilities to support our 21st century needs. Modern C^3I infrastructure is the foundation upon which military power rests, and is fundamental to the transformation of U.S. military forces. We must also strengthen our intelligence capabilities and our space capabilities and protect those assets against various forms of attack.

4. Transform the U.S. defense establishment to address our new circumstance by swiftly introducing new weapons systems. Undertake near-term investment to acquire modern capabilities derived from U.S. scientific and industrial preeminence.

5. Reform DOD structures, processes, and organization. The legacy of obsolete institutional structures, processes, and organizations creates unnecessary costs and imposes unacceptable burden on national defense. We will examine omnibus approaches to changing the statutory and regulatory basis for the most significant obstacles to reform.

THE ROLE OF THE DEPUTY SECRETARY OF DEFENSE

30. Senator LIEBERMAN. Will you adhere to the habitual role of the DEPSECDEF and manage the day-to-day operations of the Pentagon?

Dr. WOLFOWITZ. Yes, it is fair to say that while the Secretary is the Chief Executive Officer, the Deputy functions mainly as the Chief Operating Officer (COO). This normal business relationship does not extend to the day-to-day supervision of military operations, but does cover most other areas of responsibility in the Department.

31. Senator LIEBERMAN. Will your role be policy or management?

Dr. WOLFOWITZ. I believe it is impossible to separate policy formulation and management. In general, I intend to be the COO of the Department. I realize that we will have an Under Secretary for Policy, as well as other senior officials in the Department with responsibility for various aspects of policy. My prior service as Under Secretary for Policy will in no way limit the traditional authority of those officials.

32. Senator LIEBERMAN. Given your depth of policy expertise, how will you coordinate your role with the Under Secretary for Policy, once he/she is nominated?

Dr. WOLFOWITZ. The Under Secretary for Policy will function in much the same way as they have in the past. I will assist and give guidance as necessary, but the fact that I once held this position will not limit the prerogatives of the incumbent.

HOMELAND DEFENSE

33. Senator LIEBERMAN. What should be the Pentagon's role in the broader issue of homeland defense?

Dr. WOLFOWITZ. Homeland defense is not a new mission area. The U.S. military has a long and proud tradition of protecting the American homeland from a wide variety of threats. Over time, the nature of the threat has changed—from traditional land and maritime invasion in the country's early years, to potential nuclear attack during the Cold War, to the present day potential of nuclear, biological, chemical, missile and information attacks from both state and non-state actors, such as terrorists. As part of our strategic review we will be addressing how the Department of Defense should be postured to ensure continued defense of the U.S. homeland from these evolving threats.

MILITARY PAY

34. Senator LIEBERMAN. Do you believe there is a pay gap for military members?

Dr. WOLFOWITZ. Much has been written about the existence of a military "pay gap." Many argue that difficulty in recruiting and retaining high quality people in itself suggests the presence of a pay gap, but I believe the fundamental issue is the ability of pay to attract and retain a quality force. Recognizing that it has become increasing difficult to recruit and retain amidst today's economy, one can make a case that pay may not be adequate. One of my important responsibilities will be to ensure that great attention is paid to sustaining a level of military pay that is competitive, and supportive of consistent success in recruiting and retention.

35. Senator LIEBERMAN. Do you support a military pay raise?

Dr. WOLFOWITZ. Yes. The President recently announced an additional $1.4 billion to be directed to military pay. This will provide for a minimum pay raise of 4.6 percent on January 1, 2002, and $1 billion to be used to address specific recruiting and retention needs.

36. Senator LIEBERMAN. Should the next pay raise be across the board or targeted, as in pay for skill?

Dr. WOLFOWITZ. I believe all military members should receive a pay raise, and the President has proposed that all members will get a minimum of a 4.6 percent raise on January 1, 2002. Exactly how to use the President's additional billion dollars needs further review.

DEFENSE HEALTH PROGRAM

37. Senator LIEBERMAN. What do you consider to be the most significant threats to the Defense Health Program (DHP) and the ongoing implementation of TRICARE?

Dr. WOLFOWITZ. It is imperative that the Defense Health Program (DHP) maintains a fully funded budget that allows for a stable business environment. The absence of adequate funding directly impacts patient care in the Military Health System. With the implementation of expanded TRICARE benefits for our Medicare-eligible beneficiaries, directed by the National Defense Authorization Act for Fiscal Year 2001, funding continues to be a challenge. The Department has identified an approximate shortfall of $1.4 billion for fiscal year 2001 and will continue to assess DHP funding requirements as well as necessary solutions during the Secretary's strategic review.

TEMPO FOR OUR ARMED FORCES

38. Senator LIEBERMAN. Do you have any plans to reduce tempo for our armed forces?

Dr. WOLFOWITZ. The use of military force is one of the most important decisions a President can make. We in the Department will work closely with the President and his senior advisors to develop appropriate policies to guide the use of our military forces in peacetime, crisis and war. A decision to employ U.S. military forces in support of our national interests is one that should never be taken lightly. Likewise, the decision to sustain, reduce, or end the commitment of U.S. forces to ongoing operations must be informed by careful assessment and deliberation. Working with Congress and our allies, we will reexamine the balance among force levels, commitments and deployments. We will ensure that we are focusing on the most important defense tasks and not placing unreasonable demands on our men and women in uniform. Still, we recognize that deployments will always be a part of military life, and we will continue to improve the ways we monitor and manage them.

39. Senator LIEBERMAN. Given that the Services are different and even define tempo differently, how do you plan to measure tempo in a consistent manner?

Dr. WOLFOWITZ. We recognize that deployments will always be a part of military life, and we continue to improve the ways we monitor and manage them. Last year, DOD implemented a department-wide tempo management system to allow us to identify the activities that have most affected the pace of operations and help us to better manage the demands on our people. Also adopted was a common definition for personnel tempo that allows us to measure it in a consistent manner across the Department. Personnel tempo is defined as the time an individual spends away from his or her home station.

TWO MAJOR THEATER WAR (MTW) FORCE STRUCTURE

40. Senator LIEBERMAN. Is the two MTW force structure the right planning tool to create a military prepared for the dangers of a new century? If not, what would you support using instead?

Dr. WOLFOWITZ. Modern history suggests that the United States has often faced more than one security contingency at a time. With that history in mind, the Department's preparations to deal with multiple challenges have been appropriate. However, the increasing diversification of current and emerging threats requires that we build forces and operational concepts aimed at fashioning a new approach to deterrence. This issue will be examined in the strategic review.

NATIONAL MISSILE DEFENSE

41. Senator LIEBERMAN. What type of NMD system should the U.S. pursue?

Dr. WOLFOWITZ. President Bush has said that the U.S. must build effective missile defenses, based on the best available options, at the earliest possible date, and that missile defenses must be designed to protect all 50 states, our friends and allies, and our deployed forces overseas. The administration is currently undertaking a major review of missile defense as part of a broader strategic review examining our future offensive and defensive requirements. In this review, we are examining all available technologies and basing modes that could contribute to an effective and affordable missile defense.

42. Senator LIEBERMAN. Given the limited funds available, what recommendations would you give regarding finding money for NMD?

Dr. WOLFOWITZ. We are currently reviewing our policy with regard to missile defenses and how they can best contribute to deterrence in the current and emerging strategic environment. Given this, no decisions have yet been made with regard to possible deployments or funding requirements.

43. Senator LIEBERMAN. What is your priority if forced to make choices among NMD and conventional forces?

Dr. WOLFOWITZ. The top priorities of the Department include the deployment of effective missile defenses, the assured readiness and sustainability of our deployed conventional forces, the modernization of command, control, communications, intelligence and space capabilities, and the transformation of the means by which we acquire these forces. Additionally, the Secretary is currently conducting a comprehensive review of the defense strategy and program, which includes our missile defenses as well as our conventional forces. Given this, no decisions have yet been made with regard to making funding choices among different programs.

44. Senator LIEBERMAN. How will the U.S.'s plans change if our European allies refuse to support U.S. NMD plans and Russia and China execute a nuclear force expansion as a result?

Dr. WOLFOWITZ. As we move forward with missile defense, the administration is committed to consulting closely with our friends and allies to address their concerns and explore their possible participation in the program. The U.S. wants to deploy defenses that would protect our friends and allies as well as ourselves. We see missile defense as a necessary element of deterrence and an opportunity for a collective approach to enhancing security for all.

We will also engage Russia and China on missile defense and seek to address their concerns about our defenses.

Clearly, the missile defenses we are pursuing are so limited that they would not call into question Russia's nuclear deterrent. As for China, the Chinese have already embarked upon significant modernization of their nuclear forces that predates, and will take place regardless of, current U.S. NMD planning.

45. Senator LIEBERMAN. What is your reaction to the Russian European Missile Defense proposal?

Dr. WOLFOWITZ. We are currently examining the Russian proposal. The U.S. government welcomes the fact Russia recognizes that Europe also faces a serious threat from weapons of mass destruction and missile delivery systems. While we welcome the prospect of cooperation in principle, the deployment of a "Pan-European" TMD system would not defend North America from ballistic missile attacks, and is therefore not a substitute for the deployment of a missile defense capable of defending North America.

STOCKPILE STEWARDSHIP PROGRAM (SSP)

46. Senator LIEBERMAN. Will you support full funding for the Stockpile Stewardship Program (SSP)?

Dr. WOLFOWITZ. As Secretary Rumsfeld made clear in his confirmation hearing, maintaining high confidence in the U.S. nuclear weapons stockpile is critically important to the national security interests of the United States. I believe that the administration needs to review the Stockpile Stewardship Program and to evaluate how well it has done its job to date, and how well it will likely meet future stockpile issues. Following on that review and evaluation, it should be in a position to make informed decisions on the future of the Stockpile Stewardship Program, including appropriate levels of funding.

NUCLEAR WEAPONS TESTING

47. Senator LIEBERMAN. You have stated that continued nuclear weapons testing is not an impediment to arms reductions. That, on the contrary, our confidence in the reliability of our weapons has enabled us to take the lead in nuclear arms reductions since the end of the Cold War. Can you explain this? If the U.S. tests, what argument would you use with the nations who might then decide on their own limited test program?

Dr. WOLFOWITZ. During the last 5 years that the United States was conducting nuclear tests (1987–1992), we concluded arms control agreements and announced unilateral initiatives to reduce the number of U.S. nuclear arms by many thousands of warheads. So clearly, nuclear weapons testing is not an impediment to nuclear arms reductions. Indeed, our decisions to make these reductions were in part based upon the fact that due to nuclear testing we believed that our residual stockpile of nuclear weapons was safe, secure, and highly reliable.

BALKANS POLICY

48. Senator LIEBERMAN. What policy do you expect to promote for U.S. forces in the Balkans?

Dr. WOLFOWITZ. The presence of U.S. forces in the Balkans is key to the successful outcome of these missions with associated issues of regional stability, both U.S. and NATO credibility, and alliance cohesion. However, we do believe that conditions in Bosnia have changed so as to allow a restructuring of the force, and we are working with our allies through the normal NATO 6-Month Review process and associated Stabilization Force (SFOR) Restructuring Options Study to achieve this. In Kosovo, the situation remains unstable enough to require engagement at current levels. However, we will pursue a change in the capabilities of the existing force more appropriate to the current mission.

49. Senator LIEBERMAN. Do you advocate a full or partial withdrawal of U.S. forces in the Balkans?

Dr. WOLFOWITZ. Withdrawal of U.S. troops from the Balkans is a function of many things: the security situation, our position in NATO, regional stability. I am committed to withdrawing U.S. troops when the situation warrants. That will be done through the established NATO processes. I do feel that the situation in Bosnia should allow for restructuring of SFOR. Kosovo, however, is still unstable, and will require a more careful examination in consultation with our allies before any decisions are taken there. Within these factors, then, I am committed to withdrawing our soldiers as quickly as possible.

50. Senator LIEBERMAN. What strategy would you recommend we undertake regarding the Balkans?

Dr. WOLFOWITZ. With the fall of Milosevic, and the consequent rise of a democratic-oriented government in Belgrade, the dynamics of the region have changed. We should clearly be able to focus on things such as: promoting rule of law, respect for human rights and civil society; combating crime and corruption; assisting in economic reform and revitalization; and regional cooperation as basis for integration into European institutions. These are the means by which we may capitalize on the change in the strategic context.

51. Senator LIEBERMAN. How do you intend to pursue that with our European allies and the Russians?

Dr. WOLFOWITZ. The current engagement with our European allies continues to be effective. Increasingly, they are assuming more of the burden, and we will continue to press them on this.

Ironically, our relations with Russia by way of the SFOR and International Security Force (KFOR) missions continue to be strong and cooperative. Our goal should be to build on these relationships through the NATO Permanent Joint Council and other bilateral means so as to gain their effective cooperation in dealing with the Balkan states.

ACCELERATING DRAWDOWN FOR IRAQI OPPOSITION

52. Senator LIEBERMAN. Will you act to accelerate the drawdown authority you have for the Iraqi opposition?

Dr. WOLFOWITZ. It all depends on how the drawdown authority is to be used. The administration is in the process of reviewing all elements of U.S. policy toward Iraq. This review will address whether efforts to promote regime change are appropriately focused. Until that review is complete it would be premature to make a judgment as whether the use of the drawdown authority should be changed.

UPGRADING SUPPORT FOR THE IRAQI OPPOSITION

53. Senator LIEBERMAN. Some speculate that the new administration's most promising option for putting Saddam "back in the box", in addition to bombing, is to support the Iraq National Congress (INC). How would you recommend the U.S. upgrade our political, economic, and military support of the opposition? What are the plans to do this?

Dr. WOLFOWITZ. The administration is in the process of reviewing all elements of U.S. policy toward Iraq. This review will address whether our efforts to promote regime change are appropriately focused. Until that review is complete it would be premature to make a judgment on the exact nature of our future support to the Iraqi National Congress.

SUPPORT FOR THE IRAQI OPPOSITION

54. Senator LIEBERMAN. How far should we be willing to go with regards to support for the INC-funds, weapons, equipment, sales, joint training, TMD, etc.?

Dr. WOLFOWITZ. As part of our comprehensive policy review on Iraq, we are exploring how best to work with the Iraqi National Congress and other opposition groups to promote a regime transition in Iraq. Until the policy review is completed, it would be premature to speculate on the details of our support.

INC CHARTER

55. Senator LIEBERMAN. What will the INC task force's charter include? When do you see it in place and functioning?

Dr. WOLFOWITZ. The administration is reviewing its Iraq policy, including how it will work with the INC.

REGIME CHANGE STRATEGY

56. Senator LIEBERMAN. You have talked about the current policy of containment regarding Iraq. You have stated that when this policy collapses, the U.S. will face a Saddam who has new nuclear, biological, and chemical weapons and a renewed capacity to conduct conventional warfare and terrorism, and who is bent on avenging his 1991 defeat. Further, this policy would risk many more lives than trying to overthrow Saddam by force. What are your recommendations regarding this new Iraqi strategy? What do you see as the Pentagon role? How will this affect U.S. force posture and OPTEMPO? What would you do to deal with increased OPTEMPO?

Dr. WOLFOWITZ. There can be do doubt that Iraq under Saddam Hussein remains a threat to the Gulf region and to U.S. interests and that this threat must be deterred and contained. Part of the administration's Iraq policy review must be to consider whether more can be done to secure Baghdad's compliance with the conditions laid down by the United Nations in a way that would satisfy us and the world community at large that Iraq is no longer a threat. We also are exploring whether more can be done to hasten the replacement of the present regime by one that is prepared to live at peace with its neighbors and with the people of Iraq. Clearly, our armed

forces will have a prominent part to play in our national strategy toward Iraq. Until our review is completed, however, it is not possible to say what the effect will be on OPTEMPO.

TAIWAN POLICY

57. Senator LIEBERMAN. You suggested that Taiwan point the way of democracy to China. That is no doubt several years down the road. How should the U.S. plan to assist in this endeavor?

Dr. WOLFOWITZ. Taiwan today is a full-fledged democracy, with a vibrant multiparty system, a popularly elected president and representatives at all levels of government, a free and spirited press, and the people's strong commitment to democratization. One of the most important measures the United States can take to foster the development of democracy in the PRC is to support Taiwan's fledgling democracy by acting in accordance with the principles outlined in the Taiwan Relations Act.

58. Senator LIEBERMAN. You are known as a fierce defender of Taiwan, yet you have proposed a status quo in your writings. Can you elaborate on your approach?

Dr. WOLFOWITZ. The status quo can best be maintained by ensuring a dynamic equilibrium of forces in the Taiwan Strait. Such a balance requires provision of necessary defense articles and services to Taiwan in accordance with the Taiwan Relations Act to offset an increasingly capable PRC military.

59. Senator LIEBERMAN. How far should we be willing to go with regards to support for Taiwan—funds, weapons, equipment, sales, joint training, TMD, etc.? What about a formal mutual defense pact?

Dr. WOLFOWITZ. The Department of Defense is engaged with Taiwan in several ways to ensure the United States is appropriately prepared to implement relevant sections of the Taiwan Relations Act. The United States actively monitors the security situation in the Taiwan Strait, provides articles and services to Taiwan to ensure it can maintain a sufficient self-defense capability, works with Taiwan on a series of non-hardware related initiatives to address shortcomings in Taiwan's readiness, and maintains capabilities to assist in the defense of Taiwan if required. However, establishment of a formal defense pact would contradict the unofficial nature of our relationship with Taiwan.

MISSILE DEFENSE AND CHINA

60. Senator LIEBERMAN. You support NMD. Is this contrary to your previous call for a status quo approach? Can you clarify this, since NMD might spur aggressive actions by China?

Dr. WOLFOWITZ. Missile defense must be designed to protect all 50 states, our allies and friends, and deployed forces overseas from missile attacks by rogue states and from unauthorized or accidental launches. The missile defenses that will be deployed by the U.S. are intended for defense.

Nevertheless, we understand that China has voiced its concerns about the potential implications for its deterrent posture of any future U.S. missile defense system. China has recently expressed a willingness to engage in substantive dialogue on missile defense issues. We welcome and encourage such dialogue.

QUESTIONS SUBMITTED BY SENATOR MAX CLELAND

U.S. AIRLIFT REQUIREMENTS

61. Senator CLELAND. The recently released Hart-Rudman Commission report places a high priority on the development of expeditionary forces, much of which is dependent on our strategic and tactical airlift capabilities. The Mobility Requirements Study estimates we are woefully short on meeting the future requirement.

With the move away from more forward-deployed forces, airlift and air mobility will continue to be the key ingredient in our responding to future military missions and crisis. Do you agree that we need to focus attention on our airlift needs?

Dr. WOLFOWITZ. The recent Mobility Requirements Study 2005, required by the fiscal year 2000 National Defense Authorization Act, is the most exhaustive study on this subject to date. It provides a comprehensive assessment of our overall mobility requirements in the context of a two major theater war strategy and shows that, under certain extremely demanding conditions, we have insufficient airlift assets to

meet the requirement. Clearly strategic and tactical airlift capability will remain a vital element of our national military strategy, and the results of the Mobility Requirements Study 2005 are a good point of departure for establishing airlift requirements in the context of the current strategy review. Options for meeting airlift requirements, however, need to be carefully considered in a manner that allows them to be balanced with other strategic risk and affordability decisions.

MILITARY HEALTH CARE

62. Senator CLELAND. Military health care is a matter of great importance to our service members and this committee. Last year, in response to concerns raised by the Secretary of Defense and the Chairman of the Joint Chiefs, we enacted legislation that eliminates deductibles and co-payments under TRICARE Prime for families of Active Duty service members; provides lifetime health care for military retirees and their families through the TRICARE program; and provides a comprehensive pharmacy benefit for military retirees.

We still hear concerns from our constituents about lack of timely access to health care, portability of benefits as our service members move around, and poor claims processing. What are your priorities for maintaining a working, accessible, properly funded health care system?

Dr. WOLFOWITZ. As you point out, the National Defense Authorization Act for Fiscal Year 2001 includes significant health care benefit enhancements for military beneficiaries, both for families of Active Duty members and for retirees and their families. The Department is working hard to implement these important new programs. In addition, we have made significant strides recently in improving our health care business practices, in areas such as providing a portable health care benefit, exceeding industry standards for claims processing timeliness, and enhancing appointment systems to ease access to care. Our number one priority is to assure medical readiness to support wartime missions; delivery of an excellent peacetime health care benefit on a cost-effective basis is a vital secondary mission.

MONTGOMERY GI BILL

63. Senator CLELAND. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half of these use their benefits, and many who use the benefits do not use all of their entitlement. Many of these soldiers, sailors, airmen, and Marines say they would like to stay in the Service, but feel they have to leave so that they can provide for the education of their spouses and children.

I believe that many of these service members would stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment—an idea supported by the Hart-Rudman Commission report. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

Will you give serious consideration to how the Department of Defense could use the transfer of GI Bill benefits to family members as a retention tool and give me your thoughts on how we best do this?

Dr. WOLFOWITZ. I will certainly give this full consideration. I agree that we must be prepared to adapt our incentive systems to address the changing needs and aspirations of service members.

HART-RUDMAN COMMISSION

64. Senator CLELAND. The Hart-Rudman Commission review suggested numerous initiatives to help prepare for the domestic threats that endanger the continental U.S. Several of these initiatives involve reform and restructuring at the Department of Defense in an effort to streamline and make DOD more efficient and effective to address the threats in this new world "disorder." With your past experience at the Department of Defense, you know of the challenges that face the Department of Defense in this new century. Do you anticipate the need to review and implement any of the suggestions?

Dr. WOLFOWITZ. The Hart-Rudman Commission made an important contribution to the debate about the challenges of the evolving security environment and how the U.S. government should be aligned in order to prepare for future threats, particularly to the U.S. homeland. I welcome the insights of the Commission, whose members represent a vast wealth of experience in the national security arena, in

addition to recommendations from other experts both inside and outside the Department.

PROBLEM ACCOUNTING FOR APPROPRIATED FUNDS

65. Senator CLELAND. You noted in your response to an advance question that "damage to modernization programs is best prevented by timely funding so that the Department does not have to disrupt procurement and RDT&E programs." However, my distinguished colleague Senator Byrd has recently reminded us that the Pentagon has a longstanding problem accounting for the funds appropriated for its use. As a two-time veteran of senior positions in the Department of Defense, what are your thoughts on the roots of this problem? Do you believe the solutions to this problem are internal to the Department, or is there something Congress can do to facilitate a solution?

Dr. WOLFOWITZ. The Department's accounting problems are of a very specific nature. We have had no major problem tracking and accounting for appropriated funds in terms of ensuring that no more than the precise amount is spent on specifically the uses for which those funds were appropriated. Indeed, DOD accounting systems were designed exactly for this purpose, and that design is one of the root causes of the accounting problems referred to by Senator Byrd—that problem being that DOD accounting systems cannot yet produce annual financial statements that can receive an unqualified (most favorable) audit opinion. DOD accounting systems were not designed to produce such statements, and now that such statements are required the Department is moving expeditiously to transform its accounting systems to do so. This is an immense challenge, especially since much of the financial data needed for DOD financial statements originates outside the Department's accounting and finance systems. The massive effort to achieve acceptable financial statements is primarily internal to the Department, but as with all genuine reform the support of Congress remains essential.

[The nomination reference of Dr. Paul D. Wolfowitz follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
February 15, 2001.

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

Paul D. Wolfowitz, of Maryland, to be Deputy Secretary of Defense, vice Rudy F. de Leon, resigned.

[The biographical sketch of Dr. Paul D. Wolfowitz, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. PAUL D. WOLFOWITZ

On February 5, 2001, President Bush announced his intention to nominate Dr. Paul Wolfowitz to be Deputy Secretary of Defense. If confirmed by the Senate, this will be Dr. Wolfowitz's third tour of duty in the Pentagon.

For the last 7 years, Dr. Wolfowitz has served as Dean and Professor of International Relations at the Paul H. Nitze School of Advanced International Studies (SAIS) of The Johns Hopkins University. SAIS is widely regarded as one of the world's leading graduate schools of international relations with 750 students, studying on campuses in Washington, DC.; Nanjing, China; and Bologna, Italy. As Dean, he led a successful capital campaign that raised more than $75 million and doubled the school's endowment. Also under his leadership, the curriculum and facilities were modernized and new faculty and programs were added to shift the school's focus from the Cold War to the era of globalization.

From 1989 to 1993, Dr. Wolfowitz served as Under Secretary of Defense for Policy in charge of the 700-person defense policy team that was responsible to Secretary Dick Cheney for matters concerning strategy, plans, and policy. During this period Secretary Wolfowitz and his staff had major responsibilities for the reshaping of strategy and force posture at the end of the Cold War. Key initiatives included the

development of the Regional Defense Strategy, the Base Force, and two presidential nuclear initiatives that led to the elimination of tens of thousands of U.S. and Soviet nuclear weapons. Under his leadership, the Policy Staff also played a major role in reviewing war plans for the Gulf War, and developing and executing plans that successfully raised more than $50 billion in Allied financial support for the war and prevented Iraq from opening a second front with Israel.

During the Reagan administration, Dr. Wolfowitz served for 3 years as U.S. Ambassador to Indonesia—the fourth largest country in the world and the largest in the Moslem world. There he earned a reputation as a highly popular and effective Ambassador, a tough negotiator on behalf of American intellectual property owners, and a public advocate of political openness and democratic values. During his tenure, Embassy Jakarta was cited as one of the four best-managed embassies inspected in 1988. Prior to that posting, he served 3½ years as Assistant Secretary of State for East Asian and Pacific Affairs, where he was in charge of U.S. relations with more than twenty countries. In addition to contributing to substantial improvements in U.S. relations with Japan and China, Assistant Secretary Wolfowitz played a central role in coordinating the U.S. policy toward the Philippines that supported a peaceful transition from the dictatorship of Ferdinand Marcos to democracy.

Dr. Wolfowitz's previous government service included: 2 years as head of the State Department's Policy Planning Staff (1981–82); an earlier Pentagon tour as Deputy Assistant Secretary of Defense for Regional Programs (1977–80), where he helped create the force that later became the United States Central Command and initiated the Maritime Pre-positioning Ships, the backbone of the initial U.S. deployment 12 years later in Operation Desert Shield; and 4 years (1973–77) in the Arms Control and Disarmament Agency, working on the Strategic Arms Limitation Talks and a number of nuclear nonproliferation issues. His first government service was as a Management Intern at the Bureau of the Budget (1966–67).

Dr. Wolfowitz taught previously at Yale (1970–73) and Johns Hopkins (1981). In 1993, he was the George F. Kennan Professor of National Security Strategy at the National War College. He has written widely on the subject of national strategy and foreign policy and was a member of the advisory boards of the journals Foreign Affairs and National Interest. Among his many awards for public service are: the Presidential Citizen's Medal, the Department of Defense's Distinguished Public Service Medal, the Department of State's Distinguished Honor Award, the Department of Defense's Distinguished Civilian Service Medal, and the Arms Control and Disarmament Agency's Distinguished Honor Award.

Dr. Wolfowitz received a bachelor's degree from Cornell University (1965) in mathematics, and a doctorate in political science from the University of Chicago (1972). He is the father of Sara, David, and Rachel and lives in Chevy Chase, Maryland.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Paul Dundes Wolfowitz.

2. **Position to which nominated:**
Deputy Secretary, Department of Defense.

3. **Date of nomination:**
February 15, 2001.

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

5. **Date and place of birth:**
December 22, 1943; New York, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Separated since January 1999; Frances Clare Selgin Wolfowitz.

7. **Names and ages of children:**
Sara Elizabeth Wolfowitz, 22.
David Samuel Wolfowitz, 19.
Rachel Dahlia Wolfowitz, 13.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Institution	Dates attended	Degree received	Date granted
Ithaca High School, Ithaca, NY	9/58–6/61		
Cornell University Ithaca, NY	9/61–6/65	AB	1965
University of Chicago, Chicago, IL	10/65–6/70	Ph.D	1972

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Job title	Employer	Location	Dates of employment
Dean	Johns Hopkins University School of Advanced International Studies.	Washington, DC	January 1994–present.
Professor	National Defense University	Washington, DC	January 1993–December 1993.
Under Secretary for Policy	Department of Defense	Washington, DC	May 1989–January 1993.

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

Paul D. Wolfowitz

Attachment A to
Senate Armed Services Committee
Biographical and Financial Information Form

A-10: Government experience

Job title	Employer	Location	Dates
Ambassador to Indonesia	Department of State	Jakarta, Indonesia	04/86 - 05/89
Assistant Secretary for East Asian and Pacific Affairs	Department of State	Washington, D.C.	12/82 – 3/86
Director, Policy Planning Staff	Department of State	Washington, D.C.	1/81 – 12/82
Deputy Assistant Secretary for Regional Programs	Department of Defense	Washington, D.C.	3/77 – 9/80
Special Assistant to the Director	U.S. Arms Control and Disarmament Agency	Washington, D.C.	8/73 – 3/77
Management Intern	U.S. Bureau of the Budget	Washington, D.C.	6/66 – 9/66
Member	Threat Reduction Advisory Council	Dulles, Virginia	8/98 – 7/99
Member	Defense Policy Board	Washington, D.C.	6/98 – present
Member	Commission to Assess the Ballistic Missile Threat to the United States	n/a	1/98 – 9/98
Member	Commission on the Roles and Capabilities of the United States Intelligence Community	n/a	2/95 - 3/96

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

Paul D. Wolfowitz

Attachment B to
Senate Armed Services Committee
Biographical and Financial Information Form

A-11: Business Relationships

Corporation/Organization	Type of Organization	Relationship to Organization
Johns Hopkins University School of Advanced International Studies	Educational	Dean and Professor of International Relations
United States-Indonesia Society	Non-profit	Co-Chairman of Board
Dreyfus Corporation	Investment Firm	Member of Nine Mutual Fund Boards
Hasbro, Inc.	Public Corporation	Member, Board
Northrop Grumman Electronic Sensors and Systems Sector	Public Corporation	Member, Advisory Board
American Enterprise Institute	Non-profit	Member, Academic Advisory Board
Asia Foundation	Non-profit	Member, Board
Balkan Action Council	Non-profit	Member, Executive Committee
Bilderberg Meetings	Non-profit	Member, Steering Committee
British-American Project	Non-profit	Member, Board
Center for Strategic & Budgetary Assessments	Non-profit	Member, Board
Foreign Affairs Museum Council	Non-profit	Member, Board
Freedom House	Non-profit	Member, Board
Foreign Affairs magazine	Non-profit	Member, Editorial Advisory Board
Institute of Turkish Studies	Non-profit	Member, Board
National Endowment for Democracy	Non-governmental organization	Member, Board

Paul D. Wolfowitz

Attachment B to
Senate Armed Services Committee
Biographical and Financial Information Form

A-11: Business Relationships

Corporation/Organization	**Type of Organization**	**Relationship to Organization**
National Interest	Non-profit	Member, Editorial Advisory Board
Nonproliferation Policy Education Center	Non-profit	Member, Board of Advisors
U.S. Committee on NATO	Non-profit	Member, Executive Board
World Economic Forum	Non-profit	Advisor
Defense Policy Board	Government agency	Member

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

Paul D. Wolfowitz

Attachment C to
Senate Armed Services Committee
Biographical and Financial Information Form

A-12: Memberships

Corporation/Organization	**Type of Organization**
American Academy of Diplomacy	Non-profit
Aspen Strategy Group	Non-profit
Council on Foreign Relations	Non-profit
International Institute for Strategic Studies	Non-profit
New Atlantic Initiative	Non-profit
Pacific Council on International Policy	Non-profit
Trilateral Commission	Non-profit
U.S. Committee, Council for Security Cooperation in the Asia Pacific	Non-profit

13. **Political affiliations and activities:**

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

None.

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

Foreign policy advisor to Bush/Cheney Presidential Committee, 2000.

Foreign policy advisor to Dole/Kemp Presidential Committee, 1996.

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

Date	Amount	Recipient
01–08–96	$250	Maggie Tinsman.
03–18–96	$1000	Bob Dole.
03–22–96	$250	John W. Warner.
09–16–96	$500	Republican Primary PAC.
10–07–97	$500	Dylan C. Glenn.
2000	$2000 (in kind)	George W. Bush—Primary Campaign.
2000	$1000	George W. Bush—General Campaign.

Date	Amount	Recipient
2000	$500	George W. Bush—Recount Effort.

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

President's Citizen's Medal; Department of Defense Distinguished Public Service Medal; Air Force Decoration for Exceptional Civilian Service; Department of state Distinguished Honor Award; Department of Defense Distinguished Civilian Service Medal; Arms Control and Disarmament Agency Distinguished Honor Award; Bangkok Embassy Refugee Coordinator's "Pirate Buster" Award; 1989 Lempad Prize from Indonesian Cultural Foundation; Embassy in Jakarta selected as one of four best-managed embassies in 1988; Phi Beta Kappa; National Science Foundation Fellow; Woodrow Wilson Fellow; General Motors Scholar; Telluride Scholar.

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

Paul D. Wolfowitz

Attachment D to
Senate Armed Services Committee
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A-15: Published writings

Title	Type	Publisher	Date
SAISPHERE Message from the Dean re: Globalization	Article	JHU-SAIS	Dec. 2000
"Remembering the Future"	Journal Article	*National Interest*	Spring 2000
"Asian Democracy and American Interests"	Lecture	Heritage Foundation	March 2, 2000
Nunn-Wolfowitz Task Force Report: Industry "Best Practices" Regarding Export Compliance Programs	Report	Hughes Electronics	July 25, 2000
"Indonesia's Best Hope"	Article	WSJ Interactive Edition (online)	Nov. 3, 1999
"A Muslim Leader With a Difference"	Article	*Wall Street Journal*	Nov. 3, 1999
"Don't Take Democracy for Granted" (with Jimmy Carter)	Article	*Wall Street Journal*	July 21, 1999
Reply to Pollack et al. (with Stephen Solarz)	Letter to the Editor	*Foreign Affairs*	Mar/Apr 1999
Reply to George Kenney	Letter to the Editor	*National Interest*	Winter 1998/99
"Rising Up"	Article	*The New Republic*	Dec. 7, 1998
Second Round Report	Report	Trilateral Forum on North Pacific Security	Dec. 1998
"A Malaysian Leader Betrays the Future" (with Sam Nunn and Douglas Paal)	Article	*New York Times*	Oct. 7, 1998
"The Man Who Saved the Day-Sort of . . ."	Book Review	*National Interest*	Fall 1998
Report of Commission to Assess the Ballistic Missile Threat to the United States ("Rumsfeld Commission")	Report	Rumsfeld Commission	July 15, 1998
Letter to Gingrich and Lott Re: Iraq, Project for the New American Century	Open Letter	Project for the New American Century	May 29, 1998
"The Tragedy of Suharto"	Article	*Wall Street Journal*	May 27, 1998

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Title	Type	Publisher	Date
"Asia's Sickest 'Tiger'"	Article	*San Diego Union Tribune*	March 15, 1998
Letter to the President re: Iraq	Open Letter	Committee for Peace and Security in the Gulf	February 19, 1998
"America's Interest, Suharto's Challenge"	Article	*Asian Wall Street Journal*	Feb. 9, 1998
"Indonesia's Challenge"	Article	*Wall Street Journal*	Feb. 5, 1998
Letter to President Clinton on Iraq	Open Letter	Project for the New American Century	Jan. 26, 1998
"Overthrow Him" (with Zalmay Khalilzad)	Article	*The Weekly Standard*	Dec. 1, 1997
"Rebuilding the Anti Saddam Coalition"	Article	*Wall Street Journal*	Nov. 18, 1997
"We Must Lead the Way In Deposing Saddam" (with Zalmay Khalilzad)	Article	*Washington Post*	Nov. 9, 1997
"The United States and Iraq", in The Future of Iraq	Book Chapter	Middle East Institute	1997
"Managing Our Way to a Peaceful Century", in Managing the International System Over the Next Ten Years: Three Essays	Book Chapter	Trilateral Commission	July 1997
"Bridging Centuries: Fin de Siècle All Over Again"	Journal Article	*National Interest*	Spring 1997
Building for Security & Peace in the Middle East: An American Agenda – Report of the Presidential Study Group (jointly as member of Study Group)	Report	Washington Institute for Near East Policy	1997
"Beyond The Nuclear Issue: The Role of the United States and Other Powers in Supporting Korean Unification", in Middle Powers in the Age of Globalization	Book Chapter	Korean Association of International Studies	1996
"Clinton's Bay of Pigs"	Article	*Wall Street Journal*	Sept. 27, 1996
"The Gulf War, Energy and New Policy Challenges"	Article	*Geopolitics of Energy*	July 1996

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Title	Type	Publisher	Date
Preparing for the 21st Century: An Appraisal of U.S. Intelligence (jointly as member of Commission)	Report	Commission on the Roles and Capabilities of the United States Intelligence Community	March 1, 1996
"They Must be Equipped to Defend Themselves"	Article	*Wall Street Journal*	Dec. 12, 1995
"The Argument Clinton Isn't Making on Bosnia" (with Douglas J. Feith)	Article	*Wall Street Journal*	Nov. 28, 1995
"Bosnia: Before We Send in Peacemakers" (with Richard Perle)	Article	*Washington Post*	Oct. 24, 1995
"A Bomber for Uncertain Times"	Article	*Wall Street Journal*	June 12, 1995
First Round Report	Report	Trilateral Forum on North Pacific Security	June 1995
"Lifeline to North Korea?"	Article	*Washington Post*	Feb. 21, 1995
"The US Russian Strategic Partnership" in Rethinking Russia's National Interests	Book Chapter	CSIS	1994
"The Tradecraft of Analysis: Challenge and Change in the CIA" – Working Group on Intelligence Reform Papers	Paper	Consortium for the Study of Intelligence	1994
"Victory Came Too Easily"	Book Review	*National Interest*	Spring 1994
"Clinton's First Year"	Journal Article	*Foreign Affairs*	Jan/Feb 1994
The NATO Summit and Beyond: A Consensus Report of the CSIS Senior NATO Policy Group (jointly as member of Policy Group)	Report	CSIS	1994
"The Asia-Pacific Region: Confidence-Building in the Post-Cold War Era" from APEC Challenges and Opportunities	Conference Paper	Institute of Southeast Asian Studies	1994
"Managing the Schwarzkopf Account: Atkinson As Crusader"	Book Review	*Joint Force Quarterly*	Winter 1993-94

Paul D. Wolfowitz

Attachment D to
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A-15: Published writings

Title	Type	Publisher	Date
Harmonizing the Evolution of US and Russian Defense Policies (jointly as member of Steering Group)	Report	CSIS and Council on Foreign and Defense Policy	1993
"North Korea's Nuclear Program: Time to Get Serious"	Paper	Carnegie Endowment for Int'l Peace	Nov. 16, 1993
"How the West Won"	Book Review	*National Review*	Sept. 6, 1993
"After Communism, Global Turmoil"	Book Review	*Wall Street Journal*	April 21, 1993
"Testing is Still Needed"	Article	USA Today	August 3, 1992
"Desert Storm-An Arab Victory"	Article	Washington Post	March 31, 1991
"Glasnost in Order on Regional Clashes"	Article	New York Times	Nov. 7, 1989
"A Little More Glasnost, Please, Marshal Akhromeyer",	Article	Washington Post	July 27, 1989
"Soviet Policy in Southeast Asia"	Journal Article	National Interest	Winter? 1988
"Preserving Peace in the Nuclear Age"	Article	U.S. Naval Institute	1983
"Problems with a Nuclear Freeze" (short-form version of "Preserving Peace in the Nuclear Age," above)	Article	Wall Street Journal	1982 or 1983
"The Politics and Economics of Nuclear Desalting in the Middle East" in Political Communication	Book Chapter	University of Illinois Press	1972
"The Pot and the Kettle: Mr. Green's Deadly Logic" in The Morality of Deterrence	Essay	University of Chicago Press	1972

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

Paul D. Wolfowitz

Attachment E to
Senate Armed Services Committee
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A-16: Speeches

Date	Title	Venue
10/7/99	"Looking Over the Horizon: Who Will Lead Asia?"	Washington Policy & Analysis Strategic Horizons Seminar
5/11/99	Address delivered at Submarine Technology Symposium	JHU Applied Physics Laboratory
3/24/99	Testimony regarding U.S. Policy Towards North Korea and the Upcoming Perry Review	House Committee on International Relations
9/17/98	Testimony regarding transfer of satellite technology to China	Senate Committee on Commerce Science and Transportation
9/16/98	Testimony regarding Iraq	House National Security Committee
6/4/98	Testimony regarding US Policy Options Towards Indonesia: What We Can Expect, How We Can Help	House Committee on International Relations
3/25/98	Testimony regarding U.S. Options in the Persian Gulf	Senate Armed Services Committee
2/25/98	Testimony regarding U.S. Options in Iraq	House Committee on International Relations
1/30/98	Testimony regarding Asian Financial Crisis	House Banking Committee
10/8/97	Testimony regarding proliferation of missiles and weapons of mass destruction	Senate Committee on Foreign Relations
6/11/97	Testimony regarding Indonesia	House Committee on International Relations, Subcommittee on East Asian Affairs
5/16/97	Keynote address: "Is the Atlantic Community Obsolete?"	New Atlantic Initiative
5/7/97	Testimony regarding Indonesia	House Committee on International Relations, Subcommittee on Asia
9/19/96	Testimony regarding Iraq	Senate Committee on Foreign Relations, Subcommittee on the Near East and South Asia

Paul D. Wolfowitz

Attachment E to
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A-16: Speeches

Date	Title	Venue
9/18/96	Testimony regarding Indonesia	Senate Committee on Foreign Relations, Subcommittee on East Asia and Pacific Affairs
6/20/96	Remarks	Annual Meeting of National League of Families of POW-MIA
6/19/96	Testimony regarding Southeast Asia	House Committee on International Relations, Subcommittees on Asia & the Pacific and International Economic Policy & Trade
6/6/96	Testimony regarding U.S. National Security Interests	House National Security Committee
4/24/96	"Defense Innovation: Meeting the Challenge of the Next Century"	CSBA conference

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

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

SIGNATURE AND DATE

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

DR. PAUL WOLFOWITZ.

This 15th day of February, 2001.

[The nomination of Dr. Paul D. Wolfowitz was reported to the Senate by Senator John Warner on February 28, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on February 28, 2001.]

NOMINATIONS OF DR. DOV S. ZAKHEIM TO BE UNDER SECRETARY OF DEFENSE, COMPTROLLER; CHARLES S. ABELL TO BE ASSISTANT SECRETARY OF DEFENSE FOR FORCE MANAGEMENT POLICY; AND VICTORIA CLARKE TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

TUESDAY, APRIL 24, 2001

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

The committee met, pursuant to notice, at 3:40 p.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Thurmond, McCain, Inhofe, Hutchinson, Bunning, Levin, Reed, Akaka, Ben Nelson, and Dayton.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Scott W. Stucky, general counsel; and Ann M. Mittermeyer, assistant counsel.

Professional staff members present: Charles S. Abell, John R. Barnes, William C. Greenwalt, Gary M. Hall, Lawrence J. Lanzillotta, George W. Lauffer, Patricia L. Lewis, Cord A. Sterling, and Eric H. Thoemmes.

Minority staff members present: David S. Lyles, staff director for the minority; Gerald J. Leeling, minority counsel; Peter K. Levine, minority counsel; Creighton Greene, professional staff member; and Michael J. McCord, professional staff member.

Staff assistants present: Thomas C. Moore, Suzanne K.L. Ross, and Michele A. Traficante.

Committee members' assistants present: Christopher J. Paul, assistant to Senator McCain; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; Michael P. Ralsky, assistant to Senator Hutchinson; Kristine Fauser, assistant to Senator Collins; David Young, assistant to Senator Bunning; Menda S. Fife, assistant to Senator Kennedy; Christina Evans and Barry Gene Wright, assistants to Senator Byrd; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; Eric Pierce, assistant to Senator Ben Nelson; and Brady King, assistant to Senator Dayton.

OPENING STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Chairman Warner has asked me to open up the hearing. He has been delayed just a few additional minutes, so we will get going. We meet today to consider the nominations of Dr. Dov Zakheim to be Under Secretary of Defense, Comptroller; Charles Abell to be Assistant Secretary of Defense for Force Management Policy; and Victoria Clarke to be Assistant Secretary of Defense for Public Affairs.

We want to first welcome all of our nominees, and the colleagues of ours who will be introducing them to the committee. I know that Secretary Rumsfeld and Deputy Secretary Wolfowitz want us to proceed expeditiously with these nominations. I think they are probably feeling a bit lonely in the Pentagon these days without the help that you all are going to be providing them, assuming you are confirmed. I know he has been looking forward to getting that assistance. The Department has a lot of important decisions to make. It needs senior civilian leadership in place to help make those decisions.

Dr. Zakheim, we are all anxious to get the Department's fiscal year 2002 budget so that we can do our work here in Congress. The Comptroller, the chief financial officer for the largest department in the Federal Government, is a critical leadership position in the Department of Defense. It is an awesome responsibility. The financial management challenges facing the Department of Defense are enormous. As we've discussed, you are going to be in an important position to address those.

It's always a pleasure to see Charles Abell. He is one of our own staff, who has been nominated for this important position in the administration. His service to this committee and to the Personnel Subcommittee for the last 8 years has been exceptional. Your committment to the well-being of our military members and their families is well known to us. We will miss your experience and expertise on this committee, but it will be put to good use in the department on behalf of our men and women in uniform and the civilians who serve in the Department of Defense.

Ms. Clarke, you've been nominated to the very important position of public spokesperson for the Department of Defense. If confirmed, the American people will count on you to tell it like it is, like the man who sits to your right is famous for doing. [Laughter.]

A lesser known, but just as important, aspect of the duties of the Assistant Secretary of Defense for Public Affairs, is the responsibility to keep the men and women in the military well-informed. So if you're confirmed, I am confident you will give this duty the attention that it rightfully deserves.

So we have three well-qualified candidates for positions that the Secretary is anxious to fill. We all look forward to hearing from our nominees.

I understand, Dr. Zakheim, your wife, Deborah, and your son, Roger, are here today. We welcome them. Mr. Abell, I understand that your wife, Kathy, is with you today, and we surely welcome her. I understand, Ms. Clarke, that your husband, Brian Graham, and children, Colin, Devon, and Charlie are here, as well as your parents, Charles and Cecilia Clarke, and your sister, Caitlin Clarke. We welcome all of them. Family support is essential in

these positions. You will all be put under great time pressure. There will be too many times when you're not going to be able to get home as promised, and we ask your families for their service when we confirm you for your service.

At this point, I think before I ask the questions that are traditionally asked, I'm going to call upon Senator Thurmond for his opening statement. Following that, I will ask the nominees the standard questions we ask all our nominees, and then we are going to call upon our colleagues to introduce our nominees. Senator Thurmond, please proceed.

STATEMENT OF SENATOR STROM THURMOND

Senator THURMOND. Thank you very much. Mr. Chairman, I join you in welcoming Dr. Zakheim, Mr. Abell, and Ms. Clarke. Each of them has had a long and distinguished career, either in the private sector or within the government, and I do not expect any surprises on their nominations.

I am especially pleased by Charlie Abell's nomination to be the Assistant Secretary of Defense for Force Management Policy. Charlie has been truly professional in carrying out his responsibilities as a staff member of the Armed Services Committee. He was instrumental in formulating many of the pay and benefit programs that have started to reverse the recruiting and retention programs in our military services. I only regret that the committee's retention program was not enticing enough to keep him here on the committee staff.

To each nominee, I congratulate you on your nomination and on your superb record of public service. Your willingness to serve our Nation in the challenging positions for which you have been nominated speaks highly of you. I wish you all success.

Thank you, Mr. Chairman.

Senator LEVIN. Thank you, Senator. We're going to move directly to the introductions. Let me call first on Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you very much, Senator Levin, Senator Thurmond, members of the committee. I have known all three of the nominees. Dr. Zakheim and I had a professional relationship for many years.

I am especially here on behalf of Victoria Clarke, who will, as you mentioned, be the voice of the Department of Defense. This doesn't mean Secretary Rumsfeld can't speak for himself, which he does very eloquently, but obviously, the job of spokesperson is one that requires talent and skills and a certain degree of sensitivity, particularly when we are faced with crises, as we have experienced just recently, some of which entailed the risk or even loss of American lives.

I've known Victoria Clarke and have had the privilege of working with her since 1983. She has been able to balance the responsibilities of a true professional and wife and mother. She not only, I believe, will be an excellent member of the Bush team, but she will also be a role model to other women in America as she has moved up the ladder of success to this very important position.

I recommend her highly. She's a very dear and beloved friend of mine, and I'm very proud of her at this moment that she will take over these very difficult and awesome responsibilities. I hope my colleagues will consider her positively and I look forward to working with her in the years ahead.

I thank you, Mr. Chairman. I thank you for allowing me to speak.

Senator LEVIN. Senator McCain, thank you.

Senator Hutchinson.

STATEMENT OF SENATOR TIM HUTCHINSON

Senator HUTCHINSON. Mr. Chairman, I am very honored today to be able to appear before the committee and to introduce someone who doesn't need an introduction to this committee, President Bush's nominee to be Assistant Secretary of Defense for Force Management Policy, Charlie Abell, one that we all love dearly. I understand how lonely Secretary Rumsfeld is getting these days, but I seriously considered putting a hold on the nomination if it would have given us a chance of keeping Charlie around. I would ask unanimous consent that a more lengthy introduction be included in the record.

Charlie served in the Army, in the enlisted ranks, in 1967, became an officer, served two tours in Vietnam, and is highly decorated. The distinguished medals he's received include the Legion of Merit, 4 Meritorious Service Medals, the Purple Heart, 2 Bronze Stars for Valor, 14 Air Medals, including 2 for valor, the Army Commendation Medal for Valor, and the Combat Infantry Badge. So he is highly decorated. But more than that is he joined our staff, and I've had the opportunity to serve with him for the last 2½ years.

We all know him to be knowledgeable, professional, and totally dedicated. He is committed to the welfare of our men and women in uniform. Having had the opportunity to work with him as chairman of the Personnel Subcommittee, I am enthused about his new opportunities, and I know that he will do an outstanding job for those he loves and for the country he serves.

[The prepared statement of Senator Hutchinson follows:]

PREPARED STATEMENT BY SENATOR TIM HUTCHINSON

Mr. Chairman, it is an honor for me to appear before the committee. Today, I have the privilege of introducing President Bush's nominee to be the Assistant Secretary of Defense for Force Management Policy, Mr. Charles S. Abell.

In the 2½ years that I have worked with Charlie, I have learned what so many of our colleagues already knew—that Charlie is one of the most patriotic, dedicated, and hardworking public servants in the Nation's capital.

For those who do not know Charlie personally, let me tell them something about his background.

Charlie joined the enlisted ranks of the Army in 1967—it was not long before he became an officer. He served two tours in Vietnam as both a Cobra helicopter pilot and as an infantry platoon leader.

After Vietnam, Charlie served in numerous command and staff positions within the Army, including Congressional Affairs Officer for the Deputy Chief of Staff of Personnel and as a member of the Army Legislative Liaison Office.

The decorations he earned during his distinguished career as a soldier include the Legion of Merit, 4 Meritorious Service Medals, the Purple Heart, 2 Bronze Stars for Valor, 14 Air Medals including 2 for valor, the Army Commendation Medal for Valor, and the Combat Infantryman's Badge.

After retiring as a Lieutenant Colonel, after 26 years in the Army, Charlie joined the staff of this committee.

As the lead staffer on the Personnel Subcommittee, which I now have the privilege of chairing, he was responsible for issues concerning military readiness and quality of life. Included in that not-insignificant portfolio are the topics of manpower; pay and compensation; health care; personnel management issues affecting Active Duty, Reserve and civilian personnel; and nominations, both military and civilian.

During his tenure here on the Hill, Charlie has worked with the present, and former, members of this committee to achieve great things for our men and women in uniform and for our Nation's military retirees. Those accomplishments include:

- Significant pay increases for Active Duty and Reserve service members;
- Improving recruiter access to our Nation's high schools; and,
- Enactment of the Warner/Hutchinson Tricare-For-Life plan, with which our Nation will finally fulfill the decade's-old promise of lifetime healthcare for those who choose to make a career of the Armed Forces.

Now, Charlie is in the position, if confirmed, to take the next logical step in an already distinguished career of public service. From his new vantage point across the Potomac he will be able to build on the successes he helped over the last 9 years on behalf of millions of men and women in uniform, their families, and military retirees.

If confirmed, Charlie will serve as Secretary Rumsfeld's senior policy advisor on matters concerning the management of military and civilian personnel and the welfare of their families.

He will promulgate policies relating to recruiting, retention, career development, compensation, quality of life, equal opportunity and other force management concerns.

By forwarding to us the nomination, President Bush has publically declared to the Nation that he has every confidence that Charlie is the best man for the job. For someone who's relatively new to this town, that decision marks our President as an excellent judge of character and a pretty fast learner.

Mr. Chairman, ladies and gentlemen of the committee, my fellow Americans, I present to you Mr. Charles S. Abell.

Senator LEVIN. Senator Hutchinson, thank you very much.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you, Mr. Chairman. I want to welcome all the nominees, but I'm particularly pleased and privileged to be able to introduce Dr. Dov Zakheim.

One of the best ways to take a measure of a person is to debate that person on important issues of great consequence to the Nation, and I had that opportunity last fall at Duke. I became impressed, as we all will become impressed, with Dov's intelligence, his patriotism, and his dedication to this country. We don't agree on everything, but I believe this committee will agree that he is a superbly qualified and prepared nominee to become the next Comptroller of the Department of Defense.

Dr. Zakheim has an extraordinary academic record—after graduating, summa cum laude, from Columbia University, he earned his doctorate in economics and politics from Oxford University. Dr. Zakheim's public career began at the Congressional Budget Office, where he was an analyst. In the 1980s, he served in a number of senior Defense Department positions. So he takes great experience to this task.

He became, in 1985, the Deputy Under Secretary of Defense for Planning and Resources. He knows the Department of Defense, and he will bring that experience and that intellect to bear on critical issues of financial management of the Department of Defense.

His skill has been recognized by both Democratic and Republican administrations. The Clinton administration appointed him in 1997 to the Task Force on Defense Reform, and he has had numerous significant positions.

Dr. Zakheim twice has been awarded the distinguished Public Service Medal from the Department of Defense. He received the CBO Director's Award for Outstanding Service, the Director's Award for Outstanding Service for his present firm, System Planning Corporation. He is eminently qualified and prepared for the difficult challenges of Comptroller. I know he will give his all, and he will be tireless in his efforts to improve the management of the Department of Defense. I would urge his rapid approval. Thank you.

Senator LEVIN. Senator Reed, thank you very much. We will start with the opening statements now of our nominees, if they have opening statements. Why don't we call on you first, Dr. Zakheim?

STATEMENT OF DR. DOV S. ZAKHEIM, NOMINEE TO BE UNDER SECRETARY OF DEFENSE, COMPTROLLER

Dr. ZAKHEIM. Thank you, Senator Levin, and thank you so much, Senator Reed, for those very kind words.

Senator Levin, members of the committee, it is an honor to come before you as President Bush's nominee to become the next Under Secretary of Defense, Comptroller. I thank President Bush and Secretary Rumsfeld for their confidence in nominating me for this important position. Many people made this honor possible. I especially want to thank my wife, Deborah, and my sons and my parents for their love and support throughout my career. I will try to keep my remarks brief, and I ask that my full statement be included for the record.

Senator LEVIN. It will be. Also, I forgot to mention Senator Hutchinson's statement will be made part of the record, too.

Dr. ZAKHEIM. Over the years, it's been my good fortune to have been guided by sage mentors and thoughtful colleagues. I especially appreciate the opportunities that were afford me by President Reagan and Secretary of Defense Weinberger during their stewardship over America's security, and Secretary Weinberger's support ever since then.

During my service at the Pentagon, I was also privileged to work for and with two especially talented and brilliant men, Fred Ikle and Richard Perle, who also afforded me wise counsel and support over the years. It was thanks to another good friend, Dr. Paul Wolfowitz, that I first joined the Pentagon in 1981, and I'm delighted that he has returned to the Department of Defense as Secretary Rumsfeld's deputy.

This is an important and challenging time for the Department of Defense. The Cold War may be over, but the international environment is hardly serene. As leader of the free world, the United States bears a special responsibility to protect, not only its interests, but to support those of its friends and allies. Those responsibilities bear most heavily on our military personnel, whose welfare must remain our highest priority, as well as on their civilian colleagues at the DOD.

The office of the Under Secretary of Defense, Comptroller, is especially critical to ensuring a robust national security posture. The Comptroller has to budget and manage funds to achieve the greatest payoff from every taxpayer dollar. The Department faces many tough choices in the area of strategy, military capabilities, as well as infrastructure and support activities. We have to allocate scarce budget dollars to give our fighting forces the greatest advantage on both current and future battlefields as they evolve. I assure you that, if I am confirmed, I will do everything possible to get our uniformed men and women the resources they need to excel in the difficult missions assigned to them.

If confirmed as DOD Comptroller, I also intend to make financial management reform a top priority. We have to improve our management, including management information and accounting systems. Congress and the American people have to have full confidence that the Department maintains the very highest standards in managing and accounting for its funds. We also have to ensure that our planning, programming, and budgeting system remains relevant to the demands of the new century, and we have to rigorously pursue economies and efficiencies wherever we might find them.

As one who has spent 6 years on Capitol Hill, I recognize and profoundly believe that the security of our country depends on wise decisions in both the legislative and executive branches of our government. If confirmed, a key goal of mine would be to foster a close cooperation between the Department of Defense and its oversight committees, in particular. My years in the non-partisan Congressional Budget Office taught me that, on matters of national security, bipartisan cooperation is essential.

Let me close by saying again how honored I am to have been nominated by President Bush for a position of such immense importance for America's future security. I pledge to do my utmost to fulfill the trust placed in me. Thank you.

[The prepared statement of Dr. Zakheim follows:]

PREPARED STATEMENT BY DR. DOV S. ZAKHEIM

Mr. Chairman, Senator Levin, members of the committee, it is an honor to come before you as President Bush's nominee to become the next Under Secretary of Defense (Comptroller). I thank President Bush and Secretary Rumsfeld for their confidence in nominating me for this important position.

Many people made this honor possible. I especially want to thank my wife, Deborah, my sons, and my parents for their unwavering love and support throughout my professional career.

Over the years it has been my good fortune to have been guided by sage mentors and thoughtful colleagues. I particularly appreciate the opportunities afforded me by President Reagan and Secretary of Defense Caspar Weinberger during their extraordinary stewardship over America's security. Secretary Weinberger has also been especially supportive to me since I left the Pentagon, and I will always be grateful to him for writing an exceedingly warm foreword to my book, *The Flight of the Lavi.*

During my service at the Pentagon, I was privileged to work for, and with, two extraordinarily brilliant and talented men, Under Secretary Fred Ikle and Assistant Secretary Richard Perle. Both have afforded me wise counsel and support when I most needed it. It was thanks to another good friend, Dr. Paul Wolfowitz, that I first joined the Pentagon in 1981, and I am delighted that he has returned to the Department as Secretary Rumsfeld's deputy.

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The Office of Under Secretary of Defense (Comptroller) is especially critical to ensuring a robust national security posture. The Comptroller must budget and manage funds to achieve the greatest payoff from every taxpayer dollar. The Department faces many tough choices in the areas of strategy, military capabilities, as well as infrastructure and support activities. Scarce budget dollars must be carefully allocated to give our fighting forces the greatest advantage on current and future battlefields as they evolve. I assure you that if confirmed I will do everything possible to get our uniformed men and women the resources they need to excel in the difficult missions assigned them.

If confirmed as DOD Comptroller, I intend to make financial management reform a top priority. We must improve our management, including management information, and accounting systems. Congress and the American people must have full confidence that the Department maintains the very highest standards in managing and accounting for its funds. We also must ensure that our planning, programming, and budgeting system remains relevant to the demands of the new century. We must rigorously pursue economies and efficiencies wherever they are to be found.

As one who spent 6 years on Capitol Hill, I recognize, and profoundly believe, that the security of America depends on wise decisions in both the legislative and executive branches of our government. If confirmed, a key goal of mine would be to foster a close cooperation between the Department of Defense and its oversight committees in particular. My years in the non-partisan Congressional Budget Office taught me that on matters of national security, bipartisan cooperation is essential.

Let me close by saying again how honored I am to have been nominated by President Bush for a position of such immense importance for America's future security. I pledge to do my utmost to fulfill the trust placed in me. Thank you.

Senator LEVIN. Thank you.

Ms. Clarke.

STATEMENT OF VICTORIA CLARKE, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Ms. CLARKE. Thank you very much, Senator Levin, and members of the committee, thank you very much. It is a real honor for me to be here today. I am deeply grateful to President Bush for nominating me to this position, and to Secretary Rumsfeld for giving me the opportunity to serve. I am very grateful to Senator McCain for his remarks. They mean a great deal to me.

As President Bush has said, the Department of Defense is in the business of protecting America's freedom, and the essence of that freedom demands that we join the American people in a discussion of and commitment to how we defend it. This, for me, is a matter of patriotism. It is also my professional philosophy. This committee knows far better than I that the portrait of international security and national defense is vastly different today from what it was even just a few years ago.

As Secretary Rumsfeld has made clear, our challenge is building a military that fits in that portrait. We must attract and retain the very best people to serve. We must use public dollars effectively and efficiently, and we must explore the use of innovative technologies and policies that promote peace and stability. Our challenges change, changing an institution whose roots in our communities and our consciousness runs deeper than perhaps any other. That demands an aggressive program of outreach and education, a national conversation about the challenges, the risk, and the solutions.

If confirmed, I will embrace that challenge in a spirit of openness and honesty with this committee, with our men and women in uni-

form, and with the people of the United States, on whose support this life-or-death challenge for our country ultimately depends.

That is my professional philosophy. It is also my patriotic feeling. I thank the committee, the President, and the Secretary for giving me the opportunity to act on it. Thank you, Senator.

Senator LEVIN. Ms. Clarke, thank you.

Mr. Abell.

STATEMENT OF CHARLES S. ABELL, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR FORCE MANAGEMENT POLICY

Mr. ABELL. Thank you, sir. Mr. Chairman, Senator Levin, members of the committee, I want to thank you and Senator Hutchinson and Senator Thurmond for the kind words this afternoon. I really appreciate them. I'm honored to have been nominated by the President. I'm honored to appear before this committee today.

If confirmed, I will be privileged to serve in a position that provides for the personnel readiness of the force and for the quality of life for service members, retirees, and their families. It will be an awesome responsibility; however, I look forward to the challenge.

Mr. Chairman, I want to take this opportunity to personally and publicly thank you for your confidence in my abilities and for being a mentor and an inspiration to me during my time here on the staff.

I've had the good fortune to serve with so many of my personal heros and those whom I have admired throughout my life. I plan to thrill my grandchildren with tales of working on important issues with many noted Americans. Being a part of this staff—of this great committee—has been a much greater experience than I could have ever imagined. I'm excited about the opportunity to serve in the Department of Defense and to continue to work for soldiers, sailors, airmen, and marines.

As a result of my position here as one of your professional staff members, I'm aware of some of the many critical issues and important challenges that I will face as the next Assistant Secretary of Defense for Force Management Policy. I also know that there are challenges that are not yet apparent to me. Mr. Chairman, if confirmed, I will eagerly accept each of these challenges that I will face. I pledge to you and to the men and women who serve our nation that I will work hard to meet these challenges. I will conduct my dealings with the force, my colleagues in the Department of Defense and the administration and Congress in an open and direct manner.

As the members of this committee know, I prefer to be forthright and open when dealing with any issue. If confirmed, I will be the professional this committee has come to know.

As excited as I am for the opportunity that awaits me, leaving the committee staff will be difficult. I've worked on the staff of this committee for more than 8 years. I recall the pride and honor I felt when Senator Thurmond hired me. I fondly remember my first official trip as a member of the committee with you, Mr. Chairman. I've had extraordinary opportunities to be a part of history and to

meet some of the most influential and important people in the world. I've been enriched beyond my greatest expectations.

I will find another occasion to thank my fellow staff members, but I would be remiss if I did not publicly acknowledge the very positive impact that my staff director, Les Brownlee, has had on my life. As everyone knows, this gentleman is truly unique, and I owe much of what I am today to this friendship and his tutelage.

If confirmed, Mr. Chairman, I will serve the soldiers, sailors, airmen, and marines—active, Reserve, retired—and their families to the best of this ability. I will also miss this committee. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Mr. Abell. Senator Levin, thank you for initiating this hearing on time. I had to testify before another committee of the Senate. I might just start my opening remarks following your very thoughtful, very insightful statement to the committee.

STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. We are very proud of you, as we are of our professional staff. We take pride in this committee. Through the 23 years that I've been privileged to be a member—my colleague, Senator Levin, and I came to the Senate together these many years ago, almost a quarter of a century—this committee has enjoyed the finest of professionals on its staff throughout these years, and they have gone on to positions of great responsibility, not only in the public sector, but the private sector. You stand preeminent among those who have served this committee.

I think it would be important for those in attendance today just to know a few facts. You started your career as an enlisted soldier, a private, and concluded with your retirement as a lieutenant colonel. You served as a Cobra attack helicopter pilot. You were decorated as an officer who led an infantry platoon, an infantry company, and attack helicopter units during two tours in Vietnam. I remember that war well because I was then Secretary of the United States Navy, and I know the personal sacrifice that all those who wore the uniform during that period made.

Your decorations include the Legion of Merit, 4 Meritorious Service Medals, the Purple Heart, 2 Bronze Stars for Valor, 14 Air Medals, the Army Commendation Medal for Valor and the Combat Infantryman's Badge. I think that says it all. After your 26-year Army career, you joined the committee in 1993, and you have been a most valuable member of our team. So we wish you well.

I am confident that the Senate will give you the advice and consent the President has sought favorably on your nomination. Would you at this time kindly introduce your family who are present in the hearing room?

Mr. ABELL. Sir, I am accompanied by my wife, Cathy.

Chairman WARNER. We welcome you. Thank you, sir.

Now, Dr. Zakheim, I've come to know you, through the years, with your distinguished career, and you served with the Congressional Budget Office—that's an experience, isn't it?

[Laughter.]

—and in the Department of Defense during the Reagan administration in a number of senior positions from 1981 to 1985. From

1985 to 1987, you served as Deputy Under Secretary of Defense for Planning and Resources and played an active role in the planning, programming, and budget process. In that capacity, you successfully negotiated arms cooperation agreements with various U.S. allies.

Subsequently, you served two terms as the President's appointee to the United States Commission for the Preservation of America's Heritage Abroad. In 1997, former Secretary of Defense Cohen named you to the Task Force on Defense Reform and later named you to the first Board of Visitors of the Department of Defense Overseas Regional Schools and the Defense Science Board Task Force on Impact of DOD Acquisition Policies and on the Health of the Defense Industry.

You currently serve as Corporate Vice President of Systems Planning Corporation, a high-technology research analysis and manufacturing firm. Also, you're Chief Executive Officer of SPC International Corporation, which specializes in political, military, and economic consulting and international analysis—again, a very distinguished public service career. Once again, you volunteered to go back to serve your country with a most exciting team. So I commend you.

Would you introduce the members of your family, please?

Dr. ZAKHEIM. Yes, Mr. Chairman. My wife, Deborah, sitting right behind me and, next to her, one of my sons, Roger.

Chairman WARNER. We welcome you. As I've said many times in the course of these hearings, it is a family affair, serving in the Department of Defense. There are no hours. The clock knoweth no finality. Days go into nights and nights into day. But I must say it was one of the most exciting challenges of my life, the 5 years, 4 months, and 3 days I spent in that building. So when I speak to each of you, I speak to your families, because they are very much a part of the team.

Now, Ms. Clarke served as Press Assistant to Vice President Bush's office early in the 1980s, and later served as Press Secretary to Senator McCain. That's a challenge.

[Laughter.]

I say that with respect to our colleague—working in both the House and Senate offices and then served as Assistant U.S. Trade Representative for Public Affairs and the private-sector liaison under Ambassador Carla Hills in 1992, Press Secretary for President George Bush's re-election campaign in 1992. Ms. Clarke is currently the General Manager of the Washington Office of Hill and Knowlton, one of the most distinguished and venerable institutions of its type in the Nation's capital, and we welcome you. Would you kindly introduce those who have come to join you today?

Ms. CLARKE. Thank you, Mr. Chairman. I have my parents, Dr. and Mrs. Charles Clarke; my sister, Caitlin; my husband, Brian Graham; my son, Colin, who is having his sixth birthday tomorrow; Devon, who is four; Charlie, who is a little over two; and my friend Lorraine Voles, who is graciously helping us out today.

Chairman WARNER. That's lovely. Those kids are beautifully well-behaved and turned out, as we say in the military, for parade dress.

Well, we thank you for considering, again, public service and for undertaking it as an exemplary parent with the duties at home and the duties in the office, and all three of you are serving on, I think, what will be one of the most exciting teams—I don't say this, Republican and Democrat, because I've worked with all the teams in these 23 years we've been here—but you're going to be on an exciting team and the cutting edge of history in our Department of Defense. So I wish you well.

Now, the committee has standard questions which we propound to each of our nominees, and I will do so on behalf of the committee and ask each of you to respond.

Have you adhered to applicable laws and regulations governing conflict of interest? Mr. Abell.

Mr. ABELL. Yes, sir.

Chairman WARNER. Dr. Zakheim.

Dr. ZAKHEIM. Yes, sir.

Chairman WARNER. Ms. Clarke.

Ms. CLARKE. Yes, sir.

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

Ms. CLARKE. No, sir.

Dr. ZAKHEIM. No, sir.

Mr. ABELL. No, sir.

Chairman WARNER. Will you ensure your staff complies with the deadlines established for requested communications, including questions for the record in the hearings? Charlie, I want you to answer that loud and clear.

[Laughter.]

Mr. ABELL. Yes, sir.

Dr. ZAKHEIM. Yes, sir.

Ms. CLARKE. Yes, sir.

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

Ms. CLARKE. Yes, sir.

Dr. ZAKHEIM. Yes, sir.

Mr. ABELL. Yes, sir.

Chairman WARNER. Would those witnesses be protected from reprisal for their testimony or briefings?

Ms. CLARKE. Yes, sir.

Dr. ZAKHEIM. Yes, sir.

Mr. ABELL. Yes, sir.

Chairman WARNER. Senator Levin, why don't you start the questioning period here on behalf of the membership?

Senator LEVIN. Thank you, Mr. Chairman. Dr. Zakheim, does the administration plan to file a detailed budget for defense for the year 2002?

Dr. ZAKHEIM. To the best of my knowledge, they plan to do so. I don't have those details myself, obviously.

Senator LEVIN. Do you know when they plan to do that?

Dr. ZAKHEIM. I do not at this time.

Senator LEVIN. Do you know whether the administration plans to request any supplemental funding for defense for fiscal year 2001?

Dr. ZAKHEIM. I believe that is under active consideration, but I don't know the final answer to that one, sir.

Senator LEVIN. When will that decision be made, whether or not to do it? Do you know?

Dr. ZAKHEIM. I don't know the exact date. If confirmed, I suspect that I'll be part of that decision-making process.

Senator LEVIN. Do you have any idea as to how much funding would be requested, if it's requested?

Dr. ZAKHEIM. Not at this time, sir, no.

Senator LEVIN. You've written in the past, Dr. Zakheim, on the need for additional base closures.

Dr. ZAKHEIM. Yes, sir.

Senator LEVIN. Do you believe there is excess infrastructure in the Defense Department today? If so, are there unfunded needs within the Department that could benefit by redirecting resources away from the excess infrastructure?

Dr. ZAKHEIM. I believe the infrastructure is in excess of the force structure, yes, sir.

Senator LEVIN. Does that mean it's in excess, you believe, of what is needed?

Dr. ZAKHEIM. I believe that it is. I think we have to look closely at the details, of course. But yes, I believe that there is an excess.

Senator LEVIN. Have previous rounds of base closures, in your opinion, resulted in significant reductions in DOD costs that have made resources available for higher priorities?

Dr. ZAKHEIM. As I understand it, GAO and CBO have said as much. They have never put a dollar figure on that, though.

Senator LEVIN. Do you believe that it is true that there have been significant savings over time from previous rounds of base closures?

Dr. ZAKHEIM. I haven't done the analysis. I believe there are savings; but since I haven't done the numbers, I don't know how big they are.

Senator LEVIN. Dr. Zakheim, you've also written that peacekeeping is a "strategically marginal" use of U.S. defense funds. You have advocated, "withdrawing from much of the peacekeeping business," so that funds can be used for other needs. Do you believe we should withdraw our forces unilaterally from the following places: Bosnia, Kosovo, Sinai?

Dr. ZAKHEIM. With regard to Bosnia and Kosovo, I think that it's a function of consultation with allies. The "unilateral" word is key here. We shouldn't do anything unilaterally. The events in the last few months, particularly in Macedonia, demonstrated that this is really a very sensitive region. I believe the same holds true for the Sinai. Clearly, both Israel and——

Senator THURMOND. Speak a little bit louder. I didn't hear you.

Dr. ZAKHEIM. I'm sorry, Senator. What I just, Senator—can you hear me now, sir? What I just said was that the word "unilateral" is key here, that on Kosovo and Bosnia, we can't just pull out without consultation with allies. The events in Macedonia have indicated how sensitive that region is. So these issues are a function of what is happening on the ground.

I believe the same applies to the Sinai. The Israelis and the Egyptians both are deeply concerned about how we approach this process. So it will certainly have to involve consultation, Senator.

Senator LEVIN. I'm glad to hear those answers. It is somewhat reassuring, both given prior positions, but, in any event, given current circumstances, I think those are reassuring answers, at least for me.

Dr. Zakheim, when there are differences between the amounts that are authorized by us and the amounts that are appropriated by the appropriators for specific programs, will you work with the defense committees of Congress to identify and resolve such differences between authorization and appropriation reports prior to obligation?

Dr. ZAKHEIM. We have to, and I know it's been the Department's practice all along, to try to work with all the oversight committees and resolve these matters as amicably and as efficiently as possible, and I am committed to consultation with the committees on a case-by-case basis to resolve these matters to everyone's satisfaction.

Senator LEVIN. Thank you. On the financial management end of your work, you and we all know the Department faces serious financial management problems. Because these problems are widespread, they can't be solved at one time, but require higher-level attention. I was pleased to read in your answers to the committee's advance questions that you are, in your words, fully committed to improve financial management in the Department of Defense. Could you give us just an idea, in your judgment, as to what needs to be done. What steps do you plan to take to improve financial management at the Department?

Dr. ZAKHEIM. Senator, there really are some very serious problems, whether it's a matter of clean audits, whether it's a matter of proper training, whether it's a matter of inventory management or management information. I'm coming out of the private sector, and when you're in the private sector, these sorts of matters are second nature. You can't run a business without having the kind of information that is being sought from the Department of Defense.

If I were confirmed, it's a top priority for me to do a number of things—first, to reorganize the Comptroller's office to bring in some first-rate people as deputies to the Comptroller so that we can have focus on management reform and on management initiatives.

Second, I would hope, if confirmed, to bring in outsiders, people with a financial management background, former CFOs and the like, who could provide what you might call mid-term—mid-course guidance on a regular basis to see how we're doing.

Finally, I want to work with this committee and with other interested Members of Congress who have very valuable input and have made a very big difference over the years in passing a variety of financial management acts that have to be really fulfilled.

Senator LEVIN. Just one last question for you and my time is up. Do you have any plans to reorganize the Office of the Comptroller; and if so, what types of changes would you make?

Dr. ZAKHEIM. If confirmed, Senator, I would very much like to do that. I believe that it would be in everyone's best interest to have

at least one, and probably two, Deputy Under Secretaries who focus specifically on financial management issues, and then a third one who focuses on program budget issues. Financial management is simply not being dealt with as smoothly and as capably, in my view, as has the program budget side, and it really needs a lot of work. We need competent, excellent people to do this, and I'm committed to doing this, if confirmed.

Senator LEVIN. Thank you. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Levin. For the record, the chair of this committee, together with the ranking member, has the responsibility to review the material that is forwarded on all nominees from the White House to the United States Senate through this committee. Senator Levin and I have reviewed that material. We took it upon ourselves to have a briefing in executive session on three nominees, and that has been completed. Do you have anything further to add—but we reviewed this material and it met our criteria. Am I correct in that?

Senator LEVIN. There may be an additional executive session, if possible.

Chairman WARNER. I'm going to momentarily defer to my other senators, but I cannot let go saying that, one, a very valued staff member of this committee is to do a transfer from this committee to the Department of Defense to work under your aegis as your principal deputy. We wish to recommend him very highly. He is an extraordinary, able, well-trained professional, and it's been my experience—and I think my staff, who share these views—that the staff of the Pentagon and your department have served their country very well. While you certainly have the right to do certain reorganization, we would want you to do so knowing that this committee has very high respect for their performance in their respective duties.

Senator Levin, do you have a statement? Then I'll yield to Senator Bunning, because I'm going to stay here for a period of time. Senator, do you have a statement you'd like to make? Just a brief announcement?

Senator THURMOND. I will pass on the opportunity to ask questions of our nominees. I have complete confidence in their abilities and will support their nominations.

Chairman WARNER. I thank you.

Now, Senator Bunning, you take my——

Senator BUNNING. Thank you, Mr. Chairman. First of all, I want to thank all of you for coming.

The most important thing I can convey to you today is the importance of providing, here in Congress to the members of this committee, timely, accurate information. If an administration official is asked a question, we need that official to provide us with accurate information or we cannot do our jobs. If confirmed, I look forward to working with all of you.

Dr. Zakheim, there have been many reports of the deterioration of our readiness in the armed services. Do you believe that the proposed budget is sufficient to adequately resource our force at their current levels of commitment?

Dr. ZAKHEIM. Well, Senator, Secretary Rumsfeld is conducting the strategic review right now, and the budget submission for 2002

is going to reflect that review. So, in a sense, I can't really comment on the relationship other than to say that, clearly Secretary Rumsfeld is going to take into account exactly the concerns you've talked about.

Senator BUNNING. It's my understanding that there's going to be a request from the Department of Defense for a supplemental appropriation bill. Do you have that same understanding?

Dr. ZAKHEIM. I believe that it is under active consideration. I'm not aware yet of any timing or sizing of it.

Senator BUNNING. You're not aware of any sizing or timing.

Dr. ZAKHEIM. Not yet, no, sir.

Senator BUNNING. Gee, that's funny, because we are, and you're about to ask us to confirm you. You're not in any loop at all?

Dr. ZAKHEIM. Well, Senator, again, I'm briefed. People have tried to educate and get me up to speed, but on this particular decision loop, I am simply not aware of any final decision on either of those matters, Senator.

Chairman WARNER. The practice of the Department, Senator, is the nominee has to await the confirmation process before the Secretary of Defense can call on you to be an active participant in the decision making.

Senator BUNNING. I understand that. But, in other words, if he's had a briefing on the proposed budget and/or a possible supplemental, I thought maybe he might share some of that information.

Today's *Washington Times* reports the Secretary of Defense is forming an executive committee of senior civilian leaders, including the Comptroller, to implement the transformation policy. What would be the specific function of that committee, and what would the Comptroller's role be?

Dr. ZAKHEIM. Again, I have not been given details as to exactly what the committee will do, except in the most general sense that you described. The Comptroller is also a chief financial officer and, in that respect, obviously has input into acquisition policy. I presume that that is what the article is alluding to.

Senator BUNNING. Senator Levin brought up BRAC and a possibility of another BRAC, and you were pretty firm in your statement that you didn't have a handle on any savings, if they occurred, from the first two rounds, other than to say that you thought that some savings might have occurred.

Before I ever look at another BRAC, you're going to have to convince me that there were actual savings in the first two rounds. I don't think there's any question that the size of the force doesn't fit the facilities; but sometimes—as I just stopped on Midway Island on the way home from Taiwan—sometimes what is shut down is still operating. I say that only to point out that Midway had been BRAC-ed in 1996; and yet there is a big need on Midway for refueling and doing a lot of other things that the military needs to have done.

So I want you to be prepared, if you are ready to recommend BRAC to us again, that you show us some substantial savings from the first two rounds. Let me ask a couple of other questions.

Chairman WARNER. Senator, you take such time as you need and then we'll turn to our other colleague momentarily.

Senator BUNNING. Yes, I want to ask our staff member—a number of years ago, General Mundy, the Commandant of the Marine Corps, proposed to no longer enlist anyone who is already married. One of the objectives behind this was to reduce the pressure placed on newly-enlisted personnel, particularly given the high number of days per year they are deployed away from home—and I can speak from personal experience, with a son in the Air Force. Do you feel that this would be an effective way to reduce stress on our enlisted personnel during their initial enlistments?

Mr. ABELL. Senator, the short answer is no. I think it's a fact that more and more of our young soldiers, sailors, airmen, and marines are enlisting with existing families. Even a greater number acquire a family shortly after enlistment. You're right, it is stressful. I have a great deal of confidence in the abilities of those young men and women to handle that stress, and I have a great deal of confidence in their chain of command to assist them in that endeavor.

Senator BUNNING. Then why are we falling short in every service on our enlistment goals?

Mr. ABELL. Sir, I think recruiting—recruiting especially, but retention, as well—is a very tough job. Currently, we enjoy a very robust economy. I think that probably contributes more. The opportunities available to young men and women today, especially the high quality young men and women we seek for the military, are probably unmatched. I think that is the difficulty, not so much family.

Senator BUNNING. Do you think our current force structure is large enough to assume the commitments that we have made presently?

Mr. ABELL. Senator, I think there's no doubt the current force structure is stressed and overtaxed by its missions. Whether it's the right size or not, I think, is going to be one of the outcomes that we will see from Secretary Rumsfeld's several studies, and I look forward to seeing the details of that—of those studies before I could give you a definitive answer on that.

Senator BUNNING. OK. Ms. Clarke, the Department of Defense usually uses individual Social Security numbers as their service-identification numbers. Recently, there have been some reports of identity theft from active duty military members. Given the Social Security numbers may be more accessible to outside parties, Privacy Act requirements notwithstanding, how do you plan to minimize the danger to service members from this crime?

Ms. CLARKE. Senator, I don't have enough information about that particular issue to address today, but I do think, when it comes to the Privacy Act, that one of the utmost priorities of my department is to respect and protect the privacy of individuals. I will do everything possible, if confirmed, to ensure that I and my staff are fully trained and sensitized to that protection and respect we should give to individual privacy. I would be happy to take the question for the record and get back to you with an answer.

Senator BUNNING. Well, the question I have is, why does the military continuously use the Social Security numbers as an ID number, when most of the banks, most of the driver's licenses, most other people are starting to phase that out since the access

to the Social Security number and the maiden name of the mother allows access to your Social Security records?

Ms. CLARKE. I don't have an answer for you, Senator, but I would be happy to get you one.

[The information follows:]

The Department of Defense shares your concern about the potential misuse of social security numbers and the need to protect the privacy of the men and women of our Armed Forces. While Defense Department policies and practices do not appear to have contributed to misuse, we will continue to be vigilant in safeguarding such information.

The issue of using the social security number (SSN) as the service identification number, a practice first begun in the 1960s, was recently studied by both the Defense Department and the General Accounting Office. In addition to identity theft, we studied the potential use of the SSN to obtain information that could be used against captured or detained personnel. However, given the ubiquitous access to personal information via the Internet, the senior officials who studied this issue determined that removal of the SSN and substitution of another number would not remove or even markedly reduce this threat. Further, any such attempts would likely waste hundreds of millions of dollars while not providing any significant protection for servicemembers.

This issue poses a difficult challenge, but we remain committed to protecting the privacy of servicemembers and will vigilantly safeguard personal information. We take very seriously our responsibility to protect social security numbers and limit access to only those uses permitted by law.

Senator BUNNING. OK. During the recent incident with the U.S.S. *Greeneville,* the Navy was criticized for initially providing misleading and inaccurate information. How do you plan to address this in similar situations in the future?

Ms. CLARKE. Senator, if confirmed, I hope one of the mottos of my department will be "maximum disclosure with minimal delay." I think one of the priorities for the Department is to disseminate news and information, the good and bad, as quickly and as accurately as possible.

Senator BUNNING. We are counting on you to do just that.

Ms. CLARKE. Yes, sir.

Senator BUNNING. Thank you, Mr. Chairman.

Chairman WARNER. I thank you, Senator, and particularly for the question about Social Security. I think that this committee will follow your lead on that issue and look into that question with some thoroughness.

Senator BUNNING. Thank you, because, as Chairman of the Social Security Subcommittee in the other body, that was one of my primary concerns, and that now you can tell the bank to go you-know-where if they ask for your Social Security number.

Chairman WARNER. We will look into that.

Senator Akaka.

Senator AKAKA. Thank you, Mr. Chairman. I, too, am pleased to be participating in this hearing and want to welcome the families of the nominees here to the hearing, and to tell you I was impressed with introductions that were given by our Senators of each one of you, which tells me that the President made some good choices of well-qualified people, and I look forward to working with you as we move forward with this new administration.

In advance questions that we received, Dr. Zakheim, you provided the committee—you indicated that you expect Secretary Rumsfeld to charge you—and I'd like to quote this loud and clear—"to do everything possible from every budget dollar." That is a high

calling, and I agree with your assessment that accurate and timely financial management information is critical for managers across the Department to ensure accountability and the most effective use of taxpayers' dollars, and I then realize why you suggested reorganization of some of the top-level people under you.

My question is a large one that has been around. I would just ask you one question, and then ask some of each of the others. My question to you, Dr. Zakheim is, how long do you think it will take before the Department can provide Congress with an accurate accounting of DOD expenditures?

Dr. ZAKHEIM. I can answer it the following way. I have been told that it will take many years to do that. Many years is not a good enough answer for me. I would hope that Congress will be in a position to receive cleaner audits, far more timely information, certainly within the next few years—in other words, hopefully, if confirmed, while I'm still around there.

Senator AKAKA. I do, too. I've enjoyed working with you, Mr. Abell, during the past few years, when I was not a member here on this committee, but we worked in other ways, and I really appreciate what you've done to help me in other ways. I'm sure that you will do your best to address the challenges facing the Assistant Secretary for Force Management and Policy.

I agree with your assessment that, while recruitment is essential, retention is critical to force readiness. In your answers to questions by the committee, you referred to "balancing deployments and military training requirements with the stability necessary for long-term health of military families." I took that off—a quote. So my question to you is, if confirmed, how would you address this issue?

Mr. ABELL. Well, Senator, this is a tough issue. It is one that the military services have talked to us about while I've served on the committee for many years. We—the committee and Congress—have put into effect some legislation requiring that the deployments now be tracked on an individual basis and that the individuals be apprised of how many days they have been deployed, and that those deployments be managed by senior officers.

I think as this procedure gets implemented, just getting visibility on the subject will help a lot. But as we do get the visibility of how many days soldiers, sailors, airmen, and marines are actually deployed, we will get a good feel for the types of units, the types of military specialties and the types of missions that are consuming these service members' time. I think then we'll be able to make some judgments as to how to better balance the needs of the family, the needs of the individual, and the needs of the service.

Senator AKAKA. Thank you very much. Ms. Clarke, I liked your proposal that, if confirmed, your motto would be, and I quote, "maximum disclosure exposure and minimum delay." I agree that accuracy is very important in dealing with the dissemination of information, as evidenced by recent events that have occurred in the past few months. In my case, many of these have occurred in the Pacific and Asian areas. How do you propose to engage and gain the support of the public as the Department of Defense addresses the threats of the 21st century?

Ms. CLARKE. I think there are two answers, Senator. The first part is to make sure, on a regular, consistent basis, in as timely and accurate a fashion as possible, you give them complete information, the good and the bad, about what is going on. I think that is an absolute priority.

At the same time, I think it's critical that we do something that probably hasn't been done for quite some time. That is, on an ongoing basis, engage the American people, not just the men and women in uniform and their families, although I think they're absolutely critical as well, but engage the American people in a conversation and a dialogue, if you will, about the risks we face in the 21st century, about the kinds of changes that might be appropriate. The challenges are too great, and the issues too serious, not to engage all of them in that.

So if the first motto of the Department, I hope, will be "maximum disclosure and minimum delay," I hope another motto that people will come to think about is "outreach, outreach, outreach." I think we should be talking to and responding to and educating and making aware everyone we can find. Talk to them about the risks, about the solutions, talk to them about the commitments these men and women make. It's very telling, you asked many questions about the people who are actually serving, and the stresses and the pressures on them. I think it's very important the American people see, up close and personal, the kind of commitment these men and women are willing to make, the kinds of challenges they face and the kinds of risks they face, as we've seen over the last few weeks. Increasingly, there are few people in society who have much real-life experience with the military. So I think it's really important that we focus on that outreach so they can see what's going on.

Senator AKAKA. Thank you very much for your responses, and I congratulate you on your nominations. Thank you very much, Mr. Chairman.

Chairman WARNER. Senator Reed, I'm going to be the wrap up, so I'm going to let all members go ahead. You go right ahead.

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

Chairman WARNER. Then to Senator Dayton, and then we'll go into another round of questions if there are others.

Senator REED. Let me first address a question to Mr. Abell. But before I do that, let me associate myself with all the high praise that you richly deserve. You've been a key member of this committee's staff, and you've served every member with great diligence and professionalism, Charlie. It's a mixed blessing; we're glad for you, but sorry to see you go.

Let me address a question. We often spend a great deal of time about the recruitment and retention within the uniformed services, but I think you're going to be facing a real challenge with respect to recruitment of civilian Department of Defense officials and retaining a very qualified workforce. I wonder if you've given any thought to what you might do.

Mr. ABELL. Yes, Senator, I have. I'm concerned about that. There are a number of senior civilians who will be retiring. I'm concerned about the developmental programs that enable folks to be developed professionally to fill those positions. I'm concerned about

whether or not Federal civil service is attractive to men and women out in America, just like the military service is, and I look forward to getting into those issues. I'm not as familiar with those as I am with the military personnel policies, and so it is going to be a matter of some focus to me to roll up my sleeves and get involved in it.

Senator REED. Well, we have every confidence you will roll up your sleeves.

Dr. Zakheim, again, welcome. One of the major initiatives that has been taking place over the last two decades has been an attempt to foster more "jointness" in the Department of Defense, and we have made some progress with uniformed officers serving in joint assignments with a requirement for promotion to have a joint assignment. But I think in the area of management systems and procurement systems, in the financial guts of DOD, we have made very little progress in "jointness." Could you mention how you perceive the problem and what your instincts are at this moment?

Dr. ZAKHEIM. Certainly, Senator. First, again, thanks so much for the very kind words. I really do appreciate them.

Certainly, one cannot say that on financial management we've received anything like a Goldwater-Nichols. Of course, it was this committee that was very much behind that. We have "jointness" in the military that was unprecedented when I came to the Pentagon in 1981. I believe that the only way one can achieve anything remotely like that in the financial management side of the Department is by conveying the sense of high-level attention. The Secretary of Defense is personally committed to making this happen. If I am confirmed, I'm personally committed to making this happen. I hope to work with the team of people who will focus on this full-time.

In addition, the Secretary of Defense has made it clear that he wants the service secretaries to work as a team. One of the highest priorities in that team effort is getting coordinated financial management. So I believe with that degree of top-level involvement, we will make some progress.

Senator REED. I know it's very early. In fact, I presume you really have been barred from any significant discussions about planning as it goes on today in the Pentagon. That is a correct presumption, isn't it?

Dr. ZAKHEIM. Yes.

Senator REED. But do you anticipate, given your background, that legislation would be required to effectuate the kind of integration of financial measures and systems that you anticipate?

Dr. ZAKHEIM. It may well be, in certain respects, and I would hope to work with this committee and with other cognizant committees to identify those sorts of requirements. It's very important that the Department work very closely with Congress on these matters. Certainly, if I'm confirmed, I intend to make this not just an occasional practice, but a regular one.

Senator REED. Thank you very much, Dr. Zakheim. Ms. Clarke, best wishes. I'm sure you're going to do a fabulous job.

Ms. CLARKE. Thank you.

Senator REED. You also have a problem of "jointness," which is you have three services that have their own public affairs oper-

ations. Do you have a plan at the moment to either do more integration or more decentralization, or less?

Ms. CLARKE. Sir, I've actually had the opportunity to meet with the heads of public affairs from the three services in my private-sector life, and——

Chairman WARNER. Let me interrupt. There are four services——

Ms. CLARKE. Yes.

Chairman WARNER. The United States Marine Corps, I say to my graduate of the West Point Academy here——[Laughter.]

Excuse me for the interruption.

Senator REED. Mr. Chairman, I obviously stand corrected. I don't know what came over me. [Laughter.]

Chairman WARNER. All right. What came over Ms. Clarke? She picked right up on the same response. [Laughter.]

Senator REED. Well, she's in an awkward position. She has to be polite. I should be accurate. Forgive me.

Senator LEVIN. Actually, you were really testing Ms. Clarke, and she came through.

Senator REED. She came through. She was wonderful.

Senator LEVIN. It was a very conscious effort. I've seen him do that before. He really knew there were four services, but he wanted to see just how much you knew. [Laughter.]

Senator REED. Well, what I—I misspoke. There are three service secretaries. Chairman Warner is right—I misspoke. Chairman Warner is always right. That's a good rule on this committee, by the way. [Laughter.]

Ms. CLARKE. As I've been told many times by those in the Navy, there is no secretary of the Marines, is there—but there are four heads of Public Affairs, and they are all very talented, very professional people, and I have had the opportunity to meet with them. If confirmed, I look forward to working with them closely. I think the focus on "jointness" is absolutely appropriate and absolutely vital, so I look forward to working with them.

I have not thought through—because I did not want to presume anything—I haven't thought through the structure, but I have thought, in general terms, about trying to find a process, trying to find a way to work more closely together.

Senator REED. Thank you. Just one final question. Dr. Zakheim, you have spent a lifetime studying strategic issues and bringing to that study, not just academic theoretical instincts, but also the knowledge of budgets and how they work, how they're put together. I'm just wondering about your view, as we look ahead, the budget you're seeing emerging, is that adequate to do modernization and then attempt, if feasible, to do some very expensive projects, like national missile defense?

Dr. ZAKHEIM. Well, the Secretary of Defense wants very much to have a top-down approach to this whole matter—that is to say, to lay out the strategy and then to coordinate the budgets with that strategy. So, in fact, right now, he has a strategic review that is ongoing; and hopefully, the budgets and the program would then reflect that review. If confirmed, I would hope very much to participate in that activity, but we're putting first things first.

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

Chairman WARNER. Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman. Ms. Clarke, I won't use any numbers in my questioning or comments, but I want to second what Senator Bunning said about—I'm new to this committee, and when I read your remarks there that there is a Principles of Information, I made a note to myself to get a copy of that, because I'm not aware that—what I imagine they must be, and what your remarks have suggested is followed in practice. The U.S.S. *Greeneville* incident, to me, was a classic case of providing as little information as absolutely necessary. Except for watching the television news, investigative reports, and the newspapers, I don't think a lot of it would have come to light. So I certainly support his comments and urge you to act accordingly.

Similarly with the bombing of the Iraq radar installations, I remember my staff picking that up on CNN and trying to find somewhere to call and inquire as I was about to walk into a Minnesota defense establishment and not being able to even get a courtesy of reply. So I would say good luck to you. You have a long way to go.

Ms. CLARKE. Thank you, Senator. I will need the support. The Principles of Information, which I'd be happy to provide, do state clearly that it's the utmost responsibility to release news and information in as timely and accurate a fashion as possible. The only time you withhold information, according to the Principles, is if it would adversely affect national security or it would threaten the privacy or the safety of the men and women in uniform.

I absolutely believe that, as many people say, bad news doesn't get better with age; so get it out there, and get it out there accurately.

Senator DAYTON. Well, I would like to receive a copy of the Principles. My solution would be to get a direct phone number for your office. But in either respect, I'm——

Ms. CLARKE. You can have it.

Senator DAYTON.—encouraged by what you said.

Mr. Abell, I note your comments about the importance of recruiting and retaining top-qualified military personnel, and I assume that applies to the Department, as well. Could you elaborate a bit on what you propose to do, or what you contemplate, in terms of—especially in making life better for the families of men and women in our service and improving the retention of them?

Mr. ABELL. Senator, I think, first, recruiting and retention are a matter of constant vigilance. It is my experience that anytime that a service takes its eye off of either of those two tasks, it is inevitable that they have suffered. So I will be, if confirmed, one who pushes for maintaining that constant vigilance.

I also believe that the services are now—have responded well to some problems in the recent past and are being very innovative and visionary in their approaches to recruiting and to retention, and they are to be congratulated. I think the results, both last year and the projected results for this year—we just had a hearing this morning in the Personnel Subcommittee—are very encouraging, and they reflect well on the hard work of a lot of people. I think we need to keep looking for the fresh way to address these problems with a crisp delivery of a good message.

As for the quality of life of our families—again, very important for retention—it is one of the focuses of Secretary Rumsfeld's strategic review. I have not been briefed on their progress, and I look forward to receiving that brief, if confirmed.

Senator DAYTON. I would just note that, in the budget process, there were a couple of amendments, including the Chairman's, which was adopted, which provided additional funds which could be used for, among other purposes, those improvements.

I was at the National Training Center in California during the recess and asked a couple of the commanding generals there what they thought were the greatest needs. They both—one said, "I'm an armaments expert, but the quality of life for the pay benefits and standards of living for our families is what would be most valuable and supportive of my mission." So I look forward to your returning and to the administration coming forward, whether it's a supplemental appropriation or future requests, and really take advantage of the support of the members of this committee for those kinds of improvements.

Mr. ABELL. Thank you, sir.

Senator DAYTON. I would add, as part of that—and I noted with interest your referencing the health benefits dilemma that many reservists and National Guard members face. In Minnesota, we have reservists and members of the Guard who were called up for a period of 3 to 5 months, and the economic hardships which they and their families encountered, health being one of them—again, I would hope and urge that they not be forgotten when it comes to these kinds of financial and other improvements.

Mr. ABELL. I assure you, Senator, I will look at the total force.

Senator DAYTON. Thank you. Dr. Zakheim, when Secretary Rumsfeld has met with us, he has cited his concern about the length of time and increasing length of time from the authorization and design of these weapons systems to their deployment now, some getting to be some 8 to 10 years. I wonder if you've had the chance to think about what kind of financial procedures—I know from the standpoint of military contractors in Minnesota, it's often very time consuming and contributes to these overall delays, getting swift billing and receipts and the like.

Conversely, on the other side, according to Senator Byrd and others that have longer experience than I, it's almost astronomical amounts of money that can't be accounted for within the system. So we have this anomaly that, on the one hand, it seems that many of the procedures and requirements just extend delays, but they don't end up accounting for the money. Do you have a way to reconcile and solve those problems?

Dr. ZAKHEIM. Well, it's not an easy challenge, Senator. I understand that, in the matter of what Senator Byrd is very concerned about—and he mentions, I think, $4½ trillion—there are technical answers to that question, but I think there is more than a germ of truth to his concern. If confirmed, one of my highest priorities would certainly be to, in particular, work to make sure that the various different sources of information are all congruent, because it is my impression—and I do have to study this more, Senator—but it is my impression that the various—what are called feeder

systems and various sources of information simply don't speak to each other, and that is where a lot of this falls between the cracks.

As to your first point, Senator, regarding the acquisition cycle, I am fully aware of Secretary Rumsfeld's concerns. There are some studies going on, as part of the overall strategic review, to look at this particular question. Obviously, how one deals with the funding of these programs is an integral part of it.

So, if confirmed, I very much would hope to be involved in reconciling the financial side to the pure mechanics of the acquisition side so that the program can be speeded up.

Senator DAYTON. Thank you. I would appreciate your sharing those reports with me when they become available. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator. Senator Bunning, do you have a question, too? Senator Levin? All right. You go, then I'll do wrap-up.

Senator LEVIN. Thank you. I appreciate your yielding to me, Mr. Chairman, so I could leave in a few minutes.

First, Ms. Clarke, last year, the editor of *Stars and Stripes* resigned because he was not allowed to publish a story even after the story was published in the *Washington Post.* I'm wondering whether or not you believe that *Stars and Stripes* should enjoy the same freedom to publish as other U.S. newspapers.

Ms. CLARKE. Absolutely, Senator. I think *Stars and Stripes* should be as independent and as credible as possible. It provides a very valuable service to the men and women in uniform and their families who serve overseas. It gives them news and information that they want, and they need and deserve to know that it is absolutely credible and independent. I think the safeguards are there. If confirmed, I would make sure the safeguards are enforced.

Chairman WARNER. That's encouraging to hear that. I concur in your response.

Senator LEVIN. There is some real concern about that here, which you've just alleviated.

Mr. Abell, what actions are you going to take to enhance recruiter access to secondary schools? This is a big part of our recruiting issue.

Mr. ABELL. Yes, sir. As you're aware, sir, as you recall, in last year's defense authorization bill, there was a provision that actually requires recruiter access unless the local school board takes some action. That provision is not effective until July 2002. This morning in the hearing, recruiters reported to us that their access was improving as a result of that, but they still sought more support. I think there are some things that we can do to encourage school systems to be more open to recruiters between now and 2002. Then in 2002, we'll follow the implementation of that provision.

Senator LEVIN. What initiatives would you propose to improve the employment of spouses of our service members? That also is a big part of retention.

Mr. ABELL. Yes, sir. It's a difficult problem and one that, as I've traveled on the committee's staff, we find, at almost every location, is brought to our attention. There are a number of things that could be done, Senator—more education, tuition assistance for

spouses. I, if confirmed, look forward to working with local civic organizations and chambers of commerce on initiatives like that to see what we can do.

Senator LEVIN. There's been some evidence at least—perhaps, anecdotal evidence—that we're beginning to lose the support of employers of our Reserve component personnel because of the deployments that we have seen. Any plans to address those concerns?

Mr. ABELL. Senator, I've heard the same anecdotes. I, if confirmed, would like to work very closely with the Assistant Secretary for Reserve Affairs to examine this and try to determine the causal factors and actually determine—change it from anecdote to evidence to find out what the real problem is and then address that problem. It may be one of communication, it may be one of overdeploying certain units and not others.

Senator LEVIN. If confirmed, will you recommend a medal for children who sit through these confirmation hearings? [Laughter.]

Ms. Clarke, I must tell you, you have really extraordinary children. They have been wonderful. I can't take my eyes off them. We will call it the "Clarke Medal," if Mr. Abell is able to produce that. I just want to thank all of you. I shouldn't single out family members. You're all really deserving of medals for many reasons, but your children have really been extraordinary. So please give them all of our thanks.

Ms. CLARKE. Thank you, Senator.

Senator LEVIN. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator Levin. The committee really enjoys its responsibilities in the confirmation process. It gives us an opportunity to share, not only views and elicit responses, but we really are appreciative of the overall family contribution to this public service. I thank you, Senator Levin.

I will start with you, Ms. Clarke. Crisis management—it's just remarkable how your predecessors from time to time really are on the point at all hours of the day and night. Secretary Rumsfeld, I think, has a very good policy. He's been very careful in keeping Congress informed, certainly this committee—I can speak for the Senate side—in consultation with members of this committee and others about decisions that he's making.

But then we have the tragic incident of the accident with the Chinese aircraft. I was called early in the morning, as were other members of this committee. I'm sure those responsibilities will fall on you. Tell us a bit about how you're going to go about this, because often you are the point person, particularly when the military families had their loved ones, at the end of the long voyage, or flight, whatever the case may be, at some remote part of the world and trouble is there—the anxiety in their hearts—you recognize that, being a family person, yourself.

Ms. CLARKE. Yes, sir.

Chairman WARNER. Tell us a bit about how you're going to approach that responsibility.

Ms. CLARKE. Certainly, Mr. Chairman. I hesitate to quote from somebody from just one service, but I think it was General MacArthur who said, "The key to success and victory is preparation." I think that holds true across the board, including crisis management, including being prepared for the inevitable crises.

If confirmed, one of the first things I want to do is to look into what is the planning, what processes do we have in place, and who is responsible for making sure the public affairs aspect of these incidents is addressed at the earliest possible position. I know there are some things in place, but I want to give it the utmost attention to ensure, when things do happen, the right people know, and the American people know as quickly as possible. So it's a matter of planning and process.

Chairman WARNER. Would you elaborate a little bit? By the way, I don't question General MacArthur's quote, but Admiral Jellico used to say, "All preparation for naval battles starts in the engine room." In those days, they battened the hatches, and everybody in the engine room knew they were not going to come out and they had better stoke those old coal boilers and get full power for the captain to maneuver his ship. I've always enjoyed military history, and I hope that you share that curiosity and find a few moments to probe the magnificent contributions, certainly of those who have worn the uniform of this country for generations past. Congress—how do you propose to deal with Congress? Now, there's a long history about relationships with Congress and I would hope this Department sets a new high record for fairness and firmness, when necessary.

Ms. CLARKE. Well, Mr. Chairman, I will work closely with my legislative counterpart to make sure that you, this committee, the staff, and 535 Members of Congress get as much information as quickly as possible. Just by way of insight to how passionately I feel about this, I did work for John McCain for 6½ years, and every day was a delight; but I know how important it is to be kept informed by the agencies, so I'll make that a priority.

Chairman WARNER. Also, I must say, you had the privilege of working with our former president, George Bush. I know of no finer American. I really have the greatest admiration for him, and I envy you for your close relationship with him.

Ms. CLARKE. It was an honor to work for him.

Chairman WARNER. It was mentioned in the hearing today, the problems that we're having with recruiting and retention, and the stories you relate and how you relate them will have a direct impact. I'm sure the secretary-to-be Abell can work with you on that, because he has studied it from afar, and now he will be in the responsible position on that. Do you have any special insights into that problem?

Ms. CLARKE. Yes, Mr. Chairman. Two years ago, I was fortunate to work on a recruiting study. It started out as a very narrow look at the advertising that was being used by the recruiting commands, and then it became a broader look at the recruiting marketing. We spent 6 very intense months working with the services, working with everybody, from the Secretary on down, on how we could improve the marketing on recruiting efforts. One of the things that was so extraordinary to us—we came about it by chance, and we made part of the research—is we interviewed everybody from the Secretary on down to the rank and file to the general public. There was very little consistency expressed about the role of the U.S. military—very little consistency. It's very hard to go out there and

recruit when people, including people in uniform, don't have a real clear picture of what they're about, about what their mission is.

So I think it's absolutely critical, and part of my agenda will be, to make sure the American people do know what the role of the U.S. military is in the 21st century. I think that will help with recruiting and retention.

Chairman WARNER. Well, that's a good response, because that is a key thing that we're going to have to deal with. There's a tremendous investment the American taxpayers make in the training of our service persons. We're so fortunate, when numbers of them decide to repeat their tours of duty, in the case of enlisted or, indeed, in the case of the officers, to go ahead and accept another promotion with the obligation of active duty associated. So I wish you luck.

The other—and I think I'd better speak and you just listen—but, again, having had some experience in the Department and watching it from this side now for these many years, there's a certain degree of independence that a Secretary of Defense should and does accord to the Service Secretaries and their respective chiefs, but from time to time, we see examples of how a military department will go out on an issue and then problems begin to arise.

I'm not being critical, but recently the Army made decisions with regard to the simplest of things, the beret, and we were besieged on Capitol Hill. Then, of course, they could not have foreseen the tragic problem with China. That exacerbated it. Then had to go back through a reassessment. I would hope that the Secretary and yourself can work with these departments on certain decisions which have a high profile of public interest and do everything possible to go ahead and implement that decision and do it by laying a careful base of understanding before it is rolled out.

Ms. CLARKE. Mr. Chairman, if confirmed, I hope that one of the things I can do is inject the public affairs sensitivities, if you will, at the earliest stages to prevent just those sorts of problems.

Chairman WARNER. Well, that's wonderful. I'm very reassured by your responses. We haven't heard a peep from the back row yet, so I guess——

Ms. CLARKE. Well, my colleagues are actually being very patient, because we're hearing lots of peeps back here. They're being very patient. [Laughter.]

Chairman WARNER. Dr. Zakheim, we had a marvelous conversation the other day—it's always enjoyable to have those calls from the nominees—and you reflected, and I would like to have the record reflect, your comments to me about one of your predecessors, Dr. John Hamre. He is just so respected by this committee. My parting comment was to you, call him up every now an then when things are going tough and say, "How did you deal with this?"

Dr. ZAKHEIM. Mr. Chairman, for the record then, I have known John Hamre since he left graduate school, and I know he served this committee with distinction. John Hamre is one of the finest people—not just public servants, but people who I have ever come across. The man has truly a heart of gold. He demonstrates that in very quiet ways. He is not a showboater. The CSIS, the Center for Strategic and International Studies, of which I happen to be a senior fellow, is lucky to have him as President. This is one of the

finest people in this city. Actually, it was you, Mr. Chairman, who said, "No one has a bad word to say about John." The only people that don't have bad things said about them are people who are exceedingly good, and I value him as a friend.

Chairman WARNER. That he is. He, of course, served in your position, then went on to be the number two man in the Department, and he stayed on for part of the transition to—when he passed the mantle over to another distinguished House member, who became Deputy Secretary of Defense, so he served his country well.

In the course of working with Dr. Hamre, I took an initiative along the following lines. This committee enacted legislation last year to pay interest on service contracts that DFAS takes more than 30 days to pay, and I would hope that this committee has your commitment that you will continue to work to resolve this problem with the intent of reaching an on-time payment rate of these accounts at 100 percent. Do we have that?

Dr. ZAKHEIM. Well, Mr. Chairman, I'm not expert in this. It's obviously a very important issue to this committee, and I intend to look into it and certainly to carry out all commitments the Department has made.

Chairman WARNER. There's really a broader issue, and that is I have seen, through the years, a diminution in the infrastructure that supports our national defense—fewer companies. We're down now to one major manufacturer of our civil aircraft. In years past, the military aircraft programs produced prototypes, then operational aircraft and the derivatives found their way into civilian aviation, just to give one example. Quite frankly, I've stayed very close to this industry, and they're telling me, in a polite way, "We're struggling with so much DOD regulation and red tape, why don't we just go and devote more of our assets of our corporation and our manpower of the corporation to performing lucrative, less complicated contracts, payment on time, in the civilian private sector?" Therefore, you have to be conscious of that.

Dr. ZAKHEIM. Mr. Chairman, I served on the Defense Science Board Task Force on the health of the defense industry, and, frankly, they weren't as polite to us about this as they were to you. It is not just a matter of those companies that are working with the Defense Department and putting up with, as you put it, red tape; it's also a lot of very talented companies and people that don't want to touch the Defense Department at all. Here, we have a high-tech revolution going on, and very few of those companies want to have any business with DOD.

We heard that in spades, Mr. Chairman, and I'm deeply concerned about it, and I know the Secretary of Defense is, as well. Certainly if confirmed, I intend, to the extent that the Comptroller gets into these matters, to do something about that.

Chairman WARNER. Well, in fact, the budget process has been singled out often as the major contributor to lengthening the acquisition process.

Dr. ZAKHEIM. That is very—unfortunately, Mr. Chairman, is often the case, and what we need are stable budgets. We need budgets that are predictable for industry. Corporate planners also have to think ahead. This has to be a partnership. So, Mr. Chairman, I am certainly aware of your concern, and I do share it.

Chairman WARNER. Thank you. Now, Mr. Abell, this committee has made some significant progress over the years here, following Chairman Thurmond and with the help of my distinguished ranking member. We have increased pay. We're in a remarkable step forward in military healthcare, both active and retired. Now that you're leaving, are you going to leave behind a little memo as to what's next? Are you going to help us, as you did lead in those legislative efforts, with what's next? Housing comes to mind. The problems associated with base maintenance which, in effect, relates to the quality of life on base. What is next, Mr. Abell?

Mr. ABELL. I think you have hit some of them, Senator. Clearly, the pay always remains an issue, and will as long as there is a robust economy. Housing, both bachelor and family quarters, we know are not adequate now within the Department of Defense, and there are a number of programs under way, some just beginning, actually, to improve that housing.

I'm, again, aware that that's a focus of some of Secretary Rumsfeld's efforts; and to the extent that can be accelerated, I look forward to working with those issues. Again, sir, we're going to have to keep on the deployment issue. One of the things we hear when we talk to service members is that they're away much too much.

Chairman WARNER. Away from family—you had better add that key phrase, "away from family." They all recognize, when they wear that uniform with great pride, the risks associated, but we have had a deployment situation over the past 6 or 8 years which, numerically, has been more than any previous president and, indeed, the combination of several of them. Am I correct in that? What is the statistic you recall?

Mr. ABELL. Senator, I can't quote it directly off the top of my head, but my recollection is that in the past 8 years, they've deployed more than any other time in history. That's my recollection.

Chairman WARNER. That's correct. We will always be there in response to our own security needs and those of our allies. But I hope that we can work to reduce those deployments.

But let's talk about what's next. I would like to see greater partnering with the private sector, in the case of housing. Maybe we can further enhancements with healthcare. What are your views on that?

Mr. ABELL. Senator, we already know that the Department can't provide enough healthcare with its internal assets, the medical departments of the three services. TRICARE is all about purchasing healthcare from the private sector. So we have to be more efficient about that, and more effective, but that clearly is a step in that direction.

This committee has pioneered many of the public-private ventures, as far as family housing. I was privileged, this past week, to look at initiatives and the results of those initiatives in Texas and in California and in Washington State, some very promising opportunities there, also some problems that still need to be addressed as we begin, really, the thrust of those initiatives. I look forward to working with the committee on those issues and on others.

There are other areas in which the public-private ventures will be explored, as well. Morale, welfare, and recreation facilities come to mind. There are certainly opportunities there, I believe.

Chairman WARNER. Well, I am reassured by that. Dr. Zakheim, you do more than just sign checks and hand them over to the Secretary. I hope that he brings you into whatever little board of governors he constitutes, or whatever you want to call the organization in DOD, and that you will be given a strong voice, and he will lend an ear, because you understand how, in years past, the comptrollers have been called upon to take as much money as they can out of procurement and move it in to fill the gaps in the expenditures—on overseas deployments, for example. Mr. Abell knows that history very well.

I hope that you can say, "Now, Mr. Secretary, we are way behind in the modernization of our forces, and that has a direct correlation to retention, lifestyle, the whole thing," because when an individual raises their hand to take the oath of office to serve in the U.S. military, that person is relying on a commitment to Congress to give them the best weapons available—maybe not the most expensive or exotic, but the best available—and they should not be required to take spare parts out of existing equipment to put in other equipment to meet their readiness requirements, and things of this nature.

So put your foot down, think of the military in the future. Procurement is the lifeblood for today's and tomorrow's military, and we cannot under-fund that account. We're going to watch. Guess what? We're going to hold you accountable. Is that understood?

Dr. ZAKHEIM. That is very well understood, Mr. Chairman. I happen, personally, to share your views on this one. I've actually written about this on more than one occasion. Thankfully, Mr. Rumsfeld, the Secretary of Defense, feels very strongly the same way, so that, if confirmed, I do not believe I will be beating against a shut door when I raise those issues. This is widely felt by the senior leadership of the Department. We simply cannot shortchange the future to fund the present. It's as simple as that.

Chairman WARNER. All right. We will keep the record open for questions by the members through 12 noon tomorrow, should other members who, because of commitments, were not able to get here today. I would hope the nominees would respond, because I'm anxious to seek floor confirmation as early as possible.

It may be we can move you as a group, or singularly, whatever the case may be. There is no significance to be drawn by the fact that all can't be moved at once, but we're going to try and do it, because Secretary Rumsfeld has been very patient. But this committee has had, if I may say on behalf of every member of the committee, treated all nominees very carefully, but expeditiously where we can, and we are anxious to have you join the team with the advice and consent of the United States Senate.

So I wish each of you well. You're going to take a front-row seat on some of the greatest challenges facing this country and the world, and I think each of you are ably competent to fulfill your offices. Good luck.

[Whereupon, at 5:15 p.m., the hearing was adjourned.]

[Prepared questions submitted to Dr. Dov S. Zakheim by Chairman Warner prior to the hearing with answers supplied follow:]

MARCH 21, 2001.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

DOV S. ZAKHEIM.

cc: Senator Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. Yes I do. The establishment of the combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Department of Defense Reorganization Act of 1986 has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. These reforms have strengthened the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improved the ability of the Department to protect America's security and further its vital interests. The reforms have helped improve the interaction among the services in conducting military operations by making joint operations the norm.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Do you anticipate that the Department of Defense will submit legislative proposals to amend Goldwater-Nichols?

Answer. If confirmed, I will work as appropriate with the Secretary and with the committee to review the extent to which the reforms have been implemented and the extent to which they have achieved their stated goals. As Secretary Rumsfeld has noted, we would consult with Congress on any changes that might be appropriate.

Question. If so, what areas do you plan to address in these proposals?

Answer. It would be premature to offer any thoughts on the question at this time.

RELATIONSHIPS

Question. What do you see as the relationship between the Under Secretary of Defense, Comptroller and each of the following?

The Secretary of Defense.

Answer. The Under Secretary of Defense (Comptroller) is the principal assistant and advisor to the Secretary and Deputy Secretary of Defense on fiscal and budgetary matters. The Under Secretary (Comptroller) also performs such other duties as the Secretary or Deputy Secretary may prescribe.

Question. The Deputy Secretary of Defense.

Answer. Please see the answer above.

Question. The other Under Secretaries of Defense.

Answer. My relationship with all other senior officials of the Department will, for the most part, be based on the role described above. If confirmed, I will work closely with the other Under Secretaries to carry out the policies and guidance of the Secretary and Deputy Secretary.

Question. The Assistant Secretaries of Defense.

Answer. My relationship with the Assistant Secretaries of Defense and other senior officials of the Office of the Secretary of Defense would be similar to that described above in relation to the other Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. If confirmed, I intend to work closely with the Chairman.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman of the Joint Chiefs of Staff has a vital role in developing and implementing joint plans, programs, and policies for the Services. If confirmed, I anticipate working closely with the Vice Chairman.

Question. The Secretaries of the Military Departments.

Answer. The Secretaries of the Military Departments carry out the policies of the President and the Secretary of Defense in their respective Military Departments and formulate recommendations to the Secretary and to Congress relating to their Military Departments and the Department of Defense. If confirmed, I intend to work closely with the Secretaries of the Military Departments, and specifically, their Assistant Secretaries for Financial Management. I will assure that they are aware of the President's and the Secretary of Defense's policies and priorities and assist them in contributing to the successful development and implementation of effective DOD policies and programs.

Question. The Assistant Secretaries of the Military Departments for Financial Management.

Answer. In the role of Comptroller and Chief Financial Officer for the Department, I will, if confirmed, work closely with the Assistant Secretaries of the Military Departments for Financial Management in the development and execution of the budgetary and fiscal policies and initiatives of the President and the Secretary of Defense.

Question. The Inspector General.

Answer. As the Department's Comptroller and Chief Financial Officer, I will, if confirmed, consider it my responsibility to support the Department of Defense Inspector General (DODIG) in carrying out his or her duties as set forth in the Inspector General Act.

DUTIES OF THE COMPTROLLER

Question. The duties of the Comptroller of the Department of Defense are set forth in Section 137 of Title 10, United States Code, and in DOD Directive 5118.3. Among the duties prescribed in statute, which were codified in the Goldwater-Nichols Act, are advising and assisting the Secretary of Defense in "supervising and directing the preparation of budget estimates of the Department of Defense," establishing and supervising Department of Defense accounting policies, and supervising the expenditure of Department of Defense funds.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. I expect that he will charge me to do everything possible to derive the greatest national security benefit from every budget dollar. With respect to financial management, he will want me to get our books in order and work to ensure that all DOD support activities meet the needs of our combat forces.

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

Answer. My previous appointments in the Department of Defense required daily and extensive involvement in budget issues. For over 20 years I have been enmeshed in the defense questions that surround the budget process. I have led and managed offices with responsibilities similar to those in the Comptroller organization.

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. Since informed of my nomination, I have worked extensively to further increase my expertise for this position.

Question. Do you expect Secretary Rumsfeld to make any changes in the duties of the Comptroller as set out in DOD Directive 5118.3?

Answer. It would be premature to offer any thoughts on the question at this time.

CHIEF FINANCIAL OFFICER

Question. Does Secretary Rumsfeld intend to continue to designate you, if confirmed as the Comptroller, as the Chief Financial Officer of the Department of Defense?

Answer. Yes, if I am confirmed, I will be the Department's Chief Financial Officer.

Question. If so, what would be your major responsibilities as Chief Financial Officer?

Answer. If I am confirmed, I will report directly to the Secretary regarding overall financial management matters within the Department. As Chief Financial Officer of the Department, I will be entrusted with the oversight, design, development and implementation of accounting and financial management systems within the Department. These responsibilities complement the Comptroller's oversight responsibilities of broad budget and programming activities within the Department.

Question. Does Secretary Rumsfeld intend to transfer any responsibilities now assigned to the Comptroller by law or regulation to the Chief Financial Officer?

Answer. No. The Secretary does not intend to transfer any of the Chief Financial Officer responsibilities.

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Each year, we hear about various strategies and initiatives the Department or its components are undertaking to correct these deficiencies, yet the issues still remain and the data continues to be unreliable.

What do you plan to do to provide the needed leadership and commitment necessary to ensure results and improve financial management in the Department?

Answer. I am fully committed to improving financial management in the Department of Defense. Secretary Rumsfeld has stated that improving the quality of financial management information is one of his highest priorities. If confirmed, I intend to solicit the direct involvement of the Secretary and the Deputy Secretary to instill a sense of urgency in the Department's senior leadership. Second, I intend to draw from successful private sector models in the development and implementation of modern financial management processes and systems.

Question. The Chief Financial Officers Act, as amended, requires the annual preparation and audit of financial statements for Federal agencies. However, the DOD Inspector General and GAO's financial audit results have continually pointed out serious internal control weaknesses concerning hundreds of billions of dollars of material and equipment, as well as billions of dollars of errors in the Department's financial records.

Do you believe in the importance of following basic internal control procedures, and how will you correct this situation?

Answer. Effective internal controls are an absolute necessity. If confirmed, I intend to ensure that effective internal controls are embedded in all of the Department's financial management processes and systems. The internal controls in the non-financial feeder systems, such as property and inventory, must also be strengthened. I look forward to the results of the independent review of the Department's financial management problems that Secretary Rumsfeld has initiated.

Question. If you are confirmed as the Comptroller for the Department of Defense you will be responsible for a budget of approximately $310 billion.

What do you consider to be the top financial management issues to be addressed by the Department over the next 5 years?

Answer. One of the most important financial management issues facing the Department of Defense is the need for accurate and timely financial management information. Managers across the Department must have better information on the costs of operations and programs in order to ensure accountability and the most effective use of the taxpayers dollars. Obviously, measure of progress toward this goal will be to achieve a clean audit opinion on the Department's financial statements. However, the Department must have processes and systems that do more than prepare accurate financial statements once a year. The Department's financial manage-

ment systems must be able to provide managers with accurate information at appropriate levels of aggregation that will facilitate fiscally sound decision-making.

I believe that the Department must focus on implementing compliant automated financial management and feeder systems. The large volume of transactions and the extensive number of organizational elements necessitates an automated solution. Unfortunately, fielding compliant accounting and financial management systems on time and within budget has been a major departmental weakness. As part of a systems implementation effort, the Department must also address the lack of standardization in its financial management data structures. The lack of standard data structures has been a significant impediment to the development and implementation of effective financial management systems.

Question. To effectively evaluate the management of an organization you need to have a clear set of standards to use as criteria. DOD has no shortage of financial management plans. However, we have seen minimal progress in terms of implementing real improvements in the Department's financial operations.

What are the most important performance measurements you would use to evaluate changes in the Department's financial operations to determine if its plans and initiatives are being implemented as intended and the anticipated results are being achieved?

Answer. I believe that managers should be held accountable for meeting established goals and objectives. The Defense Finance and Accounting Service (DFAS) has an extensive set of performance metrics that are used to gauge the effectiveness of its operations. If confirmed, I will review the DFAS metrics and make changes where appropriate. However, since much of the data needed for effective financial management originates outside of the DFAS, additional performance measures may be needed. I will also work with the Secretary and the DOD Components to establish performance measures, as appropriate, for each of the functional areas—such as real property accountability and maintenance, inventory accuracy and valuation—that must provide data to the financial management systems. Those performance measures would address both operational outcomes as well as systems implementation objectives.

Question. Some have suggested that because of the far-reaching and entrenched nature of the Department's financial management problems, an independent outside oversight board of experts, or an audit committee, may be necessary to help lead the Department in its financial management reform efforts. Such a high level board could be established to provide counsel, oversight, and perspective to DOD's reform efforts. Audit committees have been used in the private sector for decades. These committees have been instrumental in identifying potential problems in an entity's financial statements as they are audited.

Would you advocate that DOD establish such a board or audit committee?

Answer. Secretary Rumsfeld has initiated a study to review and analyze the Department's financial management operations. The study will result in recommendations to the Secretary. Until the results of the study are available, it would be premature for me to address specific proposals.

Question. If so, what are your views on the composition, reporting level, authorities and responsibilities of such a board?

Answer. In preparing for this confirmation hearing, I have been informed that the Department has a number of boards and committees already in existence. If I am confirmed as Comptroller of the Department, I will evaluate the effectiveness of these existing boards and committees. I will also review the results of the study authorized by Secretary Rumsfeld to assess the situation at the Department of Defense. After I have reviewed these existing boards and committees, and have reviewed the recommendations contained in the study, I will be able to address specifics related to the need for such a board.

Question. DOD leadership has acknowledged that the Department confronts financial management problems deeply grounded in bureaucratic practices that developed and evolved in a piecemeal fashion over a period of decades to accommodate many different DOD component organizations, each with its own parochial interests and history. As a result, each of the military services now operates unique, nonstandard financial processes and systems. The Department has reported that an estimated 80 percent of the data needed for sound financial management comes from systems owned and operated not by the DOD Comptroller and Defense Finance and Accounting Service (DFAS), but by other organizations throughout DOD that are accountable to the secretaries of the military services or other DOD component heads.

What additional authority or organizational changes, if any, will you seek to ensure that you have the authority you need to implement DOD-wide financial management improvements?

Answer. Improving the Department's financial management operations is one of Secretary Rumsfeld's top priorities. If confirmed, I will review the organizational structures impacting the delivery of effective financial management information. However, it would be premature for me to make any specific recommendations related to organizational changes or additional authority.

Question. What would be your strategy to work with the Office of the Secretary of Defense and the military services to effectively bring about the fundamental changes needed in the Department's financial management operations?

Answer. If confirmed, I will assume the responsibilities as the Department's Chief Financial Officer. As the CFO, I will lead the effort to improve the Department's financial management operations. I believe in matrix management and will work with other senior officials in the Office of the Secretary of Defense and the Military Departments to develop and implement the changes that are needed. If need be, I will not hesitate to call upon the Secretary or Deputy Secretary for support and assistance.

BUDGETING

Question. Recently, the Department's Planning, Programming, and Budgeting System (PPBS) has come under criticism. A recent commission, which included a number of former Defense officials and former GAO Comptroller General Bowsher, argued that PPBS has become a hindrance, essentially causing much of the current planning and budgeting problems in DOD. One of the commission's principle findings was that instead of charting a strategic course for the military services, PPBS has bred bureaucracies that now serve to simply channel consistent percentage shares of DOD's annual budget to the military services.

What are your views on the PPBS process?

Answer. I believe that three principles must shape the Department's approach to planning, programming, and budgeting.

First, the process must provide the Secretary and Deputy Secretary a vehicle for addressing major resource issues in a business-like manner. The process must (and will) adapt itself to the agenda and style of the top decision-makers, and must likewise change with the times, as required to serve their needs.

Second, the process should emulate the ongoing strategic defense review by presenting to the Secretary and Deputy Secretary decision packages that offer coherent alternatives, each of which specifies the essential elements of plans, programs, and fiscal guidance required for its implementation.

Third, the process should be seamless. The data supporting both programming and budgeting activities must be congruent and reflect the same underlying major decisions. The two processes must be properly coordinated and integrated so as to ensure that major decisions made by the Secretary and Deputy Secretary are carried out.

Question. In your opinion, is it fundamentally flawed?

Answer. I would refer you to my answer to the question above. I believe that the PPBS process must be adapted to the requirements of the administration. It's premature to consider any potential changes until the Secretary's reviews have been accomplished.

Question. What, if any, reforms or changes would you make in this area, if confirmed?

Answer. As described above, I believe that the PPBS must adapt to serve the Secretary's needs. Until completion of the review process that the Secretary has directed, it would be premature to identify specific actions.

Question. It has been reported that the Defense Planning Guidance is produced far too late to provide any useful guidance to the services in producing their POMs and budgets.

What can be done to make internal DOD planning guidance more useful and timely?

Answer. If confirmed, this is an area that I will be looking at closely with the Secretary and Deputy Secretary of Defense. The President and the Secretary are very interested in reviewing the Department's strategy before proceeding with resource allocation decisions for the budget or future years. This focus on upfront "top down" planning will lead to additional emphasis on planning guidance to ensure that all elements of the Department can address the Secretary's strategic priorities.

SYSTEMS/INFORMATION TECHNOLOGY

Question. DOD has acknowledged that its current financial management systems do not comply with Federal financial management systems requirements and were not designed to collect data in accordance with generally accepted accounting prin-

ciples. Last year, DOD reported that it did not expect to have the necessary systems in place to be able to prepare financial statements that could comply with generally accepted accounting principles before fiscal year 2003.

Where does this area fit in your list of priorities?

Answer. Achieving compliant financial management systems—incorporating the associated feeder systems (such as personnel and logistics systems)—is perhaps the most critical step in the effort to produce effective financial management information and auditable financial statements. Without systems that comply with: (1) Federal financial systems requirements; (2) Federal accounting standards; and (3) use of the United States Government Standard General Ledger at the transaction level, the Department will not be able to produce accurate financial statements on a timely and consistent basis. Ensuring that the proper emphasis is applied to this effort will be one of my top priorities if confirmed.

Question. What will be your strategy for ensuring that the Department's systems reengineering efforts supporting the DOD's financial operations are carried out in the context of an overall operations concept—a concept that encompasses all functional areas?

Answer. The Department is committed to improving its financial operations and meeting Federal financial management systems requirements.

The Secretary has initiated a study to review and analyze the Department's financial management operations. The study will yield recommendations to the Secretary for specific proposals to improve DOD financial management. Clearly, DOD must focus its attention on improving or replacing systems in order to provide reliable, useful and timely financial information. Decision-makers need the most accurate financial information to evaluate outputs, services, costs, efficiency, productivity and other essential management indicators. Such information is a vital tool for holding managers accountable. Once the review is complete, I will be in a better position to formulate a strategy to ensure that DOD's system reengineering efforts indeed are framed within the context of an overall operations concept.

Question. Many of the financial management improvement initiatives the Department of Defense is implementing are aimed at implementing standard systems across all DOD components.

What are your views on standardizing accounting systems and related financial information across the Department?

Answer. I am in favor of standardization when it makes sense to do so. Obviously, there are efficiencies and economies associated with standardizing financial processes, practices, systems, and operations. If confirmed, I plan to review carefully the issue of standardization.

Question. Continuing concerns over escalating weapon system costs have served to highlight the need for timely and reliable financial reporting. DOD itself has acknowledged that the lack of a cost accounting system is the single largest impediment to controlling and managing weapon system costs.

If confirmed, what steps do you plan to take to ensure that Congress receives timely and reliable information on the costs associated with the acquisition, management and disposal of its weapon systems?

Answer. I recognize that Congress is deeply concerned that it does not receive reliable and timely cost information related to all facets of weapons systems programs, from acquisition to disposal. I am determined to improve upon the current situation. If confirmed, I would work with the Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics) to coordinate efforts to provide the data Congress requires for its own decision-making processes.

HUMAN CAPITAL

Question. In response to the Defense Acquisition Workforce Improvement Act of 1991, DOD has taken action directed at improving the professionalism of its acquisition workforce. This was brought about as a result of the need to better ensure that DOD's acquisition workforce was well versed in the rapidly changing technical skills needed to keep abreast of acquisition trends. A key part of the effort to upgrade the professionalism (technical currency) of DOD's acquisition workforce was the requirement that each acquisition official receive a minimum of 80 hours of continuous learning every 2 years. While DOD has stated that this should be a goal for financial management personnel, it has not made it a requirement because of uncertainties over whether necessary funding would be available.

What are your views on the merits of establishing a requirement that all DOD financial management personnel receive a minimum of 80 hours of continuous learning every 2 years?

Answer. Within any profession, there is significant value derived from training to maintain currency and technical proficiency. Today, an increasing number of DOD financial management personnel are seeking financial management certification. Some of these certification programs require 80 hours of relevant training every 2 years in order to maintain those certifications.

I intend to encourage all DOD financial management personnel to become certified through one or more of the programs already available, and to maintain that certification through ongoing training and education throughout their careers.

Question. If confirmed, what actions would you take to ensure that DOD's financial management personnel keep abreast of emerging technologies and developments in financial management?

Answer. If confirmed, I intend to work with the Secretary to see that adequate funding is made available to train the Department's financial management workforce and maintain the highest standards of performance. In that regard, I will examine options for reimbursing individuals for their professional certification costs as a means of extending the benefits of such training to all DOD military and civilian personnel in the financial management workforce. Working with the Under Secretary of Defense (Personnel and Readiness) and the DOD Component Senior Financial Managers, I intend to pursue the establishment of specific training and education standards for professional financial managers. Such standards eventually should be used as a factor in future hiring and promotion decisions. I also will actively encourage DOD financial management personnel to take advantage of the excellent existing financial management professional development opportunities.

RESEARCH AND DEVELOPMENT ISSUES

Question. In the past, Pentagon sponsored science and technology programs made this country the world's undisputed super power with the development of smart munitions, stealth aircraft, and sophisticated spy satellites. Today, the number of Pentagon sponsored programs continue to be reduced because of shrinking budgets and the red tape involved in doing business with the government.

Do you believe the funding level for science and technology is adequate or is there a need for more specific science and technology funding?

Answer. The president's budget includes a $2.6 billion initiative ($20 billion over 5 years) to fund R&D of new technologies. Among areas in which new investment might be made include: new weapons and intelligence systems; improvements to the laboratory and test range infrastructure; and technologies aimed at reducing the costs of weapons and intelligence.

I would seek Secretary of Defense approval for funding the Science and Technology (S&T) program at a level that ensures the technological superiority of our Armed Forces. Since the mid-1990s, the percentage of the Department's request for S&T compared to the overall defense budget has declined from 3.1 percent to 2.5 percent. I will seek to provide the resources needed to meet the administration's goal of developing new generations of technology and maintaining our technological edge.

Question. The Department of Defense science and technology programs are generally oriented toward "breadboard" valuation of technologies in a laboratory, not the demonstration of technologies in an operational environment. While the Department of Defense has a few demonstration programs that assist in technology transition, including Advanced Technology Demonstrations, Advanced Concept Technology Demonstrations, and Experiments (both joint and Service-specific), there is not a source of funding in the Department that is specifically dedicated to bridging the gap between science and technology programs and acquisition programs.

Do you believe that the Department should establish a program specifically dedicated to demonstrating technologies in an operational environment, to help provide the Department's acquisition programs with technologies that are sufficiently mature to be put into an efficient manner?

Answer. I am aware of the importance of evaluating technologies outside the laboratory. DOD is currently studying additional innovative ways of doing so, and I await the product of these study efforts to determine what new programs might be warranted.

INVENTORY MANAGEMENT

Question. Do you believe DOD has adequate controls over, and financial information on, its inventory?

Answer. The Department's inventory processes have undergone extensive reviews during the last decade, and the result has been more in-depth control and accountability over the physical inventory. There is a need to integrate the financial, acqui-

sition and logistics information regarding inventory and related materials. Consequently, a significant effort has recently been initiated to evaluate and improve the Department's management information, to include its physical inventory and financial records.

Question. If not, what steps would you take, if confirmed, to improve inventory management?

Answer. As DOD modernizes its information technology systems, it has the opportunity more closely to connect the financial, procurement and logistics data on the material in inventory. I believe that the Department already has laid the foundation for an in-depth evaluation of this issue.

Therefore, it would be premature for me to make any specific recommendations for improvement prior to completion of that analysis.

AUTHORIZATION FOR NATIONAL DEFENSE PROGRAMS

Question. Do you believe that an authorization pursuant to Section 114 of Title 10, U.S.C. is necessary before funds for operations and maintenance, procurement, research and development, and military construction may be made available for obligation by the Department of Defense?

Answer. The problem of appropriated not authorized spending has been a complication for the Department of Defense for many years. If confirmed as the Department's Comptroller, my goal would be to respect the prerogatives of all our oversight committees. I believe our national security is supported best through consensus-building on U.S. defense needs among DOD leaders and all our oversight committees. If confirmed, I would work toward supporting such a consensus in every way I could.

OBLIGATION OF FUNDS

Question. On occasion, the Comptroller has withheld funds for programs added by Congress to the defense budget request.

Do you intend to continue this policy?

Answer. As I understand the Department's current practice, the Comptroller conducts an assessment of the manner in which additional funding supports a Defense mission, how it fits within current approved program plans, and whether it will create a future funding requirement. This practice seems consistent with the Comptroller's responsibility to establish and supervise the execution of policies and procedures relating to the expenditure of DOD funds.

DEFENSE MANAGEMENT REFORMS

Question. Over the past decade, the Department of Defense has initiated a series of management reform initiatives (the Defense Reform Initiative being the most recent) to improve the efficiency and effectiveness of defense operations. As these initiatives were unveiled, DOD forecast significant cost savings and, in many cases, the assumed savings were then deducted from the budgets of the Services in advance of implementation of the reforms. Unfortunately, the actual savings were lower than anticipated. Not achieving these savings goals has resulted in unplanned expenditures that promote additional budget instability.

How and when should the Department incorporate anticipated savings from proposed defense reform efforts into its budget plans?

Answer. In some cases it may be appropriate to incorporate anticipated savings in budget plans. Nevertheless, any efforts to do so must be undertaken with considerable caution so as to avoid anticipating savings that ultimately are not realized.

OVERPAYMENTS

Question. Some in Congress have called for mandatory use of recovery auditing techniques either by internal DOD auditors or outside private contractors.

Do you agree that such an approach is needed?

Answer. The Department of Defense has several years of experience with recovery auditing. Based on that experience, I support the use and expansion of recovery auditing. If confirmed, I will look at the Department's implementation to see that it is working in the best interest of the taxpayers, and consider the whether mandatory recovery should be examined.

With respect to the question as to whether recovery auditing should be performed internally or by an outside firm, I believe that such a determination should be made on a case-by-case basis. Where access to a vendor's financial records is required, such reviews should be performed by the Defense Contract Audit Agency.

ACQUISITION REFORM

Question. During his nomination hearing, Secretary Rumsfeld stated that the need to swiftly introduce new weapons systems is paramount. He further went on to say that the present acquisition system is ill-suited to an era of rapid technological advances and pervasive proliferation. One of the constraints in reducing acquisition cycle time is the present budget process. The life cycles of some of the technologies necessary for DOD transformation are sometimes shorter than the time it takes for DOD to obtain the funding to transition these technologies into useful capabilities.

What type of budgetary reforms, if any, do you see as necessary to improve the way DOD buys weapons systems and enhance the Department's ability to incorporate technology faster, better and cheaper?

Answer. Innovative techniques such as transition funding and expanded budgetary flexibility could allow rapid transition from experiments to weapons systems and rapid technology insertion. Two-year appropriations and internal budget stability between milestones might also provide stability for acquisition programs, and I know it is under review in Congress.

BASE CLOSURE SAVINGS

Question. You have stated that you believe additional base closures are needed to bring the Department's base structure in line with its force structure.

In your view, have the previous base closure rounds resulted in significant reductions in DOD costs that made resources available for higher priorities?

Answer. It is important that savings from base closures be real and meaningful as we strive to ensure that force structure and infrastructure are properly aligned. The DOD and the General Accounting Office have concluded that savings from base closures are "substantial."

Question. If similar savings result from future base closures or realignments, do you believe there are unfunded needs within the Department that could benefit by redirecting resources away from excess infrastructure?

Answer. The President's budget blueprint discusses excess infrastructure capacity and the need to consider that as an element of shaping the military more efficiently. As the Secretary indicated in his response to advance questions from this committee, we will withhold an assessment of the need for future base closure rounds until after the completion of the defense review.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

Question. If confirmed as Comptroller, what would your responsibilities be with respect to DOD implementation of the requirements of the GPRA to set specific performance goals and measure progress toward meeting them?

Answer. As Comptroller, I will be responsible for coordinating the Department's budget development. I will also oversee the implementation of GPRA within DOD. GPRA will be fully integrated with DOD's Planning, Programming, and Budgeting System (PPBS), and will reflect the key performance goals of the Department.

Question. What additional steps can the Department take to fulfill the goals of the GPRA to link budget inputs to measurable performance outputs?

Answer. I believe that the Department's annual GPRA performance plans and reports should continue to provide an executive-level view of the results we expect from the budget. The output measures we select should reflect our objective to maintain a quality force that is well trained and equipped to execute the new defense strategy. Once we complete our strategic review, I look forward to providing Congress with the Department's performance plan for the new defense budget, and discussing with you how we will use performance measures to track the Department's results during budget execution.

PEACEKEEPING AND USE OF SUPPLEMENTALS TO FUND CONTINGENCY OPERATIONS

Question. You have stated that peacekeeping is a "strategically marginal" use of U.S. defense funds and advocated "withdrawing from much of the peacekeeping business" so that funds could be used for other needs. You cited the Bosnia mission as "the most egregious example" of a peacekeeping mission that cost more than originally projected.

Is it your view that the United States should refuse to provide ground troops to participate in peacekeeping missions, either unilaterally or with our allies?

Answer. U.S. forces should participate in peace operations when we deem it to be in our national interests. Even then, participation should occur when the operation

has clear objectives, a coherent strategy, a reasonable chance of success, acceptable command and control arrangements, and an exit strategy.

Question. If so would you advocate U.S. withdrawal from any current deployments?

Answer. All ongoing operations should be continually reviewed to ensure that the nature of our participation remains consistent with our interests and that we are likely to achieve U.S. objectives. Completing such a review is one of the President's and Secretary's priorities.

Question. When unanticipated contingency operations do arise, whether peacekeeping or high intensity combat operations such as Operation Allied Force in Kosovo, do you believe the Department and Congress should continue to use the existing process of funding the incremental costs of such operations through ad hoc supplementals, or do you intend to propose an alternative approach?

Answer. Ad hoc supplementals traditionally were employed to meet necessary but unforeseen costs. It would be best to restrict supplementals to this traditional model and provide funding for ongoing operations as much as possible within the regular budgeting process.

Question. Does the administration intend to include unanticipated emergency defense needs in the National Emergency Reserve account proposed in the President's budget blueprint?

Answer. The President has identified the Reserve for true emergencies and it remains to be determined how that will be structured. If confirmed, I will work with the Secretary and other agencies to ensure the fund is established and developed as appropriate.

ENVIRONMENTAL CLEANUP

Question. You have described environmental cleanup and compliance on defense installations as an example of "non-defense programs in the defense budget".

Do you advocate removing these costs from the DOD budget?

Answer. As Secretary Rumsfeld testified during his confirmation, we need a comprehensive approach to satisfy both our readiness needs and the legal and moral responsibilities as stewards of public lands. Twenty-five years ago, environmental regulations were in their infancy, and the cost of compliance was negligible in the DOD budget. Things are much different today. Regulations have multiplied. America's attitude toward the environment has changed. Our national tolerance for pollution has significantly decreased. Environmental cleanup and compliance are not core missions of national defense any more than they are core missions of General Motors, IBM, or the U.S. Department of Agriculture; however, they are a cost of doing business today. There may be opportunities to achieve savings by outsourcing or privatization, but still meet our stewardship responsibilities. Without further review, however, it would be premature to suggest any alternative.

Question. Do you believe that it would be practical to remove environmental compliance funding for DOD facilities from the DOD budget?

Answer. Environmental compliance costs should remain in the DOD budget where there is a causal connection between compliance and contamination. Early planning in weapons systems development and other acquisitions now consider compliance costs in life-cycle cost accounting to encourage smarter choices early in the programs, and reduce unexpected cleanup costs in the end. As is the case with industry, compliance costs should be incorporated in the business model to provide better visibility of true life-cycle cost. Such early planning would also consider noise, air quality, and other compliance issues to ensure systems can be fielded at our current bases and ranges without significant impact to the environment or surrounding communities. Completely decoupling compliance and cleanup by removing them from the DOD budget would make it difficult to encourage this type of early planning.

Question. Do you believe the Department should not be required to pay for environmental damage it causes?

Answer. Relieving DOD from the requirement to pay for environmental damage it causes could seriously erode public trust, which could lead to restrictions on necessary training and readiness activities.

Question. What incentives would it create for DOD activities if we were to relieve the Department of the requirement to pay for the damage?

Answer. See response above.

INCREMENTAL FUNDING

Question. In the fiscal year 2000 budget request, the previous administration proposed to shift from the traditional full funding of military construction projects to

an incremental funding approach. This proposal was unanimously rejected by the four congressional defense committees. Congress has itself abandoned the full funding approach for the construction of some naval vessels.

What are your views regarding full funding versus incremental funding?

Answer. Full funding for capital acquisition programs provides discipline to the Department's internal programming process. If confirmed, however, I will give careful consideration to innovative methods of meeting future requirements and look forward to working with this committee.

SAVINGS FROM COMPETITION

Question. DOD has substantially increased the number of public-private competitions in recent years in order to achieve greater efficiency and effectiveness while reducing costs. Studies have shown that DOD saves money regardless of which side wins the competition.

Do you believe that outsourcing of work currently performed by government civilians should be assessed through public-private competition or conducted on a non-competitive basis?

Answer. Opening government functions to competition to the fullest extent possible is the best way to ensure market-based pricing, encourage innovation, and maintain fairness between the public and private sectors. In assessing outsourcing, I believe the Department should use an open competitive process (considering both public and private sources) to choose the providers, except in very limited circumstances.

Question. What steps should the Department undertake to measure the actual savings achieved after such competitions?

Answer. The Department must continue to improve the accuracy and responsiveness of this system to allow real time monitoring of savings and performance from such competitions. I understand that the Department recently updated its tracking software for public-private competitions conducted in accordance with OMB Circular A–76. The Commercial Activities Management Information System (CAMIS) tracks each competition separately and includes various elements of the competition that are critical to give us feedback on the process (e.g., bids, savings, actual contract costs, affected employees, functions being competed).

WORKING CAPITAL FUNDS

Question. Are there any changes you would recommend in the policies governing working capital funds in the Department of Defense?

Answer. Working capital funds have proved to be a successful tool for identifying the full cost of operations and for encouraging cost efficiency in commercial and industrial type functions within the Department. If confirmed, I will closely review all of the Department's financial programs, and where appropriate, assess any required policy changes to working capital funds.

Question. Do you believe the scope of activities funded through working capital funds should be increased or decreased?

Answer. During the 1990s there have been four major reviews of working capital funds and their policies and procedures. The most recent studies were conducted in 1997 and again during 1999–2000. These studies included a review of the functions now included within the working capital funds. In the context of the overall review of the Department's financial programs, however, this issue may need to be revisited once again.

CAPITAL BUDGETING

Question. The President's budget blueprint released last month advocated capital planning for information technology budgets.

Does the administration plan to examine the expansion of capital budgeting for the Department of Defense outside the relatively small amounts currently programmed in the working capital funds?

Answer. This is a matter for further review in the context of the ongoing studies. At this time, I do not believe that the Department will expand capital budgeting beyond the working capital funds. The Department of Defense already employs the principle of capital planning in that it considers life-cycle costs, schedule and performance prior to proceeding with a capital investment. Moreover DOD evaluates capital investment decisions against capital planning criteria. For example, the Department budgets for capital investments, including IT investments, separately from personnel and operation and maintenance expenses.

OUTLAY ESTIMATING DIFFERENCES

Question. In the past 3 years, outlay estimating differences between the Department of Defense and Office of Management and Budget estimates prepared in the executive branch and the Congressional Budget Office estimates used by the legislative branch have grown to record levels.

If confirmed as Comptroller, will you ensure that your office makes every effort to work with OMB and CBO to minimize these estimating differences?

Answer. If confirmed, I will ensure that my office continues to strive to improve its estimating of outlays, and will continue to make every effort possible to work with both OMB and CBO to minimize estimating differences in the future.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense, Comptroller?

Answer. I believe that there are two primary challenges confronting the next Comptroller:

First, the Comptroller must prepare and manage a budget that simultaneously supports the welfare and morale of our men and women in uniform; finances the operational requirements of our forces; supports a forward looking research and modernization program to meet the challenges of the new century, and does all of the foregoing within constrained resources.

Second, the Comptroller must reform the Department's financial management system. Only through such reform can the departmental leadership have ready access to necessary information and accounts that are critical both for executing the defense program in the most efficient manner possible, and for ensuring that programmatic choices are more easily identified and implemented.

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

Answer. If confirmed, I will work closely with the office of Program Analysis and Evaluation to formulate a program and budget that addresses the multiple needs I outlined in the answer above. In addition, if confirmed, I will consider possible organizational changes in order to strengthen top level management in the Comptroller's office. In particular, these changes would seek to foster rapid improvements to the management of the Department's finances, particularly its accounting and management information systems, as well as a more comprehensive approach to solutions that out-sourcing might offer.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Department of Defense?

Answer. The Department of Defense has experienced a weakening of the linkage between overall strategy, programs, and budgets. In addition, the Department has been underfunded, despite the relief offered by supplemental appropriations. Indeed, the need to resort to supplemental appropriations to cover shortfalls of projected budgetary needs itself has distorted the nature of the budgetary process. Finally, the Department of Defense continues to suffer from the absence of an adequate management information system, and from inadequate financial management systems, especially accounting systems.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed as Comptroller, I would work closely with other offices in OSD and the Services to craft programs and budgets that respond to the results of Secretary Rumsfeld's strategy review.

If confirmed, I hope to oversee the preparation of defense budgets that adequately fund the programs the Department seeks to implement, thereby minimizing the need for maintaining the current, and in my view unhealthy, over-reliance on supplemental appropriations.

Finally, as I indicated in my previous answer, I am considering management changes in the top level of the Comptroller's office to focus more attention and, more important, to implement, changes to the Department's financial management systems. If confirmed, I would move quickly to evaluate organizational alternatives and implement a preferred solution. I would also hope to have initiated new management reforms before the end of this fiscal year or shortly thereafter.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Dr. Zakheim, as ranking member of the Senate Appropriations District of Columbia Subcommittee, I was surprised to learn that the Department of Defense has refused to pay over $28 million it owes for water and sewer services provided by the District of Columbia between 1990 and 2001. I'm sure you're not aware of this but I want you to know that DOD is the only Executive Branch agency that has failed to comply with Public Law 101–168, as amended, which requires Federal agencies to make payment in full for water and sewer services provided by the District. On July 25, 2000, GAO issued a legal opinion stating that Federal agencies are required to make the payments and have no discretion to do otherwise. DOD has maintained that the District's estimates of water and sewer usage are excessive and based on poor metering, yet they refused to permit newer, more accurate meters to be installed until March 2001, citing security concerns.

It is my understanding that the Comptroller's office and DOD IG are aware of this issue and, once confirmed, I would like you to personally look into this matter and provide this committee, within 30 days of confirmation, a plan for making payment in full on these overdue bills.

Dr. ZAKHEIM. Over the past year this office has been actively engaged in seeking a solution to this issue. The table that follows provides detailed information on the current status of the DC Water Bill. To understand the whole problem it is useful to consider separately the portion of the bill attributable to customers located in Maryland and DC and the portion associated with users in Northern Virginia.

DC Water Bill
History and Latest FY 2001 Billing

	Cumulative Arrearage SOY	Billing	Payments to date	4th Quarter Payment	Prior year payments	Cumulative Arrearage EOY
DoD in DC and Maryland	**15,385,391**	**5,637,600**	**4,115,108**	**1,522,492**	**3,500,000**	**11,914,535**
Army - Fort McNair	-300,407	29,144	29,144	-	-	-271,263
Navy - Various in DC	6,339,600	2,522,522	1,680,713	841,809	-	6,339,600
Air Force - Bolling AFB	7,023,751	1,446,914	1,085,186	361,728	3,500,000	3,523,751
Air Force - Andrews AFB	2,140,847	-	-	-	-	2,140,847
DHP - Walter Reed Medical Center	-	623,935	467,951	155,984	-	-
NIMA - Army Map Agency	181,600	1,015,085	852,114	162,971	-	181,600
DoD in Virginia	**8,742,250**	**1,615,602**	**195,000**	**1,420,602**	**-**	**8,742,250**
Army - Fort Myer	-	435,966	-	435,966	-	-
WHS - Pentagon	8,742,250	1,179,636	195,000	984,636	-	8,742,250
Total DoD	**24,127,641**	**7,253,202**	**4,310,108**	**2,943,094**	**3,500,000**	**20,656,785**
Federal Govt in VA	**-**	**1,014,341**	**65,000**	**949,341**	**-**	**-**
Dept. of Interior – US Park Service	-	706,282	-	706,282	-	-
VA - Arlington National Cemetery	-	308,059	65,000	243,059	-	-

DOD customers in DC and Maryland have been charged for water and sewage services using meter readings. The DOD customers disputing the bill use one or more of the following arguments: (1) the meters are broken or inaccurate, (2) the practice of adjusting current year estimated billings for actual use from 3 years prior is unsupportable, and/or (3) the Department of Treasury has not fully credited them for actual payments. It turns out each of these arguments is insufficient grounds to withhold full payment. The Treasury is working with the Navy to track down payments that may have not been properly applied to the DC Water account. In any event, the Components have been directed to pay in full the amount they owe for fiscal year 2001. They are also working to identify unobligated prior year balances that can be used to pay off arrearages.

DOD customers in Northern Virginia receive water from DC WASA through two conduits that run underneath the Key Bridge and pump water into the Federally Owned Water Main (FOWM). Federal customers on the FOWM include the Army (Fort Myer), the Department of Veterans Affairs (Arlington National Cemetery), Washington Headquarters Services (the Pentagon Reservation), and the Department of Interior (National Park Service sites along the George Washington Parkway). The Ronald Reagan National Airport also receives water off of the FOWM and is separately billed by DC WASA. The DOD has disputed the Treasury billing for DOD in Virginia because there was no attempt made to allocate the bill to the separate Federal users in Virginia. Until May of this year, Treasury issued three invoices (Fort Myer, Washington Headquarters Service (for the Pentagon) and Arlington National Cemetery) charging each entity the full amount. The Treasury invoices made no attempt to separately allocate use by customer on the FOWM. The three entities received this bill and paid Treasury what they each estimated they owed. When added together, the three payments fell far short of the total billed and resulted in annual arrearages of approximately $1.0 million a year.

The DC WASA has been working to develop a methodology for allocating the Virginia billing to Federal customers. As a result of their work, the Treasury issued to all the Virginia customers a revised fiscal year 2001 bill with separate estimates for each DOD customer. For the first time, Treasury has issued an invoice to the Department of the Interior for National Park Service customers in Northern Virginia. The efforts of DC WASA to provide estimated allotments goes a long way toward solving the most intractable aspect of this problem. Using the same estimates of customer use in Northern Virginia, Treasury intends to allocate the prior year arrearages to the four Federal customers.

DOD customers will pay the full revised fiscal year 2001 bill by the July 2, 2001 due date. The Components have also been directed to pay off as much of the prior year arrearages as possible by the end of fiscal year 2001. Depending on how aggressively the Components reduce their prior year arrearages, and how successful they (especially the Navy) are in working with Treasury to properly credit all their payments, any remaining balance due will be a current year bill. Given the challenges the Department faces in the current fiscal year, we propose to direct the Components to pay off the entire past due amounts next year using fiscal year 2002 funds. For the portion of the past due bill attributable to WHS as executive agency for the Pentagon Reservation, we propose that they levy the bill to the Pentagon tenants by applying a surcharge to fiscal year 2002 rent billings.

[The nomination reference of Dr. Dov S. Zakheim follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 13, 2001.

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

Dr. Dov S. Zakheim of Maryland, to be Under Secretary of Defense (Comptroller), vice William J. Lynn III, resigned.

[The biographical sketch of Dr. Dov S. Zakheim, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. DOV S. ZAKHEIM

Dov S. Zakheim is Corporate Vice President of System Planning Corporation (SPC), a high technology, research, analysis and manufacturing firm based in Arlington, Virginia. He is also Chief Executive Officer of SPC International Corporation, a subsidiary of SPC that specializes in political, military and economic consulting, and international sales and analysis. He is an Adjunct Senior Fellow for Asian Studies of the Council on Foreign Relations, and Adjunct Scholar of the Heritage Foundation, and a Senior Advisor at the Center for International and Strategic Studies.

Dr. Zakheim was born and raised in New York City. He is a graduate of Columbia University, New York, where he earned his B.A., Summa Cum Laude, and was elected to Phi Beta Kappa, Dr. Zakheim also studied at the London School of Economics. Dr. Zakheim earned his doctorate in economics and politics at St. Antony's College, University of Oxford, where he was a National Science Foundation Graduate Fellow, a Columbia College Kellett Fellow, and a post-doctoral Research Fellow. He has served as Adjunct Professor at Yeshiva University; the National War College and Columbia University, where he taught classes in planning and programming for national security; and at Trinity College, Hartford, CT, where he was also a Presidential Scholar.

In 1997 he was appointed by former Secretary of Defense William Cohen to the Task Force on Defense Reform. In May 1998 Secretary Cohen named him to the first Board of Visitors of the Department of Defense Overseas Regional Schools. In February 2000 he was appointed to the Defense Science Board Task Force on the Impact of DOD Acquisition Policies on the Health of the Defense Industry. During the 2000 presidential campaign Dr. Zakheim was a senior foreign policy advisor to Gov. George W. Bush.

From 1985 until March 1987, Dr. Zakheim was Deputy Under Secretary of Defense for Planning and Resources. In that capacity, he played an active role in the Department's planning, programming and budget process, as well as DOD's system acquisition and strategic planning processes. Dr. Zakheim guided Department of Defense policy in a number of international economic fora and also successfully negotiated numerous arms cooperation agreements with various U.S. allies. Dr. Zakheim served for two terms as former President George Bush's appointee to the United States Commission for the Preservation of America's Heritage Abroad.

Dr. Zakheim also served in the Reagan administration in a variety of other senior Department of Defense posts from 1981 through 1985. He had previously been Principal Analyst with the National Security and International Affairs Division of the Congressional Budget Office.

Dr. Zakheim writes, lectures, and provides media commentary on national defense and foreign policy issues domestically and internationally, including appearances on major U.S. network news telecasts, CNN's Newshour and Larry King Live, BBC Arab and World Service, and Israeli, Swedish and Japanese television. He is a columnist for the *Jerusalem Post,* a regular contributor to Defense News, and an editorial board member of Israel Affairs, The Round Table (the Commonwealth Journal of International Affairs) and Cooperation and Conflict (Nordic Journal of International Studies). He is the author of Flight of the Lavi: Inside a U.S.-lsraeli Crisis (Brassey's, 1996), Congress and National Security in the Post-Cold War Era (The Nixon Center, 1998), Toward A Fortress Europe? (Center for Strategic and International Studies, 2000) and has published numerous articles and chapters in books on planning, programming and budgetary issues and other national security concerns.

Dr. Zakheim has twice been awarded the Department of Defense Distinguished Public Service Medal (1986 and 1987) and is also the recipient of the Congressional Budget Office Director's Award for Outstanding Service (1979), and the SPC Director's Award for Outstanding Service (1997).

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Dov S. Zakheim.

2. **Position to which nominated:**
Under Secretary of Defense and Comptroller.

3. **Date of nomination:**
March 13, 2001.

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

5. **Date and place of birth:**
December 18, 1948; Brooklyn, New York.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Deborah Bing Zakheim.

7. **Names and ages of children:**
Keith Zakheim, 26; Roger Zakheim, 23; Scott Zakheim, 18; Stepson Benjamin Lowy, 21.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Yeshiva University High School, 9/62–6/66; N.Y. Regents Diploma.
Columbia College, Columbia University, 9/67–6/70; B.A. 6/70.
Jewish Theological Seminary, 9/67–6/68 and 9/69–6/70.
London School of Economics, 9/68–6/69; year abroad.
Jews College, University of London 9/68–6/69; year abroad.
St. Antony's College, Oxford University, 9/70–6/74; Ph.D. 6/74.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Corporate Vice President, System Planning Corporation, Arlington, VA, 3/87 to present.
Chief Executive Officer, SPC International Corp., Arlington, VA, 1989 to present.
Adjunct Presidential Fellow, Trinity College, Hartford, CT, fall 1998.
Adjunct Professor of Political Science, Stern College for Women at Yeshiva University, New York, NY, fall 1995.
Adjunct Professor of International and Public Affairs, Columbia University, New York, NY, spring 1995 and fall 1996.
Adjunct Professor, National War College, Washington, DC., fall 1992.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Consultant to the Secretary of Defense and Under Secretary for Policy.

2000—Member, Defense Science Board Task Force on the Impact of DOD Acquisition Policies on the Health of the Defense Industry.

1998–Present—Member, Board of Visitors of the Department of Defense Overseas Regional Schools.

1997—Secretary of Defense Task Force on Defense Reform.

Fall 1992—Adjunct Professor, National War College.

1985–87—Deputy Under Secretary of Defense for Planning and Resources.

1984–85—Assistant Under Secretary of Defense (Policy/Resources).

1982–83—Special Assistant to Under Secretary of Defense (Policy).

1981–82—Special Assistant to Assistant Secretary of Defense (International Security Policy).

1978–81—Principal Analyst, National Security and International Affairs division, Congressional Budget: Office.

1975–78—Associate Analyst, National Security and International Affairs Division, Congressional Budget Office.

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

System Planning Corporation: Corporate Vice President 1987-present.

SPC International Corp. (subsidiary of System Planning Corporation): CEO 1989–present.

Northrop-Grumman Electronic Sensors and Systems Sector: Member, Advisory Board.

Trinity College: Presidential Fellow, Fall 1998.

Columbia College, Columbia University: Adjunct Professor of International and Public Affairs, spring 1995 and fall 1996.

Stern College for Women, Yeshiva University: Adjunct Professor of Political Science, fall 1995.

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

Foreign Policy Research Institute: member, Board of Trustees.

Nixon Center for Peace and Freedom: member, Advisory Board.

Center for Security Policy: member, Advisory Board.

Council on Foreign Relations: Adjunct Fellow.

Heritage Foundation: Adjunct Scholar.

Center for Strategic and International Studies: Senior Advisor.

Search for Common Ground: Board member.

Israel Affairs (Academic Journal): member, Advisory Board.

The Roundtable. Commonwealth Journal of International Affairs: member, Advisory board.

Conflict and Cooperation (Nordic Journal of International Studies): member, Advisory Board.

Friends of the Jewish Chapel, United States Naval Academy: Board member.

American Friends of Beth Hatefusoth (Museum of the Diaspora): Board Member.

American Jewish Committee: Member, National Advisory Committee.

13. **Political affiliations and activities:**

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

None.

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

National Republican Senatorial Committee: Life member.

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

$2,000 to the campaign of Governor George W. Bush.

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

Phi Beta Kappa.

New York State Regents Scholarship.

National Science Foundation Graduate Fellow.

Columbia College Kellett Fellow.

Post-doctoral Research Fellow, St. Antony's College.

Twice awarded the Department of Defense Distinguished Public Service Medal.

Congressional Budget Office Director's Award for Outstanding Service.

System Planning Corporation Director's Award for Outstanding Service.

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

Retained in committee files.

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

Retained in committee files.

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

Yes.

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

SIGNATURE AND DATE

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

DR. DOV S. ZAKHEIM.

This 14th day of March, 2001.

[The nomination of Dr. Dov S. Zakheim was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 1, 2001.]

[Prepared questions submitted to Charles S. Abell by Chairman Warner prior to the hearing with answers supplied follow:]

APRIL 12, 2001.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for providing me the opportunity to respond to your questions on defense policy issues. Enclosed are my responses.

I look forward to my appearance before the Senate Armed Services Committee and I stand ready to answer any further questions you may have.

Sincerely,

CHARLES S. ABELL.

cc: Senator Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of the defense reforms. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Goldwater-Nichols Department of Defense Reorganization Act of 1986, has enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. These reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improving the ability of the Department to execute America's national security strategy. The reforms have helped improve communication, joint operations and interoperability—we have strengthened the Armed Forces through these reforms through joint planning and execution of operations.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

DUTIES

Question. Section 138 of Title 10, United States Code, provides that the duties of the Assistant Secretary of Defense for Force Management Policy are to be prescribed by the Secretary of Defense.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. If confirmed, I believe that Secretary Rumsfeld would intend that I be his senior policy advisor on matters concerning the management of military and civilian personnel and the welfare of their families. I would expect to work under the direction of the USD(P&R) to promulgate and oversee policies relating to recruiting, retention, career development, compensation, quality of life, equal opportunity and other force management concerns. I understand the duties of the Assistant Secretary are prescribed in DOD Directive 5124.5 and that I would perform duties as set forth in that Directive.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the Assistant Secretary of Defense for Force Management Policy?

Answer. Certainly recruiting and retaining men and women with the capability and character to ensure success in a demanding national security environment are the greatest challenges. They are challenges the Department faces in both its military and civilian forces.

As the number of individuals in the American public who have military experience declines, and as high school students increasingly choose to pursue other opportunities upon graduation, the Department of Defense must be able to compete for talented young people. The Department also needs to retain the best of its force, particularly in such fields as aviation and information technology. Providing a strong quality of life for service members and their families and a quality of service that inspires and motivates top performance is critical to that effort. In addition, we must acknowledge that today's youth have different expectations of the work experience. The All Volunteer Force has served America well. We need to ensure that we have the right tools to manage this force for the future.

The Department also needs to take actions to revitalize its civilian workforce. Due to the increasing numbers of civilians reaching retirement eligibility, it is necessary to ensure that there is a base of workers with the qualifications needed to manage the complex programs and technologies of today and of the future. Managers need to have the tools to recruit, retain, and develop the future workforce.

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

Answer. If confirmed, I will review current policies and initiatives in the above areas to determine their effectiveness and where adjustments may need to be made

to accomplish these goals. I also expect to incorporate the results of Secretary Rumsfeld's ongoing quality of life review into an overall strategy to address these issues.

RESERVE COMPONENT HEALTH CARE

Question. The Department of Defense is relying more on the Reserve components as it attempts to reduce the operational tempo of the Active Forces. Although the Department of Defense has made great strides in integrating the Reserve components into the Total Force and providing for the individual reservist, families of Reserve component service members still face challenges when the spouse is called to active duty. Among those challenges is medical care. Although the law allows for continuing health care under a civilian employer, the cost to a Reserve member may become prohibitive. If the member elects military health care for his family while on active duty, it may require a change in health care provider.

What are your views regarding this dilemma facing our reservists?

Answer. Under the Uniformed Services Employment and Reemployment Rights Act, employers must allow reservist employees to continue under their civilian employer-sponsored healthcare plan for up to 18 months; however, the employer does not have to continue his share of the premium, compelling the reservist to pick up the entire premium cost and administrative fees. Deployment is stressful enough for Reserve families. Changing health care systems and possibly health care providers adds to that stress. The Deputy Secretary of Defense recently announced a policy to support DOD civilian employees called to active duty in support of contingency operations. I believe we should explore options to similarly support all reservists.

EMPLOYMENT OF MILITARY SPOUSES

Question. The military community includes more than 700,000 spouses. These spouses play an important role in the retention of their military sponsors. Many of these spouses work, whether it is for economic needs or to sustain their profession. Many more spouses would like to work, however, the constant moving associated with military life, in many cases, precludes a meaningful career or profession.

In your view, what actions can the Department take to provide increased employment opportunities for military spouses?

Answer. There is no doubt we need to do more for spouses. Most military spouses are currently working or looking for work. Many spouses want a career, but are limited because of frequent relocations. I believe it is critical that the Department address this issue, and if confirmed, I would ask for an assessment of spouse employment issues leading to recommendations for improvement. I do think there is more we can do to assist relocating spouses who are seeking employment, particularly through partnerships with major employers. Part of this assessment would be to identify policy changes that might make it easier to pursue employment within the Department of Defense. However, I believe we also need to continue to explore partnerships with major employers, the degree to which our spouses have skills to match their employment needs, and whether there is any way we can help provide a better match of skills-to-need for America's employers.

FAMILY SUPPORT

Question. Approximately two-thirds of our military families live off of the military installation. Since deployment and family separation are two of the most demanding parts of military life, the Department of Defense must ensure that it provides the same level of support to families that live off the installation as it does to those who live on base.

In your view, does the Department have adequate programs in place to ensure support for those families off the installation?

Answer. Over the past years, the Department of Defense has done a superb job designing and delivering programs to support military families. I am not aware of any specific concerns regarding support to off-base families, but I believe the Department can do more for these families by leveraging technology to deliver services and information through the Internet. I also believe it is important to ensure that our families can communicate in this manner during deployments. I also think it would be important to create strong and effective partnerships with local communities and non-profit organizations to deliver assistance and services.

CIVILIAN PERSONNEL MANAGEMENT

Question. The management of civilian employees in DOD has largely been done on a hit-or-miss basis, particularly with respect to senior-level employees.

Has the Department conducted any audit of Senior Executive Service positions?

Answer. I am not aware of any specific audits the Department of Defense may have conducted of its senior workforce. The President has asked Federal agencies to establish procedures to review and approve hiring decisions for supervisory and managerial jobs. As I understand it, this guidance is being implemented within the Department of Defense.

Question. In your opinion, are there sufficient opportunities for advancement within the Department for senior career civilians?

Answer. I am sure that the demands of the Department of Defense continually create opportunities for talented people. With an increasing number of civilians becoming eligible for retirement over the next several years, an increased number of opportunities for advancement should become available.

JUDGE ADVOCATE CONTINUATION PAY

Question. The Department has now had some experience with implementation of the Judge Advocate Continuation Pay which was authorized in the National Defense Authorization Act for Fiscal Year 2000.

Has this special pay performed its intended purpose of retaining mid-career judge advocates?

Answer. It is my understanding that DOD is encouraged by the initial results of the Judge Advocate Continuation Pay and that in some cases the take-rate has been even higher than expected.

Question. Is further legislation needed?

Answer. This is something I plan to take a close look at, if confirmed. It is my understanding that the bonus is working well to retain those who already are serving. Whether the quality and quantity of new accessions are sufficient to meet future needs is a matter of equal importance.

OFFICER MANAGEMENT ISSUES

Question. Do you believe the officer corps has confidence in the integrity of the officer promotion system in the military services?

Answer. Yes. I believe the majority of officers serving in our military services today have confidence in the integrity of the officer promotion system.

Question. What role would you, as Assistant Secretary of Defense for Force Management Policy, expect to play in the officer promotion system?

Answer. If I am confirmed, I intend to be completely involved in providing policy oversight of the officer promotion process. I expect to be directly responsible to the Under Secretary of Defense for Personnel and Readiness in carrying out his duties and responsibilities with regard to the officer promotion system, and to ensure the Department has provided clear policy guidance to the military services which provides for reliability and consistency in the selection board process.

Question. What role would you, as Assistant Secretary of Defense for Force Management Policy, expect to play in the general officer management and nomination process?

Answer. If confirmed, I expect to be involved in the general and flag officer promotion process. I will be responsible to the Under Secretary of Defense for Personnel and Readiness to provide oversight of the Department's efforts to comply with and implement applicable laws and policies in the general and flag officer management and nomination process.

Question. If confirmed, would you make the matter of senior officer investigations a priority for your review and action?

Answer. Yes. I will place a priority on the timeliness and thoroughness of investigations of senior officers in conjunction with promotion and retirement actions.

Question. If confirmed, what actions would you take to ensure that the services provide timely notice of potentially adverse information regarding nominees for general and flag officer promotions?

Answer. If confirmed, I will fully commit to providing oversight of the adverse information reporting process to ensure the committee is provided proper and timely notification of ongoing investigations and potentially adverse information pertaining to nominees for general and flag officer promotion.

RECOUPMENT

Question. There are at least 19 separate provisions of law concerning the service obligation incurred by individuals for government funded education, training programs, and various bonuses. Your predecessor testified that he would review these legislative provisions and recommend legislative changes to bring order and consistency to these requirements. To date, no such recommendations have been received.

Do you support recoupment of the residual value of an education, training program or bonus paid in return for a service commitment?

Answer. Yes, as a general rule, when the service commitment was not carried out and the military member was clear about this possibility as part of his or her military contract.

Question. Will you assure this committee that, if confirmed, you would conduct the review your predecessor agreed to conduct and recommend appropriate legislative changes?

Answer. If confirmed, I will review recoupment policies and provide the Secretary with my judgment as to the need for any needed legislative changes.

RECRUITING AND RETENTION

Question. The end of year statistics assessing the military services' success in recruiting and retention were released by the Department of Defense in October 2000. These figures, while not as bad as earlier predictions, do not in all cases achieve the authorized end strengths.

What steps would you take, if confirmed, to assist the services in meeting their recruiting and retention goals?

Answer. First, with regard to recruiting, I would take full advantage of the change to last year's Authorization Act sponsored by Senator Hutchinson. I would help the services gain access to high schools by personally and productively engaging with local educational agencies, in cooperation with state agencies and the Department of Education, to ensure current laws are followed. I also would ensure that the services are working under a coordinated plan, to ensure that school officials fully understand the opportunities military service offers to their graduates. Finally, I would ensure that we have aligned plans and resources in a way that allows us to effectively penetrate the growing college market.

Clearly we must be successful in recruiting quality people, but continued attention to what it takes to keep them serving is essential for force readiness. We must not lose sight of the fact that retention is not just about the service members, but about their families as well. Quality of life is key to retaining a service member and his or her family. Our men and women in uniform recognize they will never become wealthy as a member of the Armed Forces, but they expect a standard of living with opportunities for individual and family growth comparable to their civilian counterparts. Consequently, I would ensure we keep a sharp focus on pay and compensation issues.

Pay and compensation alone will not address all the problems service members face. Service members understand time away is part of the profession, but I believe we should carefully balance deployments and the associated military training requirements with the stability necessary for the long-term health of military families. A continued focus on enhancing predictability, distributing missions carefully within the "Total Force," and protecting quality of life during the inter-deployment period is critical.

There is no single solution to guarantee the level of retention required to ensure a ready force. Retaining our best people will require a combination of initiatives aimed at enhancing the quality of family life and quality of service conditions.

Question. Recent emphasis regarding recruiting and retention has been focused on the active component. The Reserve components are facing even greater challenges in these areas. What steps would you take, if confirmed, to assist the Reserve components in achieving their recruiting and retention goals?

Answer. To maintain a world class fighting force, we must rely on the Reserve component of the "Total Force." We can't have one without the other.

With regard to Reserve recruiting, I would ensure that opportunities in the Reserve components are well known to those individuals from the active services who choose to separate voluntarily, as a means of keeping them in uniform. I also would ensure that "lessons learned" and best business practices are effectively exchanged between the active and Reserve components. The same is true with respect to assisting the Reserve components with achieving their retention goals.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax the most serious biological weapon threat to our military force. Tasteless, odorless, colorless and difficult to detect, anthrax is easy to produce in large quantities and remains viable over long periods of time. The Anthrax Vaccine Immunization Program (AVIP) was initiated by the previous Secretary of Defense after the recommendation of the Chairman, the Joint Chiefs of Staff and the Commanders of Korea and Central Command. To date, more than 500,000 members have been inoculated using over 2 million doses. Since

July 2000, the program has undergone two slowdowns because of limited quantities of FDA-approved vaccine.

If confirmed, and if additional FDA-approved vaccine becomes available, do you plan to reimplement and continue the Anthrax Vaccination Immunization Policy?

Answer. As I understand it, Secretary Cohen decided to implement this program on the advice of the Chairman of the Joint Chiefs of Staff and the Commander-in-Chief, Central Command and Commander-in-Chief, U.S. Forces Korea. If confirmed, I expect to examine, with my colleagues in the Department, all aspects of the program carefully to determine the best approach.

Question. How do you believe the Department should respond to service members who refuse to take the vaccine when required to do so?

Answer. I know anthrax kills. I am convinced that our enemies have the ability to deliver anthrax spores on our forces. I believe it would be irresponsible not to take every step possible to protect our service members from any known threat. In providing such protection, it is important that the Department and the military services earn the trust of service members that the protective measures are safe and effective. I believe that the Department will ensure that the current and any future anthrax immunization will be safe, effective and have been approved by the appropriate government agencies. I also believe that the Department is committed to pursue new vaccine technologies in order to protect our military personnel against anthrax and other biological agents or disease.

HOMOSEXUAL CONDUCT POLICY

Question. The current Department of Defense Homosexual Conduct Policy went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a Federal statute. Although there have been some changes in how this policy has been implemented, the basic policy has not been changed.

Do you believe the current policy is effective? If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes would you propose?

Answer. I believe that the statute in this area is very clear. Consistent with Secretary Rumsfeld's previous statement, and with what President Bush said during the campaign, there are no plans to recommend changes to either current law or policy.

Question. A DOD working group of senior military and civilian representatives from each of the military services recently proposed an action plan to address the problem of harassment based on perceived sexual orientation and other issues raised by the Inspector General. The review resulted in a 13-point action plan to eliminate all forms of harassment. The Department announced that it would issue a Department-wide directive on this subject.

Do you support the 13-point plan issued by the Secretary's working group? Will you ensure that the Department issues and enforces an appropriate directive to implement and enforce the plan?

Answer. I believe that harassment in any form is inconsistent with military values and needs to be dealt with quickly and effectively by military leaders. If confirmed, I will review the findings of the working group and recommend actions that should be taken as a result.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlement. Many of these soldiers, sailors, airmen, and marines say they would like to stay in the service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members would stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

If confirmed, will you give serious consideration to how the Department of Defense could use the transfer of unused GI Bill benefits to family members as a retention tool and provide your thoughts on how we best do this?

Answer. This is a serious proposal and one, among others, we should carefully consider.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individual's life in the military, is structured and defined differently by each service. Men training for direct ground combat positions in the Army and Marine Corps train in all-male units. Men and women training to serve in positions that are open to women in the Army, Navy, and Air Force train in gender-integrated units. Men and women in the Marine Corps are segregated at boot camp, then integrated during subsequent training.

Do you believe the current DOD policy of allowing each of the services to establish its own policy for gender integration in basic training is effective?

Answer. I believe the test of whether basic training is accomplishing its goal is whether it is producing the qualified soldiers, sailors, airmen, and marines required for our forces and the fleet. Service Chiefs and CINCs are the best judge of recruits coming out of basic training. If confirmed, I would like to consult with these senior leaders for their assessment.

Question. If confirmed, would you propose changes to the DOD or service policies? If so, what changes will you propose?

Answer. As noted above, I would want to consult with the Service Chiefs and CINCs before making any recommendations to the Secretary.

CONCURRENT RECEIPT

Question. Military retirees with disabilities incurred during their military service are eligible to receive military retired pay from the Department of Defense and veterans' disability compensation from the Department of Veterans' Affairs. However, current law requires that military retired pay be reduced by the amount of the veterans' benefits. Military retirement pay and disability compensation were earned and awarded for different purposes. Military retirees earned their retirement by dedicating 20 or more years of service to our Nation's defense. Disability compensation is awarded to compensate veterans for injuries incurred in the line of duty.

If confirmed, would you support a change in the law to permit disabled military retirees to receive their full retired pay as well as their disability compensation?

Answer. I recognize that this is a long-standing concern of military retirees and the Department of Defense alike. I am aware that the Department has traditionally opposed the idea of concurrent receipt. If concurrent receipt were to be approved there would be a funding impact within the Department, which would affect quality of life and readiness programs.

CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS

Question. Whenever Defense organizations undergo staffing changes, a review is conducted to determine which positions are "military essential" and which positions can be converted to civilian positions. However, there is no systematic process to review positions in organizations not experiencing such a change to determine whether military positions should be converted to civilian positions. In 1997, GAO, using DOD and service guidance, determined that 14 percent of active duty officer positions were candidates for military to civilian conversion.

If confirmed, would you initiate a review of military positions to determine whether they are truly "military essential" and identify those that can be converted to civilian positions?

Answer. If confirmed, I would carefully examine all aspects of this issue, including any previous studies, to determine whether further reviews are necessary.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. For the past several years, the committee has expressed concern about the management of legislative fellows by the military departments and the Department of Defense.

If confirmed, would you review the Department's policies pertaining to the management of legislative fellows and provide the committee your assessment of which management reforms have been implemented and which require additional action?

Answer. Yes.

Question. What are your personal views on the value and current management of the legislative fellowship program within the Department of Defense? Specifically, in your opinion are legislative fellowships awarded to deserving military or civilian personnel?

Answer. I believe the legislative fellowship program is an excellent opportunity for outstanding individuals, both military and civilian, to observe and gain an understanding of the legislative branch of government. I believe legislative fellowships

are generally awarded to deserving military and civilian personnel with demonstrated potential to benefit from the experience.

Question. Following their fellowship, are legislative fellows assigned to positions in their service in which the experience and knowledge they gained during their fellowship is used effectively?

Answer. The Department's directive makes clear that the intent of the legislative fellowship program is to assign fellows to follow-on tours in which the education gained by the fellowship can be used. If confirmed, I will take steps to ensure, that to the maximum extent possible, the military services are assigning legislative fellows to positions in which his or her experience will contribute to the Department or his or her service.

Question. In your opinion, is it appropriate under the authority in Title 10, United States Code, for Reserve component full-time support personnel to participate in the legislative fellowship program?

Answer. Participation of Reserve component full-time support personnel in the legislative fellowship program is appropriate only to the extent that the fellowship and follow-on assignment are consistent with the authorities in Title 10, United States Code.

Question. If so, how does such an assignment enhance the readiness of the Reserve components as required by title 10?

Answer. While there may be full-time support positions for which the experiences of the fellowship could be helpful, if confirmed, I would review the Department's policy to ensure consistency with title 10.

Question. In your opinion, is it appropriate to bring a Reserve component member on active duty solely to participate in a legislative fellowship program?

Answer. Again, there may be occasions when it is appropriate to bring a Reserve component member on active duty but, if confirmed, I would want to review the Department's policy.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

Senator SANTORUM. Mr. Abell, the 99th Regional Support Command (99th RSC), located near Pittsburgh, and Naval Air Station Joint Reserve Base, Willow Grove, located near Philadelphia, have each sought my support for the construction of a new commissary to serve members of their respective military communities.

I had previously raised the issue of a new commissary for the 99th RSC with Richard Beale, the then-director of the Defense Commissary Agency (DeCA), and received a less than adequate response from General Beale. Do I have your assurance that you will work with DeCA to see that requests for the construction of new commissaries in eastern and western Pennsylvania are given appropriate attention and consideration?

Mr. ABELL. Yes, I will make sure the DeCA and the Commissary Operating Board give appropriate attention and consideration to requests for new commissaries in those locations.

Senator SANTORUM. Mr. Abell, currently, disabled military retirees who receive disability compensation have a portion of their retired pay reduced equal to the amount of the compensation. Many in the military community believe this is tantamount to forcing disabled stretirees to pay their own disability compensation.

It is my understanding that Senator Hutchinson and Senator Warner support efforts to allow military retirees to receive both their full retirement pay and their full disability pay. It is also my understanding that the cost of this change is significant. In his fiscal year 2002 views and estimates letter to Budget Committee Chairman Domenici, Senator Warner indicated that changing this provision of law will cost $3.8 billion a year in mandatory spending.

With additional funds needed for military health care costs, pay raises, real property maintenance, and recruiting initiatives, where do you believe the concurrent receipt problem fits with other unfunded or underfunded priorities?

Mr. ABELL. The issue of concurrent receipt is one that presents some challenges and deserves further review. There is a perception on the part of some retirees that they must pay for their own disability compensation. This perception is rooted in the requirement that retired military personnel must waive some or all of their retired pay in order to receive VA disability compensation. However, the law is clear in its prohibition against concurrent receipt. While the law may be clear, I believe the important nature of the matter merits reconsideration and a comprehensive review. I plan to make such a review as soon as possible.

Senator SANTORUM. Mr. Abell, Section 334 of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001, authorized the sale of magazines and other periodicals as an authorized merchandise category for sale in commissaries. In addition, conferees to the legislation directed the Secretary of Defense to promulgate policy guidance that would limit the display of magazines and other periodicals in commissaries to the immediate area of the checkout lanes.

A constituent company has shared information with my office indicating that DeCA has initiated the process of promulgating guidance on the display of magazines and other periodicals in commissaries. Do I have your assurance that you will work with DeCA and Maj. Gen. Robert Courter to see that the magazine publishing industry has the opportunity to have their views and perspective on DeCA's draft guidance heard?

Mr. ABELL. Yes, DeCA has invited a number of publishers to a meeting to share information on how the industry operates, DeCA requirements, and doing business with the Government.

[The nomination reference of Charles S. Abell follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 29, 2001.

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

Charles S. Abell of Virginia, to be an Assistant Secretary of Defense, vice Alphonso Maldon, Jr., resigned.

[The biographical sketch of Charles S. Abell, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF CHARLES S. ABELL

For the past 8 years, Mr. Charles S. Abell has served as a professional staff member of the Senate Armed Services Committee.

Mr. Abell joined the Armed Services Committee staff in 1993, after a 26-year career in the Army that began as an enlisted soldier and concluded with his retirement as a Lieutenant Colonel.

He was the lead staffer for the Subcommittee on Personnel, responsible for issues concerning military readiness and quality of life. Included in this are manpower; pay and compensation; and personnel management issues affecting active duty, Reserve and civilian personnel; health care; nominations, both military and civilian appointees; and the organization and functions within the Department of Defense.

He worked on codification of the "Don't ask, don't tell" policy prohibiting open homosexuals from serving in the military and legislation concerning the assignment of women. In recent years, he has had the primary committee responsibility for a broad array of important initiatives aimed at restoring cost-of-living adjustment (COLA) equity for military retirees and survivors; improving the military health care program; upgrading Survivor Benefit Plan coverage; and enhancing pay, allowances and retirement programs for Active Duty and Reserve members and TRICARE-For-Life, guaranteeing all retires coverage within TRICARE, the military health care system.

During his Army career, Mr. Abell was a Cobra attack helicopter pilot—a decorated officer who led an infantry platoon, an infantry company and attack helicopter units during two tours in Vietnam. He also served command and staff positions at each level of the Army.

Mr. Abell earned a Bachelor of Science in Political Science form the University of Tampa and a Master of Science in Human Resource Management from Columbus University.

Mr. Abell's decorations include the Legion of Merit, 4 Meritorious Service Medals, the Purple Heart, 2 Bronze Stars for Valor, 14 Air Medals, 2 for valor, the Army Commendation Medal for valor, and the Combat Infantryman's Badge.

He is married to Cathy Abell and resides in Fairfax, Virginia.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Charles S. Abell.

2. **Position to which nominated:**
Assistant Secretary of Defense for Force Management Policy.

3. **Date of nomination:**
March 29, 2001.

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

5. **Date and place of birth:**
December 20, 1946; Sayre, Pennsylvania.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Cathy (McCaffrey) Abell.

7. **Names and ages of children:**
Jennifer Ann; 25.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Wyoming Seminary High School—1962–1964—High School Diploma.
Wake Forest University—1964–1966—None.
University of Tampa—1975–1976—B.S.
Columbus University—1998–1999—M.S.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
United States Army Officer—1966–1992.
Senate Armed Services Committee.
228 Russell Senate Office Building.
Washington, DC. 20510.
Professional Staff Member—1993–Present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

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

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Life Member, The Retired Officers Association.
Life Member, National Rifle Association.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
$500.00 to Bush/Cheney For President—August 1999.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.
Alpha Chi National Honor Society.
Militia Award, Enlisted Association of the National Guard of the United States—1994.
TROA Meritorious Service Award, The Retired Officers Association; two awards—2000 and 2001.
Order of Military Medical Merit, Army Medical Department—1998.
Award of Merit, The Military Coalition—1998.
Friend of the Regiment, Army Medical Department—1997.
Military Awards:
Legion of Merit, two awards.
Bronze Star with "V" device, two awards.
Purple Heart.
Meritorious Service Medal, four awards.
Air Medal with "V" device, 15 awards.
Army Commendation Medal with "V" device, two awards.
Good Conduct Medal.
National Defense Service Medal.
Armed Forces Reserve Medal.
Overseas Service Ribbon, two awards.
Vietnam Campaign Medal.
Combat Infantryman's Badge.

Army Aviator Wings.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

CHARLES S. ABELL.

This 12th day of March, 2001.

[The nomination of Charles S. Abell was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 3, 2001.]

[Prepared questions submitted to Victoria Clarke by Chairman Warner prior to the hearing with answers supplied follow:]

APRIL 19, 2001.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

VICTORIA CLARKE.

cc: Senator Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Defense Reorganization Act of 1986 have enhanced the readiness and warfighting capabilities of the U.S. Armed Forces.

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

Answer. These reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders and significantly improving the ability of the Department to protect America's security and further its vital interests. The reforms have helped improve the interaction among the services in conducting military operations by making joint operations the norm.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibilities; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

RESPONSIBILITIES

Question. If confirmed as the Assistant Secretary of Defense for Public Affairs, what would you view as your principle responsibilities to the Secretary of Defense?

Answer. The Secretary is committed to an ambitious agenda to organize the Department of Defense to more closely reflect and respond to the threats of the 21st century. I believe the involvement and commitment of the American people is absolutely critical to that agenda's successful enactment. If confirmed as the Assistant Secretary of Defense for Public Affairs, my over-arching responsibility to the Secretary would be to help him ensure the effectiveness of the Nation's military by engaging the American people in a national conversation about the threats we face and how we respond to them. Success in building the military of the future absolutely depends on their involvement.

On a day-to-day basis, I would serve as the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for DOD news media relations, public information, internal information, community relations, public affairs, visual information training, and audiovisual matters.

Department of Defense directives provide that the Assistant Secretary of Defense for Public Affairs will ensure a free flow of news and information to the media, appropriate forums, and the American people, limited only by national security constraints and statutory mandates.

Question. What guidelines would you use to determine what information can and cannot be released to the news media and the public?

Answer. The Assistant Secretary of Defense for Public Affairs has responsibility for the security review of Department of Defense materials for publication and release, including testimony before congressional committees.

In keeping with these functions, if confirmed, I will ensure compliance with the established DOD "Principles of Information," which state that the policy of DOD is to make available timely and accurate information in order for the public, Congress, and the news media to assess and understand the facts about national security and defense strategy. I believe the freest possible flow of information—both to the public and in the context of a close working relationship with Congress—will help build the strongest possible public support for a robust national defense that meets the threats of the 21st century.

In addition, if confirmed, I will support the Principles of Information that have long guided the Department's obligations for releasing information. The Principles are published in DODD 5122.5.

Question. What policy would you intend to follow in carrying out these responsibilities?

Answer. It is Department of Defense policy to make available timely and accurate information in order for the public, Congress, and the news media to assess and understand the facts about national security and defense strategy. If confirmed, I will ensure that this policy is continued, that DOD works closely with Congress and that

the American people are engaged in and committed to the process of changing our military to keep pace with changing threats.

Question. Aside from restrictions related to classified and sensitive-source materials, what restrictions, if any, would you apply in approving material prepared for release by Department of Defense officials?

Answer. Information will be made fully and readily available, consistent with statutory requirements, unless its release is precluded by current and valid security classification. The provisions of the Freedom of Information Act will be supported in letter and spirit. Restricting the flow of information to the public, Congress, or members of the Armed Forces would be an impediment to the national consensus I believe must be achieved for effective change to occur.

Information will not be classified or otherwise withheld to protect the government from criticism or embarrassment. Information will be withheld only when disclosure would adversely affect national security or threaten the safety or privacy of the members of the Armed Forces.

A free flow of general and military information will be made available, without censorship or propaganda, to the men and women of the Armed Forces and their family members.

The Assistant Secretary of Defense for Public Affairs should adopt the motto: Maximum Disclosure, Minimum Delay. The Department of Defense's obligation to provide the public with information on its major programs may require detailed public affairs planning and coordination within DOD and with other government agencies. The sole purpose of such activity is to expedite the flow of information to the public. Ensuring accuracy is one of the very few reasons to delay the release of information.

NEWS ANALYSIS AND NEWS CLIPPING SERVICE

Question. The Assistant Secretary of Defense for Public Affairs has responsibility for overseeing the provision of news analysis and the news clipping services for the Office of the Secretary of Defense, the Joint Staff, and the headquarters of the military departments.

What policy do you intend to follow, if confirmed, in providing news analysis and in determining which news media reports should be disseminated throughout the Pentagon?

Answer. The *Early Bird* and its sister publications, the *Supplement* and the *Radio-TV Dialog,* provide the Secretary of Defense and the DOD leadership with news clippings from major news publications. The purpose of this clipping service is to inform the leadership about what the American people are reading and hearing about defense-related activities. If confirmed, my policy will be to ensure that this service provides the leadership with the best information they need to perform their missions and to keep the American people accurately informed about the Department of Defense.

STARS AND STRIPES NEWSPAPERS

Question. In recent years, there has been much discussion of and policy changes with regard to the independence of the *Stars and Stripes* newspapers.

If confirmed, what would your role and responsibilities be with regard to the *Stars and Stripes* newspapers?

Answer. If confirmed, my role will be to provide policy and broad operational guidance to the Director of the American Forces Information Service, who would be my point of contact with the *Stars and Stripes*. He is responsible for the policy, business, financial, operational, and administrative control of the *Stars and Stripes*. My guidance would be directed at ensuring that the *Stars and Stripes* continues to serve as an independent and credible source of news and information to our Armed Forces and their families serving overseas.

Question. In your opinion, what is the role of the *Stars and Stripes* newspapers?

Answer. The *Stars and Stripes* is a DOD-authorized daily newspaper distributed overseas for the U.S. military community. It provides commercially available U.S. and world news and staff-produced objective reports relevant to the military community. By keeping our troops and their families informed, the newspaper enhances both the readiness and the quality of life of its audience.

The *Stars and Stripes* is needed because no other daily newspaper is available to our troops, wherever they serve overseas, that focuses on the military and the activities of the military community, as well as focusing on the U.S. and world news that is relevant to this audience. In this sense, the *Stars and Stripes* is the hometown newspaper for our overseas servicemen and women and their families.

Question. In your opinion, are the *Stars and Stripes* newspapers editorially independent?

Answer. Yes, and there are many safeguards to keep them that way:

- The DOD Directive (5122.11) states that the *Stars and Stripes* is "editorially independent of interference from outside its editorial chain of command." No one at the American Forces Information Service or in my office sees the content of the newspaper until after publication.
- The directive also mandates the hiring of a highly qualified journalist whose primary responsibility is to ensure the editorial independence of the newspaper.
- The House and Senate Armed Services Committees have provided additional oversight in helping to ensure the success and independence of the *Stars and Stripes*. The *Stars and Stripes* Ombudsman has the right to meet independently with these committees whenever he feels it is necessary.
- The Society for Professional Journalists serves as an unofficial champion of the editorial independence of the newspaper. An SPJ representative is invited to all *Stars and Stripes* Board of Directors meetings.

Question. What restrictions, if any, would you recommend be placed on the editorial or reporting staff of the *Stars and Stripes* newspapers?

Answer. The only limitations on the editorial independence of the *Stars and Stripes* are those that are outlined in the DOD Directive. It is my understanding that that directive is currently being staffed throughout the Department of Defense to update it. It was last issued in 1993. If confirmed, I will review it carefully to ensure it meets the standards and objectives I have outlined.

Question. The function and responsibilities of the *Stars and Stripes* Ombudsman have been the subject of debate and discussion within the American Forces Information Service and among journalists outside the Department of Defense.

Do you support an independent Ombudsman?

Answer. Absolutely. I view the Ombudsman as a safeguard of the editorial independence of the newspaper and as a valued proponent of the readership in ensuring that information published in the *Stars and Stripes* is fair, accurate, and balanced. The Ombudsman has the independence and stature to serve as an honest broker that can represent and help educate the editorial staff, readers, Commanders, and Public Affairs Officers.

Question. What guidance would you provide, if confirmed, with regard to the role, responsibilities and functions of the *Stars and Stripes* Ombudsman?

Answer. If confirmed, I will do everything in my power to support the independence of the Ombudsman. This independence is currently protected by:

- DOD Directive.
- The Ombudsman reports directly to the Director of AFIS. That means he is not subjected to Command or Public Affairs pressures.
- The Ombudsman has direct access to Congress.
- The Ombudsman serves a 3-year fixed term. He can't be fired, and his term cannot be extended. This helps protect his independence.
- The Ombudsman publishes articles in the *Stars and Stripes* whenever he deems it necessary and appropriate. Although he may voluntarily send an advance copy to AFIS Director for comment, the Ombudsman has final authority to publish without being edited.

I support all of these protections.

PRESS COVERAGE OF CONTINGENCY OR COMBAT OPERATIONS

Question. In the past 10 years, press coverage of contingency and other high and low intensity operations has increased. This increased coverage has, many times, resulted in conflicts between the press corps and military organizations.

If confirmed, how would you resolve the tension between the media's demand for access and the need to protect certain operational details?

Answer. If confirmed, it will be my policy that information will be withheld only when disclosure would adversely affect national security or threaten the safety or privacy of the members of the Armed Forces.

FREEDOM OF INFORMATION ACT

Question. If confirmed, what would your role and responsibilities be with regard to the Freedom of Information Act?

Answer. As a DOD official, I will fully support the Freedom of Information Act. I will make information readily available, unless its release is precluded because of classification, by law, or other lawful reasons authorized by the act. If information

is releasable and readily available, I will not create obstacles by requiring that a formal FOIA request be submitted. When tasked to provide records in response to a FOIA request, I will make every effort to comply within the time period established by the act and make available all responsive documents under my jurisdiction.

Question. If confirmed, what responsibilities would you have under the Privacy Act and how would you fulfill those responsibilities?

Answer. It is important to do everything we can to respect and protect the privacy of individuals. It is, therefore, critical that Department of Defense personnel who are charged with communicating with the public or the news media understand the restrictions that the Privacy Act or other law, such as FOIA, impose on the release of information about an individual. If confirmed, it will be my responsibility to balance the need to be responsive to the public's desire for information with the need to prevent any invasion of privacy that may result from the disclosure of information. I intend to fulfill this responsibility by continuing to ensure that the Department's public affairs personnel are adequately and properly trained and understand their obligations under current law. My goal is to sensitize personnel to the importance of avoiding unwarranted invasions of privacy that can result from information disclosures.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Assistant Secretary of Defense for Public Affairs?

Answer. The major challenge confronting the Department as a whole is to build a military that reflects the threats of the 21st century. The extraordinary degree of change that will be necessary to succeed demands, in turn, the full engagement and support of the American people.

That challenge is complicated by several factors. On the one hand, as a frank practical matter, the sheer proliferation of news outlets combined with the instantaneous and constant news cycle demand daunting effort just to keep up. On the other hand, the level of interest in military matters should be viewed as a potential opportunity. Fewer and fewer Americans have much, if any, contact with men and women in uniform. Not knowing can too easily evolve into not caring. Especially today, with threats to national security both grave and new, it is absolutely critical that Americans know both the threats we face and the heroic sacrifices our troops are making to meet them.

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

Answer. Given the scope of change and challenge facing DOD, we must wage a full-scale communications campaign aimed at engaging the American people in a conversation on and commitment to a military built for the 21st century. We must educate Americans about what the military faces and the change we need. That means reaching out to every sector of society.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Question for the record with answer supplied follows:]

QUESTION SUBMITTED BY SENATOR JIM BUNNING

Senator BUNNING. The Department of Defense uses an individual's Social Security number as their service identification number. Recently, there have been some reports of identity theft from active duty military members. Privacy Act requirements notwithstanding, anecdotal evidence suggests that it is actually fairly easy to get the Social Security numbers of active duty military personnel, easier than for most civilians

What is your plan to stop the use of Social Security numbers as military identification numbers?

Ms. CLARKE.

PUBLIC AFFAIRS

ASSISTANT SECRETARY OF DEFENSE
1400 DEFENSE PENTAGON
WASHINGTON, DC 20301-1400

May 30, 2001

Honorable James Bunning
United States Senate
502 Senate Hart Office Building
Second Street and Constitution Avenue, NE
Washington, D.C. 20510-1703

Dear Senator Bunning:

First of all, thank you very much for your interest in my confirmation process, including the courtesy call from your office.

Secondly, I apologize for the delay in responding to your question at my April 24 hearing. Before giving you a response, I wanted to make sure I understood fully the concerns you have regarding the continued use of Social Security Account Numbers as the military ID number as well as DoD activity thus far.

Most concerns within the DoD deal primarily with possible threats to individuals who are captured or detained, more than identity theft. A senior group of DoD officials examined the issue and concluded that the removal of the SSAN and substitution of another number does not remove or even markedly reduce the threats. Simply with a name and little else, it is relatively easy to obtain an individual's social security number via the Internet. Additionally, a new number would quickly become linked to the SSAN in Internet-accessible data bases. Thus, the Department might potentially spend hundreds of millions of dollars to change systems without gaining additional protection.

The Defense Intelligence Agency (DIA) will release soon an unclassified version of a similar study with similar conclusions.

I hope the information is useful Senator Bunning, and that I have adequately addressed your question. Please contact me at (703) 697-9312 if I can provide more information.

Sincerely,

Victoria Clarke
Assistant Secretary of Defense
for Public Affairs

[The nomination reference of Victoria Clarke follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 5, 2001.

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

Victoria Clarke of Maryland, to be Assistant Secretary of Defense, vice Kenneth H. Bacon, resigned.

[The biographical sketch of Victoria Clarke, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF VICTORIA CLARKE

CURRENT POSITION

Victoria Clarke is the General Manager of the Washington, DC office of Hill and Knowlton. She is responsible for the oversight of all Washington practice area operations. (November, 1999–present).

PRIOR HISTORY

Prior to joining Hill and Knowlton, Ms. Clarke was the President of Bozell Eskew Advertising, an issues and advocacy advertising firm that is a division of BSMG Worldwide, Inc. The firm produced advertising for PhRMA, Microsoft, the National Cable Television Association, the Steel Industry and others. (December 1998–November 1999).

Previously, Ms. Clarke served for 6 years with the National Cable Television Association (NCTA), leaving with the position of Vice President for Public Affairs and Strategic Counsel.

Ms. Clarke has an extensive history in public policy. Starting as a press assistant in Vice President Bush's office in 1982, she continued on to the position of press secretary to Senator John McCain (R–AZ), working in both his House and Senate offices. Following that Ms. Clarke was the assistant U.S. Trade Representative for Public Affairs and Private Sector Liaison under Ambassador Carla Hills and in 1992 she was the Press Secretary for President George Bush's re-election campaign.

OTHER INFORMATION

Ms. Clarke serves on the Board of Directors for the District of Columbia Special Olympics and the National Foreign Trade Council. In addition, she serves on the Board of Trustees for the Washington Educational Television Association (WETA).

She is married and has three children.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Victoria Clarke.

2. **Position to which nominated:**
Assistant Secretary of Defense for Public Affairs.

3. **Date of nomination:**
April 5, 2001.

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

5. **Date and place of birth:**
May 18, 1959; Pittsburgh, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to James Brian Graham.

7. **Names and ages of children:**
Colin Charles Graham, 5; Devon Grady Graham, 4; Charles William Graham, 2.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
George Washington University (9/79–6/82).
Received B.A. in Journalism (6/82).
North Carolina State University (9/77–5/79).
Sewickley Academy (9/75–6/77).
Received high school diploma (6/77).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
11/99—present: General Manager of Hill & Knowlton (Washington, DC).
12/98–11/99: President of Bozell/Eskew Advertising (Washington, DC).
9/93–11/98: Vice President for Public Affairs at the National Cable TV Assoc. (Washington, DC).
4/93–9/93: Consultant for Edelman Public Relations (Washington, DC).
12/92–4/93: Self-employed consultant (Washington, DC).
1/92–11/92: Press Secretary for Bush-Quayle 1992 (Washington, DC).
11/89–1/92: Assistant U.S. Trade Representative for Public Affairs and Private Sector Liaison.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1999: Conducted a review of recruiting advertising for the Department of Defense.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational or other institution.

General Manager and member of U.S. Management Committee for Hill & Knowlton.

Member of Board of Trustees for WETA (Public Broadcasting).

Member of Board of Directors for DC Special Olympics.

Member of Board of the National Foreign Trade Council.

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

None.

13. **Political affiliations and activities:**

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

None.

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

1996: I provided media relations support for 2 weeks for the Dole-Kemp campaign. I used vacation time from my job (then: NCTA) and was not paid for the work.

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

Retained in committee files.

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

1996—Named Woman of the Year by the Women in Cable & Telecommunications Assoc.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

VICTORIA CLARKE.

This 1st day of March, 2001.

[The nomination of Victoria Clarke was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 17, 2001.]

NOMINATIONS OF EDWARD C. ALDRIDGE TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY; WILLIAM J. HAYNES II TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE; AND POWELL A. MOORE TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

THURSDAY, APRIL 26, 2001

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

The committee met, pursuant to notice, at 9:39 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Bunning, Levin, Cleland, and Dayton.

Other Senators present: Senator Thompson.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Scott W. Stucky, general counsel; and Ann M. Mittermeyer, assistant counsel.

Professional staff members present: Charles S. Abell, John R. Barnes, William C. Greenwalt, Gary M. Hall, Carolyn M. Hanna, George W. Lauffer, Patricia L. Lewis, Thomas L. MacKenzie, Cord A. Sterling, and Eric H. Thoemmes.

Minority staff members present: David S. Lyles, staff director for the minority; Madelyn R. Creedon, minority counsel; and Gerald J. Leeling, minority counsel.

Professional staff members present: Daniel J. Cox, Jr., Creighton Greene, Michael J. McCord, and Terence P. Szuplat.

Staff assistants present: Beth Ann Barozie, Shekinah Z. Hill, and Michele A. Traficante.

Committee members' assistants present: J. Mark Powers, assistant to Senator Inhofe; George M. Bernier, III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders and Charles Cogar, assistants to Senator Allard; Kristine Fauser, assistant to Senator Collins; David Young, assistant to Senator Bunning; Christina Evans and Barry Gene (B.G.) Wright, assistants to Senator Byrd; Andrew Vanlandingham, assistant to Senator Cleland; and Eric Pierce, assistant to Senator Ben Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning, everyone. The committee meets today to receive testimony concerning three civilian nominees for the Department of Defense: Edward C. Aldridge, nominated to be Under Secretary of Defense for Acquisition and Technology; William J. Haynes II to be General Counsel of the Department of Defense; and Powell A. Moore to be Assistant Secretary of Defense for Legislative Affairs. We welcome you.

Mr. Aldridge, I understand that your wife Jodie, your daughter and her husband, Laura and Jeff Boyd, and friend Gale Henderson are here. Would you introduce them, please?

Mr. ALDRIDGE. Yes, sir, they are sitting to my right.

Chairman WARNER. All present and accounted for. You did bring reinforcements, didn't you?

Mr. Haynes, I understand your wife and daughter Sarah and sons Will and Taylor are with you today. Would you kindly introduce them?

Mr. HAYNES. Yes, sir. They are right behind me.

Chairman WARNER. All present and accounted for.

Mr. Moore, I understand that your son, Allen, and Pam Brookenauer are with you today. We welcome you.

This is a very important event, to which families are always welcome. The committee is pleased when they attend, because each of you are undertaking responsibilities in a Department which knows no hours, and knows no time when they can go home, and therefore the families in every respect are a very active participant in these challenging positions to which you have been nominated, so we welcome you. As you are all aware, the families support the individuals in these senior positions in our Government, and we appreciate the support that they will contribute.

Mr. Aldridge has had a distinguished career, and served in a variety of positions in the Department of Defense and private industry for over 30 years.

Mr. Haynes has been active in public service and private sector endeavors. President George Bush, Sr. appointed Mr. Haynes as General Counsel of the Department of the Army in 1990, a position he served in for 3 years. He is currently a partner in the Washington Office of Jenner & Block, where he represents corporate and individual clients. In the mid-1990s, Mr. Haynes served as Staff Vice President and Associate General Counsel for General Dynamics Corporation. He served on advisory committees of the American Bar Association and Maryville College in Tennessee, and on a National Academy of Sciences Naval Studies Board. Mr. Haynes has also worked for a relief organization and performed pro bono work in the D.C. court system.

Mr. Moore is currently the Chief of Staff of our distinguished colleague, Senator Fred Thompson. He has served in that position since 1998. He has been active in public policy affairs in Washington for more than 30 years, serving as Assistant Secretary of State for Intergovernmental Legislative Affairs under President Reagan, and on the White House staff under Presidents Nixon, Ford, and Reagan.

Mr. Moore began his Washington career in 1966 as Press Secretary to Senator Richard B. Russell of Georgia, the chairman of this committee, and then he moved on, first serving as Deputy Director of Public Information for the Department of Justice, and later as a member of the White House legislative staff. He returned to Government service for the Reagan administration, serving as Deputy Assistant to the President for Legislative Affairs. He has worked on numerous presidential campaigns, and represented business interests as Vice President for Legislative Affairs for Lockheed Corporation, and as a consultant.

Our nominees today have a wealth of experience which they bring to the Department of Defense, and as taxpayers and citizens of this country, we are grateful to each of you and your families for offering additional service.

Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, let me join you in welcoming our nominees, Mr. Aldridge, Mr. Haynes, and Mr. Moore. I want to extend a warm welcome to them and congratulate them on their nominations. I look forward to their service. All three nominees come to us with a strong background of public service.

Mr. Aldridge has previously served as Secretary of the Air Force; Mr. Haynes has served as General Counsel of the Army; and Mr. Moore served as Assistant Secretary of State for Intergovernmental Affairs and Legislative Affairs, and in senior staff positions here in the Senate, including, as was indicated, as Senator Thompson's Chief of Staff.

We know our nominees from many capacities and we welcome them all. We thank you for your dedication to public service. We thank your families in advance for the sacrifice they are going to be making as a result of the long hours and hard work that your new jobs are going to entail.

Mr. Aldridge, if confirmed as Under Secretary of Defense for Acquisition and Technology, you are going to take on some of the most challenging issues in the Department of Defense, including the effective management of the Department's major weapons programs, the revitalization of defense science and technology, the continuation of acquisition reform and logistics modernization, and the even-handed management of public-private competition. This job is a very difficult and challenging one. It is one that many of us on this committee, indeed, even not on this committee, such as Chairman Thompson on the Senate Governmental Affairs Committee, have spent a lot of time trying to bring some common-sense practices to and to bring greater efficiency to.

Mr. Haynes and Mr. Moore, if confirmed, you are both going to be serving in important positions of public trust. This committee relies on the Assistant Secretary for Legislative Affairs to provide us complete and timely information on the Department's planned activities. What is less known is that we also rely heavily upon the General Counsel to ensure that the laws we write are fully and faithfully executed and to make sure that the military justice system works well.

Again, I want to thank your families. I notice, Mr. Haynes, that you have three children with you today.

Mr. HAYNES. Yes, sir.

Senator LEVIN. At least you were able to get the tie on one of your boys.

Mr. HAYNES. It is a struggle. [Laughter.]

Senator LEVIN. My heart goes out to him. [Laughter.]

I want to commend your younger boy for his courage and tenacity. I'm probably going to get in trouble with his parents for saying this, but I am with him. [Laughter.]

That probably is going to make it more difficult to ever get a tie on him in the future, but at any rate, we are delighted that you and your family are here. That is true with all of the families as well.

Chairman WARNER. I suggest we recognize our colleague, Senator Thompson. We are delighted to have you here.

STATEMENT OF HON. FRED THOMPSON, U.S. SENATOR FROM TENNESSEE

Senator THOMPSON. Thank you very much, Senator Levin. I want to thank you and Chairman Warner for letting me appear before you here today. I appear before you with very mixed emotions that I will probably soon be losing my Chief of Staff, Powell Moore. I told Powell that I would support him here today, but I am reserving my right to place a hold on his nomination later. [Laughter.]

As I said when President Bush nominated him, my loss is certainly the country's gain. His nomination to be Assistant Secretary of Defense for Legislative Affairs will be just the latest chapter in a distinguished career of public service that began nearly 35 years ago. Powell was born in Georgia, though he has grown into a fine Tennessean, attended the University of Georgia, and served for 3½ years in the United States Army.

Now, Powell majored in journalism and even served as a weekly newspaper editor before coming to Washington. He began his service as Press Secretary for Senator Richard Russell, as the Chairman pointed out. He then joined the Nixon administration, serving as Deputy Director of Public Information for the Justice Department, and later as a member of the White House legislative affairs staff. He left the White House in 1975, but returned 6 years later to serve as Deputy Assistant for Legislative Affairs to President Reagan, a role in which he managed the Senate component of legislative affairs at the White House.

In January 1982, President Reagan nominated him to be Assistant Secretary of State for Intergovernmental and Legislative Affairs, and in this role he traveled with congressional delegations to more than 35 countries, and participated in meetings between congressional leaders and 19 heads of state.

Powell eventually entered the private sector, and answered the call of public service again in 1998, when I asked him to serve as my Chief of Staff. I had come to know Powell back in 1973, during the Watergate days, when I was counsel to the Watergate Committee and Senator Baker. He was friends with Senator Baker, and Senator Baker's staff, and I got to know him then. Powell has been a friend ever since that time, so when I was in need, I felt that

his experience and counsel would be a tremendous asset to me, and I was certainly right in that regard. I will miss his wisdom and his leadership and his counsel, as will my staff, some of whom are here today.

I would like to say I was surprised when I learned that Powell was being called back into the executive branch, but I was not. I knew that President Bush wanted to assemble the strongest team possible, and it was obvious that there would be a place on that team for Powell Moore, so I am proud to introduce him here today.

I want to also welcome a second Tennessean here today, William J. Haynes, who we also claim, who is up for position of General Counsel in the Department of Defense. His parents are Tennesseans.

So most of your panel here today, Mr. Chairman, have strong Tennessee connections, and I want to thank you for your consideration to me and for your consideration for Powell Moore, who I think is and has been for many years a very strong public servant. I think the country is fortunate, with what we put people through nowadays across the board, and we are looking at the presidential appointment initiative, because it is taking longer and longer to qualify good people for service.

It took President Clinton, I believe, about 8 months to get his cabinet together. This will probably take a year. It is therefore becoming more and more difficult to get good people to even come forward for public service, and the kind of people you have at this table here today I think attest to the fact that we are still getting good people who are willing to give a part of their time to serve their country, and I am delighted to see that, and I appreciate what this committee is doing in that regard.

Thank you very much.

Senator LEVIN. Senator Thompson, thank you, and also thank you for your leadership in trying to see if we cannot streamline this process somewhat. I just left the Secretary of Defense earlier this morning. He was going through what it is like to be waiting over in the Pentagon for his assistants to come on board. You are taking a leadership role in seeing if we cannot reverse this trend, because it is just simply untenable that we could operate a Government for up to a year with such skeleton crews as we are forcing on our Secretaries. Thank you for that.

Chairman Warner, I am delighted to call on you.

Chairman WARNER. Thank you. I think it is a distinct privilege for me to come down and join this distinguished group of nominees and have the privilege of introducing an old friend and a man whom I have admired for many years. Pete Aldridge has been nominated to be Under Secretary of Defense for Acquisition and Technology. The position is one of the most important in the Department, and was established by Congress at the recommendation of the 1986 President's Blue Ribbon Commission on Defense Management, the Packard Commission, to place a senior official in charge of defense acquisition, to improve the effectiveness and efficiency of acquisition management.

Earlier this morning, I had the opportunity to meet with former Secretary of Defense Melvin Laird. I had the privilege of serving with him and Dave Packard, and you wear the mantle of this posi-

tion for a team, the Laird-Packard team, which I have always felt was second to none in the history of our Department. Secretary Laird wishes you the usual, get on with your business and do your job right. He was rather blunt. [Laughter.]

Mr. Aldridge was Secretary of the Air Force at the time of the creation of the position of Under Secretary of Defense for Acquisition and Technology. He brings an historical perspective of the need for the position that he has been nominated for, as well as first-hand insight into the difficulties of exercising more centralized oversight and control over an acquisition process which is executed primarily by the services and the defense agencies.

Mr. Aldridge is currently Chief Executive Officer of the Aerospace Corporation. He came to this position from McDonnell Douglas Electronic Systems Company, where he served as President from 1988 to 1992. He was confirmed as the 16th Secretary of the United States Air Force in June 1986, and led the Department until 1988.

Mr. Aldridge has served in a variety of positions within the Department of Defense and private industry, in addition to those previously mentioned, for over 30 years, including positions as Advisor to the Strategic Arms Limitations Talks in Helsinki and in Vienna; as a Senior Manager with the LTV Aerospace Corporation; as the Senior Management Associate in the Office of Management and Budget; as a Deputy Assistant Secretary for Strategic Programs; Vice President of the National Policy and Strategic Systems Group for the Systems Planning Corporation; and as Under Secretary of the U.S. Air Force. He has a long and distinguished record of achievement, including numerous awards and honors, including the Secretary of Defense Meritorious Civilian Service Award, Distinguished Civilian Service Award, and Distinguished Public Service Award, among many others.

Mr. Aldridge has an exceptional record of public service. He has the necessary experience and the background to tackle the difficult tasks that await him in this position. This is not an easy job, as every member of our committee recognizes. Every sailor, soldier, airman, and marine will depend upon him to ensure that the equipment placed in their hands is the best that it can be.

Every taxpayer will depend upon him to ensure that this is all done at the least possible cost. I trust, and indeed I have confidence in him, to work hard to meet these objectives, so Mr. Aldridge, I wish you well. You are on your own. [Laughter.]

Senator LEVIN. Chairman Warner suggested I proceed now to ask each of you if you have an opening statement. Mr. Aldridge.

STATEMENT OF EDWARD C. ALDRIDGE, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY

Mr. ALDRIDGE. Yes, sir. I have provided a little longer statement for the record, sir. I would like just to summarize that this morning.

Chairman Warner, Senator Levin, members of the Armed Services Committee, it is indeed an honor and a privilege to appear before this committee once again. I am very grateful to the President and the Secretary of Defense for the confidence and trust they have

shown in me by nominating me for this very important position and level of responsibility within the Department of Defense.

Mr. Chairman, I very much appreciate your very kind introduction, especially the introduction of my wife, daughter, son-in-law, and executive assistant. They all provide significant support to my life and my career.

If confirmed, this will be my fourth tour in the Pentagon, and the third time I have appeared before this committee in the nomination process. My first appearance was in 1981, when I was nominated by President Reagan to be the Under Secretary of the Air Force. The second appearance was in 1986, when I had been nominated to be the Secretary of the Air Force.

After leaving the Secretary of the Air Force position in 1988, I spent 3 years as President of McDonnell Douglas Electronic Systems Company, and for the last 9 years I have been President and Chief Executive Officer of the Aerospace Corporation. I believe my 23 years of experience in the aerospace industry and 17 years of experience in prior Government positions will be valuable in conducting the responsibilities of the office for which I have been nominated.

Secretary Rumsfeld and Deputy Secretary Wolfowitz, during their confirmation hearings, outlined the national security goals of the President and five key objectives of the Department of Defense. I strongly support these goals and objectives, and if confirmed, will do everything in my power to assure that they are accomplished.

I have established five goals for myself and the organization I will be honored to lead, if confirmed. These goals, if accomplished, will contribute directly to the goals and objectives of the President and Secretary of Defense.

The first goal is to achieve credibility and efficiency in the acquisition and logistics support process. Too many cost overruns, schedule slippage, and performance failures have deteriorated our credibility and the effective management of sophisticated weapons systems. While improvements are being made, our logistics support system is not responsive for our warfighters, and is archaic with respect to commercial standards of parts supply and support. We need to attack cycle times, introduce stability in our programs, and apply good business practices to achieve efficiencies.

The second goal is to revitalize the quality and morale of the acquisition workforce. The morale of our acquisition workforce in military and civilian is low. Some of our best people are leaving, and we cannot recruit good people as replacements in the numbers we need. The average age of the workforce is growing, and 50 percent of them will be eligible for retirement in the next 4 years. We need to let this workforce know how valuable they are, and how much they are appreciated. In 1990, Congress passed the Defense Acquisition Workforce Improvement Act, the purpose of which was to improve the quality and effectiveness of the DOD's acquisition process by enhancing the capabilities of the acquisition workforce. We need to ensure that we are fully utilizing the internal flexibilities provided by this act.

The third goal is to improve the health of the defense industrial base. If we are to have the very best military forces in the world, we must have the very best industrial base which supply these

forces, their training aids, and their spare parts. We want to encourage technology investment in the industry and enhance competition with stronger and more innovative companies, and encourage increased efficiency by removing excess capacity and implementing good business practices, and we must not forget our small and disadvantaged businesses in this process.

The fourth goal is to rationalize the weapons systems and infrastructure with the new defense strategy. A revised defense strategy is being developed. When that work is complete, we will need to ensure working with the military departments and other elements of the Office of the Secretary that our science and technology programs, weapons systems, acquisition plans, logistics support systems, and basing structure support the revised defense strategy.

The fifth and final goal is to initiate high-leverage technologies to create the weapons systems and strategies of the future. We must identify and initiate weapons system and information technologies to provide high leverage and major military advantage in conflict. Such new capabilities could also influence a change in strategy.

To achieve these five goals, we require a responsive organization within the Department, with a decisive and active leadership. That starts with a Secretary of Defense who has already demonstrated these attributes. If confirmed, I will also attempt to reflect these attributes. In addition, I hope to be working more closely than ever before with the secretaries of military departments on acquisition and logistics support matters.

If confirmed, it will be my intent to be actively involved with the committee members and staff to improve the process, quality, and efficiency of how we procure and support the weapons systems of our Armed Forces. Again, I want to thank the President and the Secretary of Defense for their confidence and trust that they have shown in me to be nominated for this distinguished and important position.

Mr. Chairman, and members of the committee, I thank you for your time and attention, and I look forward to your questions.

[The prepared statement of Mr. Aldridge follows:]

PREPARED STATEMENT OF E.C. "PETE" ALDRIDGE

Chairman Warner, Senator Levin, Members of the Armed Services Committee, it is indeed an honor and privilege to appear before this committee once again. I am very grateful to the President and the Secretary of Defense for the confidence and trust they have shown in me by nominating me for this very important position and level of responsibility within the Department of Defense. I had the honor of working directly for Don Rumsfeld during his first tour as Secretary of Defense and will be equally honored, if confirmed, to work with him again.

If confirmed, this will be my fourth tour in the Pentagon, and the third time I have appeared before this committee in the nomination process. My first appearance was in 1981, when I had been nominated by President Reagan to be the Under Secretary of the Air Force. This committee voted favorably on my nomination and I was confirmed by the Senate in August 1981. At that time we were facing many of the same problems in the military that we see today. President Reagan, supported by the strong efforts of this committee, added significant funds to the Department for modernization, spare parts, improved maintenance, military pay, and new technologies. Those funds were well spent. We fought a major war 10 years ago with the superior forces and capabilities purchased during this buildup period, and 20 years later much of the legacy systems acquired during this period remain in our inventory today.

As Under Secretary of the Air Force I had the dual honor of serving both as the deputy to the Secretary of the Air Force and as the Director of the National Reconnaissance Office, working for both the Secretary of Defense and the Director of Central Intelligence.

In early 1986, when I appeared before this committee for the second time, I had been nominated to be the Secretary of the Air Force. This committee voted to confirm me once again. We had reached the peak in Defense funding in 1985 and began the decline in spending that has lasted until now. During my tour in this position, we rolled out the B–2 stealth bomber, exposed the existence of the F–117, rebuilt the expendable space launch vehicle industry, and started the Advanced Tactical Fighter, which is now the F–22. With an exchange of visits between the military leaders of the Soviet Union and United States, we began to see the "cracks" form in the structure of the Soviet Union.

After leaving the Secretary of the Air Force position in 1988, I spent 3 years as President of the McDonnell Douglas Electronic Systems Company, developing electronic systems for aircraft, helicopter, spacecraft and command and control systems. For the last 9 years I have been President and Chief Executive Officer of The Aerospace Corporation, a non-profit corporation supporting the Nation's military and civilian space program.

I believe my experience in the aerospace industry and in prior government positions will be valuable in conduct of the responsibilities of the office for which I have been nominated.

Secretary Rumsfeld and Deputy Secretary Wolfowitz, during their confirmation hearings, outlined the National security goals of the President and the five key objectives of the Department of Defense. I strongly support these goals and objectives and, if confirmed, will do everything in my power to assure that they are accomplished.

I have established five goals for myself and the organization I will be honored to lead, if confirmed. These goals, if accomplished, will contribute directly to the goals and objectives of the President and Secretary of Defense.

The first goal is to *Achieve Credibility and Efficiency in the Acquisition and Logistics Support Process.* Too many cost overruns, schedule slippage, and performance failures have deteriorated our credibility in the effective management of sophisticated weapon systems. While improvements are being made, our logistics support system is not responsive enough for our warfighters, and is archaic with respect to commercial standards of parts supply and support. We need to attack cycle times, introduce stability in our programs, and apply good business practices to achieve efficiencies. We must look at: (a) streamlining the internal decision processes on weapons acquisition, (b) establishing realistic pricing, spiral development and cost-as-an-independent variable (CAIV) as mandatory features of every program acquisition, (c) expanding multi-year contracting for procurement and development, (d) introducing electronic business systems throughout the acquisition and logistics community, (e) privatizing non-core support functions, (f) achieving excellence in the acquisition of services, and (g) moving to more performance-based contracts for both services and supplies.

As Deputy Secretary Wolfowitz stated in his confirmation hearing "We need to seek greater efficiencies not only to safeguard the taxpayer's money, but also because that will allow us to create better weapons systems and invest more in the cutting edge of our Nation's defenses." We need to work closely with Congress to make this happen.

The second goal is to *Revitalize the Quality and Morale of the Acquisition Workforce.* The morale of our acquisition workforce, military and civilian, is low; some of our best people are leaving and we cannot recruit good people as replacements in the numbers we need. The average age of the workforce is growing and 50 percent of them will be eligible for retirement in the next 4 years. We need to let this workforce know how valuable they are and how much they are appreciated. Rigorous civilian human capital planning for the future is essential as we face more demanding skill requirements for future, high technology weapon systems. Congress authorized the Secretary of Defense to provide direct hiring authority to the Defense Laboratory Directors, to allow them to compete better with the private sector for scientific talent. This addresses one part of the problem, but we should be searching for additional solutions to improve the quality and morale of the entire acquisition workforce. In 1990, Congress passed the Defense Acquisition Workforce Improvement Act (DAWIA), the purpose of which was to improve the quality and effectiveness of DOD's acquisition process by enhancing the capabilities of the acquisition workforce. We need to ensure that we are fully utilizing the internal flexibilities provided by this act as well as making maximum use of our education and training capabilities, to include continuous learning for the acquisition workforce.

The third goal is to *Improve the Health of the Defense Industrial Base.* If we are to have the best military forces in the world, we must have the very best industrial base which supply these forces, their training aids and their spare parts. We want to encourage technology investment in the industry, enhance competition with stronger and more innovative companies, and encourage increased efficiency by removing excess capacity and implementing good business practices. In response to many studies on this issue we can do a lot to help the defense industry improve their business viability, to the advantage of industry and to the advantage of the Department of Defense. A stronger, more viable industry encourages technology investment and is more attractive for recruiting and retention of good people. We need to address cash flow and profit policies, barriers to commercial companies doing business with the Department, expedited and proper export control processes, and more incentives for companies to reduce unnecessary costs. We also need to address the development and quality of our small and disadvantaged business contractors, another key part of our overall industrial base.

The fourth goal is to *Rationalize the Weapon Systems and Infrastructure With the New Defense Strategy.* A revised Defense Strategy is being developed. When that work is complete, we will need to ensure, working with the Military Departments and other elements of the Office of the Secretary, that our science and technology programs, weapons systems and acquisition plans, logistics support systems and basing structure support the revised Defense strategy. We will review all the acquisition programs to ensure consistency with the strategy—recommending for elimination those that are not consistent and recommending those on-going and new programs that should be funded. For those programs that are to be included in the Defense budget, we must ensure that the acquisition strategies and plans are consistent with the needs of the warfighters. The final step in this goal will be to adapt the Defense infrastructure to support the strategy and the resulting force structure.

The fifth, and final, goal is to *Initiate High Leverage Technologies to Create the Weapon Systems and Strategies of the Future.* We must identify and initiate weapon system and information technologies to provide high leverage and major military advantage in conflict. Such new capabilities could also influence a change in strategy. We will be looking at rebalancing the activities of the Defense Advanced Research Projects Agency (DARPA) toward high leverage, higher risk technologies, increasing the number of Advance Concept Technology Demonstrations (ACTDs) and taking advantage of commercial innovations, especially in information technology. An increase in Science and Technology funding across the Military Departments and DOD agencies will stimulate more innovative thinking on "war winning" technologies and concepts.

To achieve these five goals will require a responsive organization within the Department with decisive and active leadership. That starts with the Secretary of Defense, who has already demonstrated these attributes. If confirmed, I will also attempt to reflect these attributes. In addition, I hope to be working more closely than ever before with the Secretaries of the Military Departments on acquisition and logistic support matters.

Many of the actions I have outlined we can do with authorities already existing within the Department, and, if confirmed, I will work toward these as expeditiously as possible. Other initiatives will require statutory and regulatory changes to remove the barriers to good and efficient acquisition and logistics support management. If confirmed, I will need the help of this committee and others in Congress to remove these barriers and to achieve the goals we have established for ourselves. It will be my intent to be actively involved with the committee members and staff to improve the process, quality and efficiency of how we procure and support the weapon systems of our Armed Forces.

Again, I want to thank the President and the Secretary of Defense for their confidence and trust they have shown in me to be nominated for this distinguished and important position.

Mr. Chairman and members of the committee, I thank you for your time and attention. I look forward to your questions.

Chairman WARNER. Thank you very much, Mr. Aldridge. That was an excellent opening statement.

Mr. Moore.

STATEMENT OF POWELL A. MOORE, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. MOORE. Mr. Chairman, I have no opening statement, but I would like to offer a few expressions of appreciation, if I may.

First and foremost, I would like to thank you and Senator Levin for your prompt consideration of these nominations. The fact that these nominations arrived here on Monday after a recess and then you were having this hearing today certainly indicates an intention on the part, and a record on the part of this committee to cooperate with this administration. I certainly would offer my expressions of appreciation for that spirit of cooperation.

As Senator Thompson pointed out, about 34½ years almost to the day, I started work for the chairman of this committee, and I learned very early about its bipartisan spirit and its bipartisan approach to public policy, and I know that that bipartisan spirit has existed for a long time.

Let me say that if I am confirmed to be the Assistant Secretary for Legislative Affairs, it would be my intention to make sure that the Department of Defense fosters that spirit of bipartisanship that has always characterized this committee.

Second, I would like to offer my appreciation to the President for nominating me to this position. I would like to thank the Secretary of Defense for recommending me for this position. I think the President has demonstrated that he intends to assemble the best, or he has assembled the best possible cabinet available, especially when he selected Secretary Rumsfeld to be his Secretary of Defense. I think Secretary Rumsfeld has the qualities, the character, the integrity, and the judgment to truly make a historic member of the presidential cabinet.

Finally, I would like to thank Senator Fred Thompson not just for his kind comments today, but also for the opportunity that he provided me 3 years ago to return to public service. I think the experience as his Chief of Staff has certainly been a wonderful experience for me and a truly beneficial experience for me, and I would like to suggest that I know of no one who sacrifices more in the cause of public service than Senator Fred Thompson does. He has a lot of options, in view of his exceptional capabilities and qualities, for a more lucrative existence, and an easier existence, but he chooses public service, and I think the Nation benefits from the fact that he chooses public service, and I offer my appreciation to him.

I look forward, if confirmed, to working with this committee and you, Mr. Chairman, and you, Senator Levin, and I am prepared to answer your questions.

Chairman WARNER. Thank you again. That was a very moving statement, and we recognize your long service to your country, and indeed to this institution, the United States Senate, and the taxpayers are fortunate, as is this country, to have you once again volunteer to go back into the harness. We wish you well.

Now, Mr. Haynes, I observe that both you and Mr. Aldridge are returning to the Department. I do not want to get personal about it, but I love that Department. I spent 5 years plus at it, and there have been times in my career that my heart is tugged to go back, so I thank you for taking this opportunity to go back. I know the

challenges in that Department are second to none anywhere in our whole Federal system, so I wish you well, both of you. Please proceed, Mr. Haynes, for any statement that you might wish to make.

STATEMENT OF WILLIAM J. HAYNES II, NOMINEE TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Mr. HAYNES. Thank you, Mr. Chairman, Senator Levin. I also want to thank Senator Thompson for his kind words.

Senators, it is an honor to be back before this committee today to be considered to be the next General Counsel of the Department of Defense. If confirmed, I look forward to working with you and your staffs on behalf of our country, and for our men and women in uniform. I am deeply grateful to President Bush for nominating me for this office, and to Secretary Rumsfeld for this opportunity to join his team.

As I said to Secretary Rumsfeld in one of our discussions about the privilege of service, my family is the most important motivation and foundation for me in going forward. I am happy that most of them are here today. Not here are my parents, retired Colonel Jim Haynes, and Caroline Haynes, Tennesseans now and South Carolinians always, who continue to be sources of inspiration and example for me.

With me today are my children, of whom I am very proud. They represent for me the next generation whose security and freedom we all hope to ensure. Indeed, they may be the ones who have to fight if we are less than perfectly successful in meeting our challenges. Meg, my wife of 19 years and partner for a lifetime, is my most important source of sustenance and focus for commitment. I thank them for their support in this opportunity to serve.

Finally, I thank this committee and staff for your significant efforts to schedule this hearing so quickly. We are all eager to get started, if confirmed.

Chairman WARNER. Thank you very much. Senator Levin and members of the committee, I am just sitting here thinking, Secretary Rumsfeld, previous Secretary of Defense; Secretary Wolfowitz served in the Department of Defense; Dov Zakheim served in the Department of Defense; now two more. I do not think there is any other Department or agency in our Federal Government that has a record that reflects the challenges of work there to which you and others have responded time and time again. It is very unique.

We thank you for your expressions of confidence in this committee and its work as a separate coequal branch of the Government, the Senate has the advice and consent role, and we have, Senator Levin and I and each member of this committee, tried very hard to move as swiftly as we can, but carefully and thoroughly with regard to the nominations that our President has forwarded to the Senate. We have conducted open sessions, and we have conducted executive sessions on those matters which we regard as personal to each individual as nominee. We will have an executive session following this hearing today with respect to certain nominees, and so we have to move very swiftly.

Now, at this point, I would like to enter into the record a statement provided by our former chairman, Senator Sam Nunn, rec-

ognizing your accomplishments, Mr. Moore, and the trust that he has in you to fulfill the obligation of the office to which you have been appointed. Following Senator Nunn's statement, I would also enter into the record the opening statement of Senator Strom Thurmond.

[The prepared statement of former Senator Nunn follows:]

PREPARED STATEMENT BY FORMER SENATOR SAM NUNN

Mr. Chairman, Senator Levin, and members of the Senate Armed Services Committee, it is a privilege to join my former colleague, Senator Fred Thompson, in strongly supporting the nomination of Powell Moore for the position of Assistant Secretary of Defense for Legislative Affairs.

I know that Powell will fully justify the confidence that the President and Secretary of Defense have expressed in him. In Powell Moore, we have a member of our Senate Armed Services Committee family, as he started his government career with then-Chairman of the SASC, the late Senator Richard Russell of Georgia. The committee has been blessed over the years with truly remarkable staff, and Powell certainly was one of the best.

My unhesitating support for Powell Moore is based on a major aspect of his distinguished career—the combination of a solid grasp of national security issues with remarkable experience and understanding in the area of executive-legislative relations.

I know the Chairman, and other members believe, as I do, that it is extremely important that our overall national security and foreign policy be conducted within a bipartisan framework. This has been a hallmark of the SASC over the years and is continued by the current leaders, Chairman Warner and Senator Levin.

Powell Moore recognizes and supports this tenet as he learned this firsthand from Senator Russell who himself considered bipartisan statesmanship as an inviolate principle.

Powell worked closely with Senator Russell and learned this approach and the issues well. He cemented this understanding in subsequent jobs in the executive branch, in the legislative branch, and over a decade of highly successful years in the private sector.

Mr. Chairman and members of the committee, Powell Moore understands the issues, he understands the need for a bipartisan approach, and he understands the "two way street" that is essential for the proper implementation and the long-term support and continuity of a sound national security policy. I am sure most people on this committee know Powell Moore personally and recognize firsthand his superb capabilities in this area.

Powell's knowledge and skills were cultivated in his hometown of Milledgeville, Georgia and during his days at the University of Georgia. I have known Powell and his family for many years and know that he has the best interest of this nation as his guiding principle. His parents were close to another American who shared that goal, my great-uncle, Congressman Carl Vinson, also of Milledgeville, Georgia.

Powell has a difficult and challenging job ahead as do members of this committee. Many complex national security issues will be before Congress that will take a great deal of skill, knowledge, understanding, and cooperation between the two branches.

I am confident that Powell is more than qualified for this important task. I want to offer my personal congratulations to Powell, his family, and his very proud relatives in Milledgeville, Georgia.

I thank the committee for this opportunity and I welcome the opportunity to support Powell Moore's nomination.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I join you in welcoming Mr. Aldridge, Mr. Haynes, and Mr. Moore. Our Nation is fortunate to have individuals such as these nominees willing to take on the challenges of serving in key positions and to undergo the scrutiny of the nomination process. Although some have criticized the nomination process as being too burdensome, I believe that the confirmation of Presidential appointees is one of the Senate's most important tasks and one that should not be taken lightly.

Mr. Chairman, we have three able nominees before the committee this morning. Mr. Aldridge has a distinguished record both in government and the private sector. He has appeared before this committee often most notably as the Secretary of the Air Force in the Reagan administration. Mr. Haynes has served as the Army Gen-

eral Counsel and has extensive corporate legal experience. Mr. Moore is well known to all who have served in the Senate for his service to Senator Richard Russell and now Senator Thompson. He also has distinguished himself in various positions in the Department of State and the White House.

Mr. Chairman, I look forward to hearing from the nominees and I wish them all success.

Thank you, Mr. Chairman.

Chairman WARNER. The committee has asked each of our witnesses a series of advance policy questions, and they have responded to those questions. Without objection, I shall put them into the record at the appropriate location.

Senator Levin and I, as Chairman and Ranking Member, have examined very carefully certain background material as forwarded by the Counsel for the President. In my judgment, each of the nominees has a record which brings no reason for any further consideration in terms of any question of their background. Do you share that view, Mr. Levin?

Senator LEVIN. I do.

Chairman WARNER. We will be looking into one aspect in executive session, however, with respect to two of the nominees. Now, the standard questions that are posed by this committee to each of the nominees, you have heard them before, since you have been here, but we will go again. Have you adhered to the applicable laws and regulations governing conflict of interest?

Mr. MOORE. Yes, sir.

Mr. ALDRIDGE. Yes, sir.

Mr. HAYNES. Yes, sir.

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

Mr. HAYNES. No, sir.

Mr. ALDRIDGE. No, sir.

Mr. MOORE. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines for requested communications, including questions for the record?

Mr. HAYNES. Yes, sir.

Mr. ALDRIDGE. Yes, sir.

Mr. MOORE. Yes, sir.

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

Mr. MOORE. Yes, sir.

Mr. ALDRIDGE. Yes, sir.

Mr. HAYNES. Yes, sir.

Chairman WARNER. Will those witnesses be protected from reprisals for their testimony or briefings?

Mr. MOORE. Yes, sir.

Mr. ALDRIDGE. Yes, sir.

Mr. HAYNES. Yes, sir.

Chairman WARNER. All right. We thank you very much. Senator Levin, why don't you lead off with your questions.

Senator LEVIN. Thank you, Mr. Chairman.

As the chairman mentioned, we have received a letter from Sam Nunn, which is a very strong letter of recommendation for you, Mr. Moore. I notice in his statement, which the chairman has made a

part of the record, that you come from the same town as Senator Nunn's great uncle, Congressman Carl Vinson, Milledgeville—am I pronouncing it correctly?

Mr. MOORE. Yes, sir.

Senator LEVIN. I am glad Senator Cleland is here, because of that connection. He is going to tell us later where Milledgeville is. [Laughter.]

There must be something about Georgia which produces the kind of heroes we have seen, with your former boss, as a matter of fact, Senator Russell. We have a true hero here in our midst today in Senator Cleland, Senator Nunn, Congressman Vinson—there must be something magic down in Georgia. I hope you will export it.

Mr. MOORE. They all come from small towns, Senator Levin.

Senator CLELAND. Would the Senator yield?

Senator LEVIN. I would be happy to yield.

Senator CLELAND. I might say that with all due respect to the great Carl Vinson and the distinguished panelist here, Mr. Moore, Milledgeville is the site of a State insane asylum. [Laughter.]

Senator LEVIN. There is no way to follow that one up without getting into trouble. I am just sorry that the chairman talked about throwing some light on this subject earlier today [Laughter.]

Chairman WARNER. Would you yield for a moment?

Senator LEVIN. I would be happy to.

Chairman WARNER. Our colleague from Georgia is second to none, and he knows exactly when and how to use his humor, but I know the way to Milledgeville. When I was Secretary of the Navy we had a problem, a very serious one, and I received a summons to go to Milledgeville with the Chief of Naval Operations.

There we received, I think, one of the historic lectures from a man who served in Congress for 50 years, and walked out of his congressional office exactly to the day, 50 years, having served first as chairman, I believe, of the Naval Affairs Committee, and then as the House Armed Services Committee for, I do not know how many years he was chairman of those two committees, but I always remember when I was in the Department of Defense Mr. Laird said there is one man that I will follow anywhere in this world, and it was Uncle Carl Vinson.

Mr. MOORE. I do not think people who knew him referred to him as Carl. Senator Nunn, of course, referred to him as Uncle Carl, but, of course, he was his uncle. The rest of us called him Mr. Vinson, or Mr. Chairman.

Senator LEVIN. First, Mr. Moore, let me ask you this question. We have had a number of nominees in recent weeks tell us that they do not know when the administration is going to be submitting the details of the fiscal year 2002 defense budget. They cannot say whether or not the administration is going to be submitting a supplemental request for fiscal year 2001.

We all want to work with the Department to strengthen our military, but we cannot begin our authorization process until the administration submits that detailed budget. I am wondering whether you will tell us, when confirmed, as soon as you can on a regular basis, as to what the plans of the administration are for submitting that 2002 budget and any 2001 supplemental.

Mr. MOORE. Senator Levin, I think that all nominees have been very cautious about making any assumptions about Senate confirmation, and I think that is entirely appropriate, so most of the people who have appeared before you as nominees have truly not been read into the exact plans for a supplemental. Let me say that if I am confirmed, that I will cooperate with you and the chairman and this committee to the maximum extent possible, including keeping you informed on progress and developments related to supplementals and any adjustments that may be made in the 2002 budget.

Senator LEVIN. Thank you. I believe there have been 20 separate advisory panels that are now participating in various aspects of Secretary Rumsfeld's strategic review. Will you, if confirmed, ensure that this committee is provided information regarding the structure, membership, purpose, and findings of those panels?

Mr. MOORE. If confirmed, yes, sir, I will make every effort to make sure that the committee is properly informed.

Senator LEVIN. About those aspects?

Mr. MOORE. Yes, sir.

Senator LEVIN. This is for you, Mr. Aldridge. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the last few decades averages between 8 and 9 years. Others have said that that cycle can go from 15 to 20 years. The Secretary has said that the cycle time simply does not respond to urgent challenges arising, and to rapidly emerging technological developments. I think all of us would surely agree with that. I am wondering what your thoughts are on specific steps the Department might take to reduce that cycle time for major acquisition programs.

Mr. ALDRIDGE. Yes, sir. There have been many studies done on this particular problem, the Defense Science Board, various independent committees, and if confirmed, I will strongly work toward getting the cycle times down. Many of the previous studies have talked about a concept called spiral development, or evolutionary development. Rather than trying to go for the ultimate configuration right off the bat, it is better to accept a slightly lesser version or capability of a particular weapons system, and that can be done much faster and allow that weapons system to evolve with time.

It reduces risk, it gets weapons systems in the hands of our troops faster, usually the systems are designed to be lower cost so you can get rid of the older system that would tend to be more expensive, so cycle times have a very positive impact. Reducing cycle times has very positive impacts upon the capabilities of our forces, and if confirmed, I plan to attack that aggressively. As I pointed out, one of my goals that I had in mind, if confirmed to this job, is to go after that for acquisition as well as logistics.

Senator LEVIN. After you have had a chance to get settled and review the studies, would you give us a specific plan for reducing that acquisition cycle at some point this year? Would you do that?

Mr. ALDRIDGE. Yes, sir, if confirmed into the job, that is one of my goals and, in fact, we are developing some metrics to measure how well we are doing, and I can share that with the committee as well.

Senator LEVIN. In addition to the metrics about how well you are doing, can you give us the specific steps as to how to achieve those goals that you are going to take after you have had a chance to do these reviews?

Mr. ALDRIDGE. Yes, sir, when and if I am confirmed.

Senator LEVIN. Thank you.

Secretary Rumsfeld indicated that the administration is going to seek to reduce cost by privatizing non-core defense activities. The Department has said in the past that it benefits from public-private competition regardless of whether the competition is won by the public sector or by the private sector. Others have made the point that it is unfair to take jobs from public employees without giving them an opportunity to compete for the work. Would you agree that private-public competition is an essential precondition to the privatization of noncore functions that are currently using DOD employees?

Mr. ALDRIDGE. Yes, sir.

Senator LEVIN. One last question, and this goes to you, Mr. Haynes, and it relates to the needs of defense laboratories to have direct hiring authority in order that they can compete with industry for the best and brightest personnel. The committee has twice enacted legislation giving the Department this direct hiring authority, but the Department has yet to use it.

I am wondering whether you will work with Mr. Aldridge and others, Mr. Haynes, to address any legal objections that there may be to using this authority so that we can give the laboratory directors the authority that they need.

Mr. HAYNES. Yes, Senator Levin. If confirmed, I will hope to be working very closely with Secretary Aldridge. It is one of my most intense hopes to provide the leadership of the Department with a range of authorities, and if the Department is not utilizing some authority that it can to accomplish objectives the President and the Secretary have laid out, then we absolutely should pursue that.

Senator LEVIN. Will you take a specific look at that authority?

Mr. HAYNES. Yes, sir.

Senator LEVIN. Thank you, Mr. Chairman.

Chairman WARNER. Senator Bunning, why don't you go ahead. I have quite a bit to cover later.

Senator BUNNING. Thank you, Mr. Chairman. Thank you, gentlemen, for coming to see us. As I told the nominees that were before us, yesterday or the day before——

Chairman WARNER. Excuse me, by the way, I am glad you mentioned that. In consultation with the Ranking Member, we would hope to have a vote today of the committee on those nominees.

Senator LEVIN. The ones that were before us on Wednesday?

Chairman WARNER. Yes. We will notify the committee.

Senator BUNNING. —I told them the same thing, that I would like to relate to you that the most important thing I can convey to you is the importance of providing us here in Congress with timely, accurate information. If we ask one of you a question, or if you are here to report on an issue within your purview, accuracy is vital, and I repeat that. Accuracy is vital.

We have had people appear before committees of jurisdiction and not have accurate information so therefore we made bad judgments

because of inaccurate information. Congress cannot do its job without good information. If you are confirmed, I am looking forward to working with you to see to it that we do get accurate information.

I just have a few questions, Mr. Chairman. This is for Mr. Aldridge. If confirmed, will the Army's recent decision, at an estimated cost of approximately $26 million to purchase berets from China, fall within your jurisdiction?

Mr. ALDRIDGE. Yes, sir, and if confirmed, the process of that purchase went through the Defense Logistics Agency, and that is under the control of the Under Secretary for Acquisition and Technology.

Senator BUNNING. What is your view of the Army's decision to circumvent the Buy America requirement and go to China for the purchase?

Mr. ALDRIDGE. Sir, I was not involved with that decision at all.

Senator BUNNING. I know you were not.

Mr. ALDRIDGE. I am not sure what the rationale was for that decision. My understanding is the Army asked the Defense Logistics Agency to purchase the berets and they went through a process, which I understand from the discussions was appropriate. I have read that somewhere in the newspaper, but the decision as to exactly why they did that, I cannot answer why they took foreign sources.

Senator BUNNING. If confirmed, do you intend to do anything about it?

Mr. ALDRIDGE. It will fall within my purview, if confirmed, to address the issues, any remaining issues on that purchase, if I am confirmed for the office.

Senator BUNNING. Mr. Haynes, events such as the World Trade Center bombing and Oklahoma City bombing have highlighted the domestic terrorist threat to the United States. To respond to this threat, various agencies of the executive branch have been planning and conducting exercises to work out effective responses to terrorist incidents. An example of this is the topoff exercise that was conducted in three cities last May.

One issue to be worked out involves the role the military is to play in the domestic support of law enforcement during such an incident. This support is allowed under special circumstances by the posse comitatus—that is good, you can tell I am not a lawyer, thank God—act and other similar laws. How do you plan to ensure that the military can provide effective support to law enforcement during a domestic terrorist attack while ensuring they don't violate the Constitution and the laws of the United States in the process?

Mr. HAYNES. Senator, the key to that question, I think, is planning and thought beforehand. One of those delicate issues in constitutional democracy is the relationship between the Armed Forces and the civilian leadership. The scenario you describe, as horrible as it is, presents that very delicate question perhaps in its most severe light, so careful planning beforehand to ensure that military support under such circumstances is always under civilian control is going to be paramount. I can assure you, if confirmed, that will be a very important issue for me, and the legal community should and absolutely must be involved in that planning process.

Senator BUNNING. One last question. A topic that has come up in recent years is information warfare: the ability to conduct an attack against someone's computer system. In recent years, the Department of Defense has been working on how these capabilities would apply under the international laws of armed conflict.

The Department of Defense has since transferred the responsibility for information warfare, or, as it is sometimes called, information operations, to Space Command, an operational command. This has at least indicated the possibility of the capability to conduct such an operation. What is your view regarding how information operations fit into the law of armed conflict?

Mr. HAYNES. My view is a developing one, Senator, as is the entire field of information warfare. The concept is relatively new. It has ripened since the last time I was in public service, although I was involved in a panel with the Naval Studies Board in the early 1990s to address some of these issues.

The short answer is that each circumstance will present novel issues and require very delicate and sophisticated analysis. It is something we are going to have to address in the future and, if confirmed, that is going to be one of the top priorities for all of us: to figure out how to incorporate that into the roles and missions of the Department of Defense, and where it is to be placed.

Senator BUNNING. Well, I intend, after you are confirmed, and I expect you to be confirmed, to follow up on that specific question again, because I think that is a vulnerable and most important part of your job.

Mr. HAYNES. I look forward to working with you and your staff.

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

Chairman WARNER. Thank you, Senator, a very interesting line of questions. If my colleagues would bear with me a minute, that question of the Army berets, you know what disturbed me, and I communicated some certain thoughts to the Chief of Staff of the Army and others about that, but the issue of awarding that contract to China certainly is one that has to be examined. In hindsight, I would not say that the Chief of Staff of the Army or others who handled that could have foreseen in any way the problems that ensued thereafter between our country and China. I am happy to go into that with you, but I know that decision has to bear heavily on their thoughts and minds today.

Senator BUNNING. Mr. Chairman, I did not even think in relationship to the fact that we have had an incident with China, just the fact that there would be a contract awarded to China in the situation that we have a Buy American clause in all procurement, if we can Buy American first.

Chairman WARNER. I share the Senator's views, because that hat is a symbol of great military tradition. Anyway, I just wanted to say I have great respect for the Chief of Staff of the Army, and while we may have differences on the policy decisions, I certainly think he should not bear that one.

Now we will turn to our distinguished colleague, Mr. Dayton. I am going to do the wrap-up and let all the other members have their opportunity first.

Senator DAYTON. Thank you, Mr. Chairman, and I thank the nominees for their willingness to serve our country once again, and

since you have provided excellent responses to the prepared questions and previous questions, I will not belabor those subjects. I just have a couple of questions.

Mr. Aldridge, you bring a unique perspective, having served as the head of one of the service branches and also previously in the Department of Defense itself, and now with the position you are coming into. I wonder if you could from both those perspectives assess the benefits and the weaknesses of having essentially very separate weapons development procurement systems within the respective branches.

Do you see any opportunities or benefits from increased coordination or consolidation of those, or do you think they are best kept separate?

Mr. ALDRIDGE. Sir, the Goldwater-Nichols Act changed the approach that the Department of Defense had with regard to weapons systems acquisition. It dictated that there would be a more centralized approach to weapons acquisition than in prior years. It established the Under Secretary for, at that time, Acquisition and Technology, which has now been designated Acquisition, Technology, and Logistics.

The approach that the Secretary has in his new position with the current Secretary of Defense is to encourage much closer cooperation between the acquisition and logistics community within the Department of Defense, with the services, and has formulated an approach that I would hope to follow through on, if confirmed, to work very closely with the service secretaries in this regard. He has clearly indicated that that is what he expects of this position, and I certainly support his views on that regard, and if confirmed, I would carry them out.

Senator DAYTON. A related question, sir, one of the questions about the lack of financial and physical inventory controls and accounting capabilities, you referenced the difficulty with the so-called feeder systems coming up. Obviously, the consolidated information is only as good as the individual components.

Do you see that as a bottom-up kind of problem, though, and is there any kind of—again, given the separation and a system as complicated and mammoth as the institutions and the branches, is there any hope that we will ever get to a point where we have a uniform system and better accounting, better management, and fiscal controls?

Mr. ALDRIDGE. Sir, I think it is essential that we have such capabilities, and it is a two-way street. It is a bottoms-up, which is to make sure the feeder systems are consistent and providing consistent information as it moves up the chain, but I will tell you, I think it is also a leadership question. This type of modification to our finance and accounting system is going to take very strong top leadership to get it, to make it happen.

It is clear that some kind of directive to achieve such a capability within a finite period of time, and having that monitored by the Secretary of Defense and the other DOD leadership, is going to be absolutely essential.

Senator DAYTON. Well, reading through the questions and getting an understanding of the scope of your responsibilities, I wish you well. You have a mammoth task in front of you.

Mr. Moore, one question. I would second Senator Bunning's concerns that at our previous hearing this week with then the nominee for Assistant Secretary of Public Affairs, Victoria Clarke, about the accuracy and reliability and the speed of information provided to Members of Congress, do you see a role for your office in that effort and, if so, how would you work with the Secretary for Public Affairs?

Mr. MOORE. Senator Dayton, I see that as a primary role. The Office of Legislative Affairs has a responsibility to make sure that this committee and all of Congress receives information on a timely basis that is accurate, and that it comes on a bipartisan basis, and that would certainly be my strongest commitment, to make sure that the committee is informed and that Congress is informed.

I recognize that it is important that Victoria Clarke and I work very closely together, because one of the challenges in legislative affairs these days is to make sure that Members of Congress are not surprised in getting ahead of the flow of information in today's world, where information spins around so rapidly, and sometimes announced by the Department and other times not announced by the Department. It is a challenge to get ahead of the public flow of information, but it is my commitment to make sure that Congress is well-informed, and that we avoid surprises.

Senator DAYTON. Thank you.

Mr. Haynes, I am not an attorney. I will not even try to comprehend the scope of your responsibilities, but I wish you well. [Laughter.]

Thank you, Mr. Chairman.

Chairman WARNER. I thank you very much. Our colleague from Georgia.

Senator CLELAND. Thank you very much, Mr. Chairman. I just want to say that it is an honor to be here with Powell Moore, who has risen higher than any former escapee of a mental institution. [Laughter.]

We are just honored to be with you Powell. I would ask unanimous consent that a letter endorsing Powell Moore for this position from Senator Zell Miller be entered into the record?

Chairman WARNER. Without objection.

[The information referred to follows:]

PREPARED STATEMENT BY SENATOR ZELL MILLER

I am pleased and honored to endorse Powell A. Moore for the position of Assistant Secretary of Defense for Legislative Affairs. To say that he is eminently qualified for this position would be an understatement. His distinctive record of public and private service is across a spectrum of military service, politics, journalism, and industry.

A native Georgian, he has served as a key staff member with such notable politicians as Senator Richard B. Russell and President Ronald Reagan. Most recently, he has served as the Chief of Staff for the distinguished Senator from Tennessee, Fred Thompson.

For more than 30 years, Powell Moore has been active in Washington public policy affairs, and his breadth and depth of experience will be a tremendous asset to the Department of Defense. I look forward to his service as the Assistant Secretary of Defense for Legislative Affairs, and enthusiastically recommend that this esteemed committee confirm this appointment.

Senator CLELAND. I had actually intended, Mr. Moore, to be here to introduce you but I had another committee engagement. I think

it is marvelous that you have strung together such a magnificent set of public service accomplishments, particularly in regard to this committee. Dick Russell was one of my great heroes in life, and for you to start off your career here in Washington with him on his staff is a great tribute to you.

Then, of course, the endorsement by Senator Nunn, a former chairman of this committee, and then of course coming from Milledgeville—we laugh and joke, but Milledgeville is, of course, the home of Carl Vinson, and he is legendary there in that State.

May I just say, it is an honor to support you, and I wish you well in your activities.

Mr. MOORE. Thank you.

Senator CLELAND. May I say now, Mr. Aldridge, it is my role to be the skunk at the picnic here. I do not relish this role. I want you to know that my respect for you is a great respect for your public service and for your willingness to offer yourself for public service once again. May I say to you that my questions and the tone of my questions are nothing personal, but it rises out of a frustration that I had with several issues in the 5 years that I have been here.

I am sorry that you and I were not able to meet before this hearing. I hope we will be able to meet privately and go over some of these issues, because quite frankly, in all honesty, my support for your nomination is contingent upon successful answers to questions that I have. We have been trying to get out of this committee for a number of years, answers regarding logistical support for the Air Force, particularly in terms of air logistics centers.

I would like to get it straight first of all, did you say that this position was once formerly Under Secretary for Acquisition, Technology, and Logistics, and now it is just Acquisition and Technology?

Mr. ALDRIDGE. No, sir. It was originally created as Acquisition and Technology, and it has been augmented to include, now, logistics, Deputy Under Secretary for Logistics and Materiel Readiness that now reports to the Office of the Under Secretary.

Senator CLELAND. So your position that you seek is Under Secretary for Acquisition, Technology, and Logistics?

Mr. ALDRIDGE. Yes, sir.

Senator CLELAND. Which brings me directly to my point.

In recent years, both the House Armed Services Committee and the Senate Armed Services Committee have expressed our views that the services were outsourcing to the private sector work on weapons systems we considered vital to the national security.

The requirement to maintain a core capability in the public sector was written into law—written into law—for fiscal year 1998 to ensure that we could perform maintenance, repair, and long-term sustainment of our critical weapons systems during a time of war or national crisis, and we have been through several moments of national crisis just since I have been on this committee. One was Milosevic, two was Saddam Hussein.

When it comes to aircraft which we relied on heavily in those engagements, we have established our great air logistics centers to perform this role. You might want to check it out, but I understand

that this country has never gone to war without a depot system, either branch.

When I was a young lieutenant, signal officer with the First Air Cavalry Division in Vietnam, as a matter of fact, my mission was to provide communications for logistical support, and what that meant was, sometimes aircraft, helicopters in this instance, went all the way back to the States for depot maintenance, and in some cases my radio systems went all the way back to depot maintenance and came back adjusted or finer tuned for the war we were fighting, so depot maintenance is the way we go to war and the way we fight.

The acquisition function has a profound effect on these centers, as we are in an age when the procurement of a system such as, say, the C–17 includes stipulations that determine how and where those systems may be maintained.

Since I have been on the committee, my colleagues and I have worked hard to protect the essential capabilities that reside in our air logistics centers. We included provisions in the fiscal year 1998 and fiscal year 1999 authorization acts, passed this committee, passed the Senate, passed Congress, signed into law by the President, that required the DOD to take specific steps to define core capabilities, the ability of the services to go to war. That is what I determine is a core capability, to preserve the level of maintenance in these public depots and to establish plans for the maintenance of some specific systems in these depots.

I am here today to tell you that I think the work of this committee and Congress in this arena has been ignored by your predecessors. You were not part of the sins of the past, but it is your turn in the barrel now. I intend to ensure that this does not occur again. In an age when the technology of our systems is changing rapidly and in profound ways, the failure to define a core capability that specifically includes newer systems, the failure to assign a portion of the maintenance work load on newer high-tech systems, to our air logistics centers, and the failure to develop a long-range plan for preserving the work load at these centers, threatens the continued viability of this key leg of our defense infrastructure.

I know you have recently been nominated to the post, and I do not hold you accountable for what went on in the past. I also know you have familiarity with these issues, so I have some questions for you that I must have answered.

The first involves a definition of core capability. It is my understanding that the term, core, includes specific weapons systems such as the C–17. The GAO has criticized the Air Force for not doing enough to establish an in-house maintenance capability for the C–17. We are almost 8 years into the operational life of that system. None of the maintenance on this system is being done in our air logistics centers.

Do you define core capability to include the specific systems that are essential and widely used in the conduct of military operations?

Mr. ALDRIDGE. Yes, sir.

Senator CLELAND. Thank you. Will you ensure that the DOD complies with the intent of Congress in this regard?

Mr. ALDRIDGE. If confirmed, yes, sir.

Senator CLELAND. Thank you.

My second issue concerns the long-term strategy for assigning work to our air logistics centers. I and many of my colleagues believe that the long-term strategy for ALC work should include new weapons systems, but the DOD and the services are content to place work on older weapons systems in the depots and ALCs. This allows the services to say to Congress, well, the depots are full, they could not possibly handle the work of other systems, hence, they justify their own argument to out-source and, in so doing, they are actually undermining the future viability of our public maintenance facilities.

Will you ensure that the DOD develops and implements expeditiously a long-term strategy for maintenance of new weapons systems that assigns work on the systems to our ALCs from the date they enter our inventory?

Mr. ALDRIDGE. Sir, if confirmed—I cannot address the specifics of how all of that will come out. I will agree that we need a long-term plan for how we are going to address the weapons systems support for our military forces, and I will, if confirmed, agree to undertake such a long-term plan. How that will come out, I cannot predict.

Senator CLELAND. Thank you very much. I appreciate that answer in good faith. I, in good faith, will have to withhold my support for your nomination until you and I actually meet privately and personally to go over these key points, because these are central to the question of whether or not I support your nomination.

Thank you very much, Mr. Chairman.

Chairman WARNER. Do you wish another minute or two of time, Senator?

Senator CLELAND. No, sir. I think time spent with the nominee, Mr. Aldridge, could best be spent privately and personally as we go over some of these sensitive matters.

Chairman WARNER. Very well, and the nominee will make himself available. I will take a few questions, and then if other Senators wish to continue, I would be happy to recognize them.

Now, Mr. Moore, I have had the pleasure of knowing you for many years, and consider you a very valued personal friend, so I want the record to reflect that. You have observed through a series of presidencies the relationship between the executive branch and the legislative branch on the subject of consultation, and that subject is particularly important as it relates to matters of national security.

It primarily involves the Departments of State and Defense. I think there is wisely no clear definition laid down. Each President will establish his or her, whatever the case may be, guidelines in the future. What advice would you give to the current Secretary of Defense, who is very knowledgeable on this himself, and have you had an opportunity to discuss that issue with him? I feel that it is a very important function that you will be the, I think, principal advisor to the Secretary, and I hope that you will strengthen the subject of consultation and increase the effectiveness of it. What views do you have?

Mr. MOORE. I agree with you on the importance of consultation, Mr. Chairman, and I would comment that consultation is a con-

tinuing proposition and should not be done episodically when we have a problem or an emergency of some kind.

It should be done on a continuing basis, and it is essential to the effective operation of the Department of Defense, it is essential to the effective execution of a national security and foreign policy to have an open line of communication, especially with the leadership of Congress, the Chairman of the Armed Services Committee especially, and the Ranking Minority Member of the Armed Services Committee. There should be a continuing dialogue, and it should not be done episodically.

Chairman WARNER. I appreciate that. I would say to date, Secretary Rumsfeld and Secretary Wolfowitz have, I think, been very respectful of this subject, and others in the Department, and we have had excellent working relationships between this committee and those who are observing the Secretary at the moment. I felt that John Veroneau and Sandi Stuart, who preceded you in this position, both executed that responsibility with great expertise.

Mr. MOORE. I have spent some time with both of them over the past several weeks, and continue to stay in touch with both of them. I would point out that Secretary Rumsfeld, like several of his predecessors, including the Secretary under whom you served, Secretary Laird, is himself a former Member of the House of Representatives. He was also a former staffer, and I think he has a special appreciation for the importance of maintaining a dialogue and consultation between the two branches.

I think, based upon what I have heard—I have not been engaged in the process in advance of confirmation—that he has been very diligent in staying in touch with the House and the Senate since he was confirmed a couple of months ago.

Chairman WARNER. I thank you.

Now, Mr. Aldridge, the shrinking industrial base is of great concern to all of us, as I know you are likewise concerned. You will be the principal advisor to the Secretary of Defense and the President on this subject. It is brought about, frankly, because of declining defense budgets for a dozen or more years under both Republican and Democratic administrations, but this is a dangerous world, and our national defense can really be no stronger than the industrial base's capacity to provide, first the research and development, and then the systems that are needed to meet today and tomorrow and well into the future the adversaries and the threats posed.

We are also facing a unique situation in that the one-world market is inducing overseas firms to buy subsidiaries here in the United States and to go into direct competition with the industrial base in this country. I think it would be wise if we reflected a few minutes on that and this committee received your views on that subject.

Mr. ALDRIDGE. Yes, sir, I share all of those views. This position is awesome in that respect. We have seen just recently an issue on naval shipbuilding that is going to be a very critical——

Chairman WARNER. I purposely do not bring that up, because you may have a responsibility in that.

Mr. ALDRIDGE. Yes, sir, and it is something that has to be looked at very carefully. The health of our industrial base is very impor-

tant, as I pointed out in one of the goals that I would like to pursue, if confirmed. The health has to do with not only the health of the prime contractors but of the second-tier contractors, the health of our smaller and disadvantaged businesses. They make up over 98 percent of our industrial base and a significant amount of funding.

All of those are factors that we must take into account and make sure that we address these mergers and acquisitions in a way that we certainly can preserve our national security and the future competitiveness of our industrial base, and health. All of those are key factors in the decision process, and it is one that is extremely important.

As I point out, the capabilities of our Armed Forces are critically dependent upon our industrial base to provide those equipments and spare parts and training aides that make them work effectively. It is a very critical part of our responsibility and, if confirmed in this position, I will address it at the very highest priority.

Chairman WARNER. Well, given your background, you are uniquely qualified to work on this issue. I hope that you will find the time to listen to the CEOs and others of American industry and give them an audience.

Mr. ALDRIDGE. Yes, sir, I plan to do so.

Chairman WARNER. They deserve it, because so often in my visits with them I hear that we are less inclined to do defense business. It is just too difficult to do business with the Department.

The delays in receiving the payments, that is another subject that I monitor very carefully here, and will be working with you on, and there is plenty of business in the private sector, but if we lose their cooperation and their insight and their long, many years of contribution, it is irreplaceable, so keep an eye on it, and also for this committee.

I am proud to say that I have taken somewhat of a leadership role, have put in a series of laws about set-asides, set-asides to enable the burgeoning number of small businesses, many of them with women or CEOs of principal stockholders or minorities, and to the best of my knowledge, those programs have been successful and have returned not only a great value to the American taxpayer through their productivity, but I think they have enabled these firms to take root and to grow, and I hope that you will be respectful of that process.

Mr. ALDRIDGE. Yes, sir. As I stated in my opening comments, that is clearly one of the areas we must pay attention to.

Chairman WARNER. The procurement process, again, many firms are just totally frustrated with the difficulty there, and are looking elsewhere to do their business. You have covered that today, and I think quite satisfactorily, but this committee will work on it a great deal.

Now, to our chief counsel here, you may not know the answer to this question but you can take it for the record, and that is, prior to leaving office, President Clinton signed a treaty establishing an international criminal court. The Pentagon has been very concerned, this Senator has been concerned, Senator Helms and others here in the Senate are very concerned, that the terms and conditions of that treaty leave some doubt as to the ability to protect

men and women in uniform as they carry out the orders of the commander in chief beyond our shores.

Now, the Senate has, I think, very wisely and properly not yet rendered its advice and consent on that treaty. Do you have any knowledge of it? Have you looked into it, and will you do so in the future?

Mr. HAYNES. Senator, I have some limited knowledge of it from reading the newspapers. I have not been part of the process. It gives me great concern as well, and I can assure you I will be looking at it.

Chairman WARNER. I would urge that if this question comes forward at such time, that you stay in close consultation not only with your Secretary but if confirmed, with Assistant Secretary for Legislative Affairs Moore, because at this point in time I think it unlikely that the Senate would give its advice and consent. I rarely make those predictions, but in this case we are grievously concerned about it.

When we send men and women into harm's way to carry out the orders of the commander in chief of this country, and in conjunction with the service of our allies, we have to give them the maximum protection when they return home, hopefully safe and sound, having fulfilled their responsibilities, and they should not be then subjected to, I think, any court of law unless there is clear evidence of malfeasance or wrongdoing.

Mr. HAYNES. Senator, if confirmed, I would look forward to working with you on that.

Chairman WARNER. Thank you very much.

Mr. Aldridge, one of the principal criticisms of the Department of Defense is that the military services continue to pursue their individual systems from logistics to data management, which increases cost, and I suppose some say hinders interoperability. Although there have been efforts to remove these service stovepipes in the past, they continue to exist.

I am a firm believer in the three Departments, the Army, the Navy, and the Air Force. I think a certain amount of competition between them, and a certain amount of independence, and a certain amount of individuality is in the best interests of our country's overall national defense, but certainly on the question of interoperability that has been an old issue around here, and I would hope you would address that. Do you have views on that?

Mr. ALDRIDGE. Yes, sir, I share all the views you just outlined. To have an Air Force and a Navy, two aircraft who cannot talk to each other seems somewhat silly, and I think this has to be part of our acquisition process, that when a weapons system comes before the Defense Acquisition Board for determining its baseline program, interoperability has to be one of those criteria that has to be addressed, to show by the program managers how this is going to be done, otherwise the program does not get approved. It has to be almost that serious, I believe. I strongly believe that.

If confirmed in this position, I will do everything in my power to make interoperability one of the criteria, just as range and payload and things of that nature, the tanks or ships or any of the systems we buy, the criteria for interoperability has to be a key element of

its performance, and I would intend to do that, if confirmed for this position.

Chairman WARNER. Your predecessors have struggled with it. Much remains to be done.

Mr. ALDRIDGE. Yes, sir. It will not be an easy job.

Chairman WARNER. Well, you tackle it and do what you can, and you will get support from this committee.

Now, I am going to read a rather complicated question here. I think you would be well-advised just to listen, and at this time I will not elicit further response from you. At this very moment it may well be the Senate will turn to a piece of legislation. I wish to comment on it in the question and then, if confirmed hereafter, you will be given the responsibility to deal with this issue.

In your answers to pre-hearing questions you state that, and I quote, the ready availability of information technology, satellite surveillance, weapons of mass destruction technologies, and the trained personnel to utilize them, present a clear challenge to the U.S. military dominance, and that, quote, the U.S. is the largest technology producer, and therefore it must protect its most sensitive technologies, end quote.

The Senate may shortly be turning to the Export Administration Act. This issue is very timely. I am of the view myself, personally, that it would be wise not to bring this up at this time, given the fluidity of our relationship with a major overseas acquirer of U.S. technology, namely China. I think that situation should settle down.

Furthermore, I think, wisely, the administration has looked at dealing with this subject in an executive order, and I think out of deference to our President the opportunity should be given to the administration to issue that order, and then Congress determine, in its own infinite wisdom, whether or not further legislation is needed, but I wish to put you on alert for that one.

Mr. ALDRIDGE. Yes, sir.

Chairman WARNER. Mr. Moore—it is interesting how fast time moves, and technology. While I am on that subject, you know the relationship between the Department and Congress is based on a continuing dialogue. At this time of the Internet, controlling the flow of information puts a challenge to us. In the year of the Internet, how do you anticipate you will control the flow of information between the Department and Congress?

Mr. MOORE. Mr. Chairman, it is a subject I have thought about, and I intend to look into. If I am confirmed, and get to the Department of Defense, it is going to be a high priority with me. I recognize that we are in a different age, and we need to bring ourselves up-to-date. I am not exactly sure what kind of web page the Office of Legislative Affairs has, but I intend to look into it, and it offers a lot of advantages in the flow of information, and I intend to take full advantage of those advantages.

When I arrived in Senator Thompson's office almost 3 years ago, I made it a high priority to establish a good web page for Senator Thompson, and a couple of years ago he received a prize for having one of the best in the Senate, and so with that record, I think I have demonstrated that I recognize the importance of using the Internet to dispense information and also to obtain information,

and I intend to work very hard to bring the Office of Legislative Affairs into the 21st century in that regard.

Chairman WARNER. Well, it has come on very rapidly. It is there, it is growing, and I have to tell you, I have an 11-year-old grandson that reads my web page and sends me e-mails on it continuously, so I am on alert status.

Mr. MOORE. Well, I like your advice, and I look forward to the advice of other members of the committee in that regard also, if I am confirmed.

Chairman WARNER. Mr. Haynes, does your office possess the in-house technical expertise to deal with the new areas of law such as cyber law, which will be of great concern in the future? I hope that if you find there are some deficiencies, that you remedy those and do your very best to get up to speed on it.

Cyber security is a subject that is of great concern to this committee and, indeed, this committee last year initiated a scholarship program for the inducement of young persons to undertake a specific education in the area of cyber security at Government expense, in return for a commitment to either go into uniform and/or the civilian part of the military to serve as advisors to the Department on this subject. Do you have any views on this?

Mr. HAYNES. Well, Senator, it is an exciting area in all disciplines, and law is no exception. I found it quite useful to use the Internet in my own private practice, increasingly so, but there is a long way to go. One of the benefits of the whole medium is that it seems to be boundless in its opportunity, but there are dangers, as you point out, and the law has to be attentive to that, and that is something that I hope to spend a lot of time on, if confirmed.

Chairman WARNER. Attention has been focused recently on the implications of increasing the average age and retirement in the Government's civilian workforce. It is a very important part of the Department of Defense. It is often overlooked because of the higher visibility of those in uniform.

There are some fears that the Government will lose its most qualified and experienced personnel, and we will be disadvantaged because of existing civilian pay scales and other factors in attracting highly qualified replacements, and the question goes to all three of you, what steps would you hope to initiate to alleviate this problem? Why don't you start off, Mr. Haynes.

Mr. HAYNES. Well, Senator, we are mortal, and you cannot stop the passage of time. People are going to want to retire. The key to addressing that problem is not limited to law. It is making sure that we get junior people well-trained, and try to hang on to their expertise and capture the institutional knowledge that exists in the system.

Chairman WARNER. Thank you. Mr. Aldridge.

Mr. ALDRIDGE. Yes, sir. I share your concern. I have noticed in the acquisition workforce, we have lost 50 percent of the acquisition workforce since 1990 as a result of coming down. We have not hired young people because they just do not fill the jobs, and so the workforce tends to age with time.

That is a real serious problem, because the demands that are going to be placed upon our civilian workforce are going to be increasing in the future as new technologies, as you point out, are

so rapidly appearing. The challenges of new weapons systems, the challenges of making sure that the Government gets the proper equipment from our contractors, and the dealings with the industrial world are all very serious activities.

Congress did pass a law, I think Senator Levin mentioned, about giving the laboratories some individual hiring authorities to bring in some new scientists and engineers, and the Department has not been, I guess, addressing that in any degree.

I would intend, if confirmed, to look into that matter to see why hasn't the Department responded to that flexibility that exists, and maybe we can even look at flexibilities that go beyond just the laboratories, to give people the incentives to bring in new people into this workforce. I think it is an extremely important issue.

Again, I put that as one of my goals, if confirmed in the position, to address the quality and morale of the acquisition workforce. I think it is a very important issue we need to address.

Chairman WARNER. We must remember that the civilian workforce, whether it is acquisition or anywhere else in the Department, they are full partners in that Department and in no way have any second-class status, and we have to be ever watchful to correctly and rightfully give to them that partnership status.

Mr. ALDRIDGE. Yes, sir.

Chairman WARNER. Do you have anything to add on that?

Mr. MOORE. Mr. Chairman, if confirmed as Assistant Secretary for Legislative Affairs, it would be my intention to work with this committee and work with other committees of Congress, like the Committee on Governmental Affairs, to address the pay and benefit issues that might be an impediment to public service.

I would also say that, beyond that, while we want to address the pay and benefit issues, I think we need to create a sense of pride in public service and to attract the best and the brightest.

Chairman WARNER. Let us say, create a greater sense of pride.

Mr. MOORE. A greater sense of pride, yes, sir. That expresses it better.

Chairman WARNER. I thank you.

Senator Dayton, do you have any further questions?

Senator DAYTON. No, I do not, Mr. Chairman. I would just like to compliment the nominees on their excellent responses, and also compliment them on their families. They have been wonderfully supportive and patient, and your children, Mr. Haynes, are extremely well-behaved. [Laughter.]

Chairman WARNER. We have had an excellent hearing. I look forward to these hearings for confirmation. We do it very thoroughly, very carefully. We will have an executive session of this committee in 222 Russell, and I wish each of you well, together with your families. We are adjourned.

[Whereupon, at 11:12 a.m., the committee adjourned.]

[Prepared questions submitted to Edward C. Aldridge by Chairman Warner prior to the hearing with answers supplied follow:]

April 24, 2001.

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

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

Sincerely,

EDWARD C. ALDRIDGE.

cc: Honorable Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms? What is your view of the extent to which these defense reforms have been implemented? What do you consider to be the most important aspects of these defense reforms?

Answer. Yes, the goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I support full implementation of the Goldwater-Nichols reforms and agree with its goals. The enactment of Goldwater-Nichols significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, and enhanced the military advice received by the Secretary. If confirmed, I will fully support the intent of the reforms and advocate policies that will facilitate joint operations, streamline acquisition management and oversight, and enhance the department's ability to respond to our 21st century national security challenges.

DUTIES

Question. Section 133 of Title 10, United States Code, describes the duties of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(ATL)).

Assuming you are confirmed, do you expect that Secretary Rumsfeld will prescribe additional duties for you?

Answer. I am sure as I become even more familiar with the issues and the organization there may be additional duties that the Secretary will ask me to do.

Question. What background and experience do you possess that you believe qualifies you to perform these duties and those outlined in the law and applicable DOD directives?

Answer. I have served in various assignments in the Pentagon, working in planning and evaluation, analysis of strategic systems, and as the Secretary of the Air Force, and also at the Office of Management and Budget. Additionally, I have experience in the private sector at Systems Planning Corporation, LTV Aerospace, McDonnell Douglas Electronic Systems, and, most recently, as the Chief Executive Officer of The Aerospace Corporation. I believe the combination of my government service along with my private sector experience provides me with the best understanding of both worlds.

Question. Do you believe that there are any additional steps that you need to take to enhance your expertise to perform these duties?

Answer. I think the main thing I need to do now is to learn and understand more completely current issues and challenges facing the Department today.

Question. Section 133(a) of Title 10, United States Code states, "The Under Secretary shall be appointed from among persons who have an extensive management background in the private sector."

Describe how your background qualifies you to meet this requirement.

Answer. My private sector management background consists of serving in various management roles to include Vice President at Systems Planning Corporation, responsible for strategic and conventional forces and strategic planning; President of McDonnell Douglas Electronic Systems Company; and Chief Executive Officer of The Aerospace Corporation. This corporation is dedicated to solving critical national problems through science and technology. I believe this experience provides me with the insight and abilities I will need to perform this new assignment, if I am confirmed.

MAJOR WEAPON SYSTEM ACQUISITION

Question. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What specific steps could the Department of Defense take to reduce cycle time for major acquisition programs?

Answer. The Department is committed to delivering advanced technology to the warfighter faster. Reduced acquisition cycle time can be achieved through: (1) rapid acquisition with demonstrated technology; (2) time-phased requirements and evolutionary development; and (3) integrated test and evaluation. If confirmed, I would work to implement these techniques.

Question. Do you believe that incremental or phased acquisition approaches could help address this problem?

Answer. Yes. Evolutionary acquisition based on time-phased requirements is an effective approach worth pursuing where appropriate.

Question. One of the features of the Department's acquisition system that is frequently criticized is the extensive "concurrency," or overlap between the development and production phases of major weapon system acquisition programs.

Where and under what conditions should concurrency be used in the development and production phases of DOD's major weapon system acquisition programs?

Answer. Concurrency should be used in the development and production phases of major weapon system acquisition programs when there are near-term threats that must be addressed; and as one methodology to help reduce cycle time. For example, combining developmental testing and operational testing—when it makes sense—is a form of concurrency that can have very beneficial results in acquisition streamlining.

Question. Do you believe there has been too much concurrency?

Answer. The amount of concurrency in a program is essentially a business judgment—balancing risk (technology maturity, etc.) and early fielding (cycle time reduction) capability for the warfighter.

Question. If so, what steps should be taken to reduce concurrency?

Answer. The acquisition strategy should specifically address the benefits and risks associated with reducing lead-time through.

Question. Over the last 3 years, the General Accounting Office has prepared a series of reports for this committee, comparing the DOD acquisition practices with those of the private sector. The GAO's leading conclusion has been that private sector programs are more successful in large part because they consistently require a high level of maturity for new technologies before such technologies are incorporated into product development programs. Department of Defense Instruction 5000.2, which governs the acquisition of major weapon systems, was recently re-written to require that new technologies be demonstrated in a relevant environment (preferably an operational environment) before they may be incorporated into DOD acquisition programs.

Are you familiar with the revised version of DOD Instruction 5000.2 and, if so, what are your views on this revision?

Answer. Yes, I am familiar with the revised DOD Instruction 5000.2 and believe that it is a good first step in the right direction in responding to the GAO's conclusions.

Question. Do you believe that the process of testing and demonstrating new technologies is more efficiently conducted in the context of major acquisition programs, or in stand-alone technology programs?

Answer. The process should be a combination of both. For example, I believe the DOD Science and Technology (S&T) community should encourage initiatives—such as Advanced Technology Demonstrations (ATDs)—that are designed to accelerate the transition from the S&T base to useful military products. These types of initia-

tives are executed more in the context of major acquisition programs. Yet, basic and applied research—more characteristic of stand-alone technology programs—are still the foundation for equipping tomorrow's warfighter with technologically superior weaponry.

Question. Would the DOD's major acquisition programs be more successful if the Department were to follow the commercial model and mature its technologies with research and development funds before they are incorporated into product development programs?

Answer. The DOD acquisition process depicts three major activity phases: technology development, system development, and production. "Technology" is separate from "system" development with more emphasis on mature technology. As a result of a single system development phase, entry is made with more matured concepts and technologies.

Question. The *Washington Post* reported on March 11 that the Department of Defense has been soliciting allies to make contributions to help pay for research and development on the Joint Strike Fighter. According to the article: "Using a sliding scale similar to the 'angels' and 'patrons' list of a theater company, the Pentagon is offering select allies the chance to contribute anywhere from $2 billion for a 'Level One' partnership to $250 million for a 'Level Three' stake in the Joint Strike Fighter. In return, the allies can put their officers on teams developing key areas of technology or even have a say in which contractor—Lockheed Martin or Boeing—would build the plane."

Do you believe that it is appropriate for the Department of Defense to "sell" foreign governments access to its technology development teams (or to grant such access in return for monetary contributions)?

Answer. The Department of Defense has a long history of successful cooperative development programs with our allies, as exemplified by the F–16 program. Foreign development investments are negotiated on a case-by-case basis, with technology access subject to National Disclosure Policy.

Question. Are you aware of any legal authority that would permit the Department of Defense to allow a foreign government—or any other entity outside the U.S. government—to have a say in the selection of a source for a Federal contract?

Answer. The Department of Defense has the legal authority to enter into cooperative development programs, to include allowing foreign government representatives to participate in the source selection process in some fashion. In the case of the Joint Strike Fighter, the United Kingdom will be represented in the source selection process, in an evaluation and advisory capacity only.

Question. Are you concerned that this effort could limit the flexibility of the Department of Defense to reshape the defense budget in accordance with the results of the Secretary's strategic review and quadrennial defense review?

Answer. The Secretary's strategic review is taking into consideration many factors, and it is premature to speculate on the decisions to be drawn. Among the factors to be considered should be the international implications of such programs as the Joint Strike Fighter.

TEST AND EVALUATION

Question. The Department has frequently been criticized for failing to adequately test its major weapon systems before they go into production. In recent years, the Department has given the Director of Operational Test and Evaluation increased authority over developmental testing.

Would you agree that a strong, independent Director of Operational Test and Evaluation is critical to the success of the Department's acquisition programs?

Answer. A strong, independent Director of Operational Test and Evaluation is critical to ensuring the Department's acquisition programs are realistically and adequately tested in their intended operational environment. As an independent voice, the Director of Operational Test and Evaluation provides operational test and evaluation results to the Secretary of Defense, other decision-makers in the Department, and Congress before they proceed beyond low rate initial production.

Question. Do you believe that supervisory authority over developmental testing is an appropriate role for the Director of Operational Test and Evaluation, or could this role compromise the Director's independence?

Answer. The Director, Operational Test and Evaluation does not have a supervisory position over developmental test and evaluation.

Question. Developmental test and evaluation and operational test and evaluation are separate, yet complementary, elements in the acquisition process. Developmental test and evaluation is an integral part of system engineering designed to verify performance or to discover anomalies; and, through a test-fix-test process, as-

sure the system design and mitigate technical risk. Operational test and evaluation is used to determine a system's military effectiveness and suitability in its intended operating environment.

Do we need to take any steps to ensure that developmental testing is realistic, and is used for its intended purpose of identifying and addressing potential weaknesses in an acquisition program at an early stage?

Answer. There are several steps we can take to ensure developmental test and evaluation is realistic and used for its intended purpose. Developmental test and evaluation is a critical element of the acquisition process. There needs to be a balance between focused developmental test and evaluation and schedules that will sufficiently mitigate program risk. This needs to be done while ensuring a high probability of successfully completing operational test and evaluation the first time around and fielding systems that meet warfighter requirements.

We should get the testers involved early to ensure that an adequate test and evaluation program is defined, addressed, and maintained in both program budget and schedule. We need to devote sufficient resources to conduct well-planned test programs and execute the program properly.

We need to increase discipline in the developmental test and evaluation process by assuring systems have passed their exit criteria and demonstrated a fundamental core capability in developmental test and evaluation before entering initial operational test and evaluation.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. The DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has essentially remained constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on effective program management, and if so, how do you plan to address this problem?

Answer. I am concerned about the effects of the reductions on the acquisition workforce. As the Department continues to emphasize contracting out and competitive sourcing, the skills, training, and experience of the acquisition workforce will be critical in effectively managing these contracts. In addition, I am concerned that the DOD may be faced with a significant demographic challenge as 50 percent of the acquisition workforce will be eligible to retire in the next 5 years.

Question. Does our current acquisition workforce have the quality and training to adapt to new acquisition reforms, as well as to the increased workload and responsibility for managing privatization efforts?

Answer. The morale of the workforce after 10 years of downsizing is a concern to me, as is having a workforce with the right size and skills. I will ensure the development of a strategic human resource plan that includes educating the current workforce by using modernized web-based training, and includes maximizing current hiring and recruiting authorities to attract new talent. If confirmed, I will capitalize on web-based learning techniques for continuous learning with increased emphasis on commercial practices to accelerate acquisition and logistics excellence and enable more cross functional training.

SCIENCE AND TECHNOLOGY

Question. The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 established the goal of increasing the budget for the defense science and technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. This goal was not met in the fiscal year 2000 and fiscal year 2001 budget requests. In his speech at the Citadel last year, then-Governor Bush spoke of his support for increased research and development spending and a strong and stable technology base.

Do you believe that a substantial increase in the Department's science and technology budget is needed?

Answer. Yes, I believe the Department's Science and Technology (S&T) budget needs to be increased, consistent with the President's blueprint and balanced with other DOD needs to ensure the technological superiority of our Armed Forces. We need to emphasize revolutionary concepts in the S&T budget to provide more dramatic advances in capabilities that the President seeks.

Question. Congress has authorized the Department to give laboratory directors direct hiring authority to enable them to compete more effectively with the private

sector for top scientific and engineering talent. To date, the Department has been reluctant to use this authority.

Do you support giving the Department's laboratory directors the authority to make direct hires without having to go through a lengthy review process, which can take up to 18 months?

Answer. Yes. Our laboratories are vital for our Nation's development of future, essential warfighting capabilities.

LOGISTICS TRANSFORMATION

Question. Over the last 10 years, the Defense Logistics Agency has placed an increasing emphasis on approaches such as prime vendor agreements, virtual prime vendor agreements, and direct vendor delivery to streamline the Department's logistics systems for commercial items such as medical supplies, clothing and subsistence, and common hardware items.

Do you support commercial practices such as these that rely increasingly on the private sector to meet the Department's logistics needs?

Do you believe that these types of logistics practices can appropriately be expanded to the delivery of non-commercial items, such as aircraft spare parts?

Answer. First I strongly support use of commercial practices in defense logistics, where it makes *sense* from a warfighter's perspective.

The second part of your question (applying those commercial practices to non-commercial items) is a bit more vexing. Our challenge is defense-unique items, such as fighter aircraft parts, which tend to be low-volume, high-cost items, often provided by sole-source manufacturers. Therefore, a natural market does not exist. At this juncture, I believe the DOD should continue adopting innovative support methods, taking advantage of industry- and government-tested best practices. This approach employs corporate contracts, supply chain management techniques, emerging business technologies, and DOD-leveraged buying power.

COMPETITIVE SOURCING

Question. Over the past several years, the DOD has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort while others have expressed concern that core activities are being jeopardized by reducing our reliance on military personnel and civilian employees of the Federal Government.

What approach would you recommend to balance maintaining necessary capabilities and outsourcing?

Answer. The private sector is only offered the opportunity to compete to provide services previously performed by Government employees when the activity has been determined to be commercial in nature and not inherently governmental. They only win such competitions when Government analysis of their offer determines that they can provide a more cost-effective solution than can the Government workforce. Thus, procedures are in place to provide the most effective support possible to the men and women of our armed services as well as the American taxpayer. I advocate opening all appropriate commercial activities to competition.

Question. Do you believe that public-private competition results in significant savings to the Department, and if so, how?

Answer. Many studies have found that public-private competition generates real savings regardless of whether the Government workforce or private sector wins the competition. These savings are generally reflective of reduced manpower dedicated to the activity, a result made possible through adapting better business practices.

Question. OMB Circular A–76, which establishes the guidelines for privatizing most government functions, is slated for scrutiny by a congressionally mandated panel of government and private experts in this area. The panel, chaired by the Comptroller General, is scheduled to report to Congress with specific policy and legislative reforms and recommendations for changing the way the government conducts out-sourcing decisions and implements them.

What is your view of the current A–76 process?

Answer. The A–76 process is lengthy and complex, having evolved over time to ensure fairness. I would like to see the process simplified, and if confirmed, will be involved in the panel you mention and am optimistic that we will identify improvements.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. Public-private competition has proven to be the most effective option. However, there are situations where Government workforce competition is not appropriate, for example when the Department identifies a new requirement and there

is no Government workforce currently performing the activity. In that case, where the work is commercial in nature, a competition among private sector participants ensures the Government achieves the best value.

INFORMATION TECHNOLOGY

Question. There appears to be potential overlap between the responsibilities of the USD(ATL) and the Chief Information Officer (currently ASD(C^3I)) with regards to information technology acquisition.

How do you anticipate sharing responsibilities with the CIO to ensure effective acquisition of information technology?

Answer. I am familiar with the Department's Klinger-Cohen Act and CIO responsibilities. If confirmed, I will establish the appropriate relationship between the CIO and Office of the USD(AT&L).

Question. What is your assessment of the Department's ability to rapidly assimilate these commercial technologies?

Answer. I believe the Department is well aware of the rapid growth and opportunities available with use of commercial technologies and has the necessary incentives to increase access and to incorporate this technology as soon as possible.

Question. Is a growing DOD dependence on commercial information technology a positive or negative development?

Answer. The proper and effective application by DOD of commercial information technology is a must for the Department. The benefits outweigh the risks. Those risks that are identified will be addressed in a comprehensive manner.

THE DEFENSE INDUSTRIAL BASE

Question. Some have argued that in many categories the current industrial base may no longer be able to support the "winner-take-all" competitions of the past.

How can we obtain the benefits of competition given the current limited number of contractors?

Answer. The Department has multiple approaches to help us meet the challenge of maintaining competition in our consolidated defense industry. The DOD has established a formal, rigorous, and centralized review process for mergers and acquisitions. I also understand that the DOD has in place a series of policies directed at enhancing acquisition management insight of the industry, and of the competitive effects of DOD buying actions. Finally, the Department has expressed support for pro-competitive, security enhancing industrial linkages between U.S. defense firms and firms located in coalition partner countries. These industrial linkages can facilitate trans-Atlantic competition and keep markets open on both sides of the Atlantic as industries consolidate and rationalize assets.

Question. Do you support further consolidation of the defense industry?

Answer. The question of the Department's position on further consolidation of the defense industry can best be answered on a case-by-case basis. The competitiveness and financial health of each industrial sector are different with different characteristics to consider.

Question. A November 2000 report by the Defense Science Board on the health of the defense industry identified some significant issues associated with under-investment and consolidation.

What is your view of the specific recommendations of the Defense Science Board study?

Answer. We must do what is necessary to retain a robust and competitive industrial base. I share many of the ideas addressed in the Defense Science Board study.

Question. What is your view of the current state of the U.S. defense industry?

Answer. The defense industry still provides the best products and services to our warfighters and I believe it will continue to provide those products and services in the future. Over the last year, market valuations for defense firms have rebounded from a very poor performing year.

Question. Should the DOD assess providing incentives to further reduce the number of facilities or is this best left to market forces?

Answer. While it is better to let the market forces provide the incentives for business decisions of our defense firms, I believe there are some actions the Department can take to increase the incentives for rationalizing inefficient operations.

FOREIGN ACQUISITIONS

Question. In an era of global markets that are open to foreign investment and rapid technological innovation, understanding the impact that foreign acquisitions of U.S. manufacturers have on U.S. national security is becoming increasingly important. While the President has the authority to block foreign acquisitions of U.S.

manufacturers if these acquisitions might threaten national security, only one acquisition has been blocked since 1988. It is also important that decision-makers understand the impact acquisitions have on the ability of the U.S. defense industrial base to support the Department of Defense programs. In recent years, foreign-owned companies have been purchasing a variety of U.S. defense manufacturers.

What is your position on foreign investment in the U.S. defense sector?

Answer. In general, I favor foreign investment in the U.S. whether it be for defense industries or non-defense industries, so long as this investment does not pose threats to national security. For some time our military operations have been conducted in a trans-Atlantic, multi-national coalition environment. If we are to achieve both our U.S. national security goals and our common strategic objectives with our allies, it makes sense for the U.S. to take advantage of economic globalization.

Question. What are your views on the responsibility of the Department of Defense to monitor and oversee potential acquisitions of U.S. firms by foreign buyers?

Answer. Since foreign acquisitions of U.S. defense firms could directly affect both the reliability of suppliers to the DOD weapons acquisition process as well as the transfer of technology under development in the DOD, we need to oversee and monitor developments in this area. Fortunately, there is statutory and regulatory guidance to assist the DOD and the USD(AT&L) in carrying out these responsibilities.

Question. What standard should be applied to determine if a foreign acquisition threatens national security?

Answer. There are some key factors that we must consider. First, how critical is the technology, whether weapons or manufacturing technology, possessed by the firm being acquired? Second, is this technology already available to potential U.S. adversaries and countries of concern? Third, what do intelligence assessments tell us about the risks of unauthorized disclosure, especially to third countries, of this classified or export controlled technology, based on what we know about both the acquiring firm and the acquiring country? Fourth, do we have alternative domestic suppliers of the products and services produced and manufacturing technology possessed by the firm to be acquired and how high are the costs of new entry if that was necessary down the road? Fifth, are we confident that the acquiring firm will continue whatever level of capital and R&D investments we think are necessary to meet DOD needs and are we confident that the new owner will be a reliable supplier to the DOD in terms of quality product or service? Sixth, does the DOD have available through the foreign ownership, control, or influence (FOCI) program and other means, enforceable measures that will adequately mitigate and risks of the acquisition in any of the above areas? Decisions in specific cases depend on the interaction of all these factors.

Question. When a U.S. manufacturer is acquired by a foreign owner, there are no mechanisms in place to prevent foreign-owned companies from moving a U.S. manufacturing capability overseas.

What do you plan to do to ensure that the U.S. does not lose critical manufacturing capabilities as a result of foreign acquisitions?

Answer. There are two things which should be done regarding this issue. First, in each merger or acquisition transaction, we need good analysis on what vulnerabilities exist for national security in case of a move offshore involving not just manufacturing facilities, but R&D facilities as well. This should employ the factors I have already listed above. The risk of a move of production or R&D facilities offshore is not the same in each case. Second, we need constant monitoring of our defense industrial base in critical technology and manufacturing areas to anticipate where we think vulnerabilities exist so that we can take actions to help ensure that future supply is reliable.

Question. What are your plans for strengthening the Defense Department's oversight role to ensure that U.S. national security is not compromised from future foreign acquisitions within U.S. industries?

Answer. Actually, this oversight involves both evaluation of proposed transactions and working with allied governments to ensure that their national standards for security oversight meet our standards. As for individual transactions, if confirmed, I would be committed to seeing that we maintain good communications within the DOD and between the DOD and the Treasury Department CFIUS staff on transactions that have not had voluntary filings. I am committed to seeing that AT&L's particular interests in avoiding unauthorized transfer of controlled technology and ensuring reliable suppliers to the DOD in the future are given sufficient consideration in the DOD's CFIUS reviews.

FOREIGN INDUSTRIAL COOPERATION

Question. Do you believe that there should be greater cooperation and even integration between defense industries in Europe and the U.S.? If so, how can such cooperation be facilitated?

Answer. I support greater transatlantic defense industrial cooperation. More cooperative endeavors such as teaming, joint ventures and even mergers and acquisitions can produce beneficial synergies, efficient use of limited resources, and healthy competition, so long as it occurs in a positive and constructive manner.

GLOBALIZATION

Question. In a recent report on globalization, the Defense Science Board observed: "The general diffusion of technological know-how and commercial availability of strategic or enabling technologies (advanced machine tools, high-performance computing, manufacturing of biotechnology products) will likely yield rapid advances in indigenous weapons production capability. States will be able to achieve dramatic increases in military capability by acquiring, via the burgeoning commercial space industry, whole ranges of C^3ISR (command, control, communications, intelligence, surveillance, and reconnaissance) capabilities heretofore available only to great powers. The strategic significance of a global military-technological leveling cannot be overstated. It presents a direct challenge to perhaps the fundamental assumption underlying the modern concept of U.S. military superiority: that the United States enjoys disproportionately greater access to advanced technology than its potential adversaries."

Do you agree with these assessments, and if so, how do you propose that the U.S. maintain its military superiority in the future in light of these trends?

Answer. I agree with the Defense Science Board assessments.

The ready availability of information technology, satellite surveillance, weapons of mass destruction technologies, etc., and the trained personnel to utilize them presents a clear challenge to U.S. military dominance. The foes our forces may meet on the battlefields of the future will be more technologically adept and dangerous than they are today. In cooperation with State, Commerce, and others, the Department should continue its constructive approach to curbing the global proliferation of these technologies. The U.S., as the largest technology producer, must protect its most sensitive technologies. The U.S. should also continue the long-standing practice of releasing sensitive technologies, when warranted, to our closest allies in a time-phased approach, thus helping to preserve our technological lead. We must also work with our technologically advanced allies to improve their national export control practices to prevent inappropriate transfers of military and sensitive commercial technologies.

INTELLECTUAL PROPERTY

Question. Many observers have said that one of the major disincentives for commercial companies interested in doing business with the Department of Defense is the difficulty of protecting their intellectual property under a government contract. On January 4, 2001, the Pentagon issued guidance to improve the Department's handling of intellectual property rights in order to attract commercial entities to defense contracts.

Are you familiar with this guidance and, if so, what are your views of this revised policy?

Answer. I believe the question is referring to a January 5, 2001, memorandum issued by the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

I support all of the steps outlined in this memorandum.

MULTIYEAR PROCUREMENTS

Question. Providing a stable funding profile for defense programs is absolutely essential to effective program management and performance, for both the DOD and the defense industry. One already tested means of increasing program funding stability is the use of multiyear contracts.

Please provide your views on multiyear procurements.

Answer. Where appropriate, multiyear procurements can reduce the production cost associated with weapon systems. Multiyear contracting is also an effective strategy in the procurement of less than major systems, and in contracting for various categories of services (e.g., base services such as ground maintenance; specialized training requiring high quality instructor skills).

Question. How will you treat proposals to renegotiate a multiyear procurement?

Answer. With great caution. Multiyear procurement will remain an effective tool only if the parties to multiyear contracts live up to the long-term commitment they made. Neither industry nor Congress will be interested in entering into multiyear contracts unless each can rely on the other to follow through as planned. If circumstances change significantly enough to force renegotiation of a multiyear contract, I would expect any such recommendation to be fully supported by a description of what changed, why the changes necessitate renegotiation of the contract, how the benefits of the multiyear contract, including reduced cost, will be preserved to the extent possible in the renegotiation, and what will be done to preclude perturbing the contract in the future.

SMALL BUSINESS ISSUES

Question. For the last 2 decades, the Department of Defense has been subject to statutory goals for contracting with small businesses and minority small businesses. More recently, additional goals have been added for contracting with women-owned businesses and businesses owned by disabled veterans. A number of programs have been put in place to help the Department achieve these goals.

Do you believe that these goals serve a valid purpose in the Department of Defense contracting system?

Answer. Yes, I believe statutory goals serve to highlight congressional concerns which the Department of Defense is obligated to carry out as efficiently and effectively as possible.

Question. Do you support the so-called "rule of two", which provides that if two or more small businesses are capable of performing a contract, competition will be limited to small business?

Answer. Yes, I do support the "rule of two."

Question. Do you support the Section 8(a) program under which the Department sets aside certain contracts for performance by small disadvantaged businesses?

Answer. Yes, I do. The 8(a) program has been an important program in developing small disadvantaged business (SDB) firms to participate fully in the procurement opportunities the Department offers. It also allows 8(a) firms to become solid sources of supplies and services on a continuing basis.

Question. Do you support the Department of Defense mentor-protégé program, under which major defense contractors provide advice and assistance to small disadvantaged businesses and women-owned businesses seeking to do business with the Department of Defense?

Answer. Yes, I fully support the mentor-protégé program. From my point of view, the mentor-protégé program has become one of the more innovative programs to develop valued suppliers for the DOD and its prime contractors.

Question. Would you recommend the extension of the program?

Answer. Yes, I would certainly recommend an extension of the program.

Question. What is your view of contract "bundling"?

Answer. I am aware that contract bundling impacts upon small businesses and support the current statutory and regulatory coverage that requires the Department to ensure that we anticipate that there will be measurably substantial benefits accruing to the DOD prior to proceeding with a bundled action.

Question. Do you believe that there is a value to having small businesses contract directly with the Federal Government, rather than being relegated to the role of subcontractors?

Answer. There is value to the Department in having small business concerns participate in both roles, as prime contractors and as subcontractors. Small business concerns offer the Department and its prime contractors the opportunity to access the innovation, competitiveness, and responsiveness that have always been the hallmark of U.S. small business concerns. Small business concerns play a substantial and important role in the Defense industrial base and we should continue to support them in both prime and subcontracting roles.

Question. Do you believe that the standard adopted by Congress for approving bundling is the appropriate one, or would you recommend that this standard be modified?

Answer. If confirmed, I will review this matter carefully and work the Secretary and this committee to ascertain if the Department should recommend any modifications.

FEEDER SYSTEMS

Question. For years, the Department of Defense has been unable to ensure proper accountability and control over its physical assets, proper accounting for the costs of operations, and proper recording and reconciling of disbursements. In the view

of many, the Department will not be able to get its financial house in order until it has identified and addressed problems with the so-called "feeder systems" that provide much of the information used by the Department's finance and accounting systems. These "feeder systems" include procurement and acquisition systems under the control of the Under Secretary for Acquisition, Technology, and Logistics.

Do you agree that it must be a high priority for the Department of Defense to develop systems that can properly account for costs and disbursements?

Answer. Yes. Developing DOD systems that properly account for the costs of DOD operations and acquisitions is a high priority and critically important to sound decision-making.

Question. Would you make it a high priority to work with the DOD Comptroller, the Chief Information Officer, and the military services to ensure that the Department's acquisition systems include appropriate management controls and provide reliable data that can be used for both acquisition management and financial management purposes?

Answer. Yes.

DEFENSE ACQUISITION BOARD

Question. There are a number of decisions which will require a Defense Acquisition Board (DAB) review in the next 6 months.

Do you foresee any near- or long-term changes in the membership or procedures for DAB reviews?

Answer. If confirmed, I intend to review the membership and procedures of the DAB as part of my broader review of acquisition organizations and processes.

PRIVATIZED HOUSING INITIATIVES

Question. Under the current Department of Defense organization, the Under Secretary of Defense for Acquisition, Technology, and Logistics is responsible for military housing policies and the privatization initiatives.

a. In your opinion, are the current initiatives sufficient to address the problems with aging and substandard military housing?

b. What changes or new initiatives, either policy-based or statutorily, would you recommend to improve the efficiency and effectiveness of the housing privatization program?

Answer. The authorities included in the Military Housing Privatization Initiative enacted in 1996 are critical to revitalizing inadequate military housing and to help satisfy overall housing requirements. The Department of Defense has established the goal of revitalizing all inadequate housing in its inventory by 2010. Privatization is an important element of the strategy that will allow the Department to meet this important quality-of-life goal.

If confirmed, I will review the program to determine the lessons learned from the 10 projects already awarded, and to disseminate information about the most cost-effective ways to use the authorities in the wide variety of conditions encountered at different locations.

TRANSFORMATION

Question. Over the last year, the military departments have described or initiated plans to transform so that they will be better able to deal with a wide range of anticipated 21st century national security challenges.

What are your views of the transformation initiatives within the Department as they are currently understood?

Answer. Already, the military departments have taken actions to transform themselves to be more adaptive, flexible, and suited to the spectrum of future warfighting challenges. These efforts are essential to maintaining future military relevance and superiority.

Question. Are you concerned that these initiatives appear to be "self-defined" by the services without direct participation of the Secretary of Defense or the Chairman, Joint Chiefs of Staff?

Answer. The Secretary has embarked on a study to determine the most appropriate next steps in the transformation process. As I understand it, as with his other ongoing studies, his transformation review has included input from the services and independent assessments from others.

Question. Recognizing that a fundamental change of the military services will be expensive and understanding that "legacy" modernization programs were significantly underfunded before these transformation initiatives began, what would you do to ensure that a proper balance of resources is maintained between the two efforts?

Answer. The balance of resource investments between transformation initiatives and so-called "legacy" modernization programs will always be a difficult one, since we must take all these decisions under considerable uncertainty about the future. Many of the legacy systems will be with us for a long time into that future, and during that time will continue to be essential to our warfighting readiness. We need to take prudent steps to sustain and upgrade them to be more useful for the widest range of schemes for modern warfare. It is also important to work to reduce the ownership costs for these systems, since these costs have historically eroded our ability to adequately support investment in future systems. Likewise, we must look very carefully at investments in new systems intended for replacement of the legacy forces.

COST ESTIMATING

Question. As programs move forward to critical decision points, there often seems to be a wide disparity between the cost estimates provided by service analysts and those of the Cost Advisory Improvement Group (OSD–CAIG). If confirmed, you will be the Milestone Decision Authority when a program requests a decision at a Defense Acquisition Board.

How do you intend to handle the issue of projected costs when the estimates may widely differ?

Answer. If confirmed, I intend to rely on the independent estimate provided by the CAIG to assess the service's projected cost for the program. I will ensure that the reasons for differences between the service estimate and the CAIG estimate are understood prior to making a decision at a Defense Acquisition Board.

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense for Acquisition, Technology, and Logistics?

Answer. There are many challenges that confront me, if confirmed, and they run the full spectrum of my prospective responsibilities:

- Reviewing the Department's Acquisition, Technology, and Logistics organizations and processes with an eye towards achieving greater availability and efficiency.
- Improving the quality of the acquisition workforce and implementing programs to maintain a viable workforce in the face of significant challenges over the next decade.
- Improving the health of the defense industrial base.
- Determining the appropriate level of resources for infrastructure, and considering what is appropriate when rationalized against the needs of military strategy, readiness, and weapons system investment and sustainment.
- Fostering leap-ahead technologies, which could alter the strategic balance.

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

Answer. There are no quick, easy solutions to resolve these challenges. If confirmed, I plan to establish definitive goals and metrics to address these challenges and implement comprehensive programs that will achieve progress in each of these goals.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of Defense for Acquisition, Technology, and Logistics?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

MILITARY SPECIFICATIONS

1. Senator THURMOND. Although military hardware must meet certain specifications to survive in combat conditions, much of the equipment does not have to meet these standards. I understand that these military standards drastically increase the cost of development and procurement. In your view, is the Department of Defense relying too much on military specifications when commercial off-the-shelf items could fulfill the requirements?

Mr. ALDRIDGE. Yes, I believe the Department of Defense has made significant progress in reducing its reliance on unique military specifications; however, more can and must be done. Since 1994, the Department has canceledd 9,600 military specifications and standards and inactivated another 8,100, which are to be used only to support legacy systems and equipment. Today, 53 percent of the specifications and standards used by the DOD are either non-government standards prepared by private sector standards developing organizations or are commercial item descriptions; however, the DOD still relies on 7,900 unique military standards and specifications. Current DOD actions are directed toward greater use of commercial standards on legacy parts through single process initiatives and reprocurement reform, which has been included in the recent update to DODD 5000.1. If confirmed, I will continue to support the maximum use of commercial and international standards and commercial items where appropriate.

GLOBAL HAWK UAV

2. Senator THURMOND. Last week the Global Hawk UAV demonstrated its capability to fly nonstop to Australia. This was a dramatic demonstration of the potential the UAV has to provide a vast array of capabilities ranging from reconnaissance to weapons carriers. What are your views regarding the potential of these vehicles and is the Department pursuing this technology to its full potential?

Mr. ALDRIDGE. The Global Hawk UAV does indeed bring a most promising capability to future military operations. As you have pointed out, the Global Hawk holds great potential in mission areas beyond the traditional reconnaissance role.

The Department is focusing on the reconnaissance mission first for Global Hawk, as this is the logical role. We envision Global Hawk will become the "workhorse" for missions requiring long-range deployment and wide-area surveillance or long sensor dwell over the target area. If Global Hawk demonstrates equivalent capability and availability with the U–2 program, the Air Force will consider drawing down the U–2 force as Global Hawk is fielded. Our current objective is for Global Hawk to achieve equivalent capabilities with the U–2 at the end of this decade. However, the Department is currently looking at several acceleration options, in terms of production rate, payload capacity, and mission capabilities, which could move this timetable forward.

The high altitude endurance Global Hawk has the potential to bring a new dimension of support to the warfighter. The Department is posturing itself to field this new UAV capability in the very near future. We are also assessing future payloads, for other mission areas, as they mature to determine their suitability and applicability for integration onto the Global Hawk UAV.

INSTALLATION READINESS

3. Senator THURMOND. If you are confirmed as the Under Secretary of Defense for Acquisition and Technology, you not only will have the responsibility for overseeing the modernization of our Armed Forces, but also its installations. Although the modernization piece of your job will present challenges, our installations may be a bigger challenge. Last year the Department found that 60 percent of military bases have facilities rated C–3 or C–4 for readiness, which indicates the potential for not being able to carry out a mission. How do you intend to prioritize the issue of installation readiness?

Mr. ALDRIDGE. As your question implies, the Department's installations play a critical role in supporting our Armed Forces in the conduct of their wartime missions. Unfortunately, the Installation Readiness Report as of the end of fiscal year 2000 indicated that now 69 percent of all ratings are either C–3 or C–4.

If confirmed, I will endeavor to ensure the Department gives high priority to improving the condition and readiness of defense facilities. I believe we must accelerate the recapitalization of those facilities with deficiencies that may prevent or interrupt the mission, those facilities rated C–3 or C–4. Further, I believe the Department must fully sustain its facilities, restore and modernize inadequate ones, and eliminate facilities we no longer need. To enhance the stewardship of our facilities, I will work with the military services and defense agencies on directing additional resources into fixing the facilities' problems so that the Department has the installations and facilities available when and where needed, with capabilities to effectively and efficiently support DOD missions. Quality of life and workplaces for our servicemembers and their families is critical to readiness and retention, and I will work to ensure our military installations support our forces and their missions.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

BERRY AMENDMENT

4. Senator SESSIONS. I am sure you are aware of the fiasco surrounding the purchase of the black berets and its relation to the Berry amendment. The Berry amendment in this case was circumvented when an artificially short deadline was set to procure these berets. This deadline prevented many American companies from bidding on this multi-million dollar purchase, and therefore allowed the manufacture of these berets to move overseas to countries such as Communist China and Sri Lanka. What is your position on the Berry amendment, and what will you do in your position to ensure the spirit of "Buy American" in the Berry amendment is honored in the future?

Mr. ALDRIDGE. I support the central requirements of the Berry amendment. The Department is considering proposing modifications to the Berry amendment to clarify the amendment and to make it easier for the Department's suppliers to comply with the amendment.

SHIP PROCUREMENT AND INDUSTRY STABILITY

5. Senator SESSIONS. In my position as Chairman of the Seapower Subcommittee of the Senate Armed Services Committee, I recently chaired a hearing with representatives of the American shipbuilding industry and the overwhelming refrain I heard from these gentlemen is that their industry needs stability and predictability in the procurement and contracting of military ships. Many ideas have been floated on how to achieve this and associated cost savings. I want to hear from you what you feel is the best way to procure ships and ensure cost savings to the American taxpayer and stability to industry?

Mr. ALDRIDGE. Shipbuilders can build ships more efficiently, optimizing the scheduling of their facilities and resources involved in the construction of ships if they have a known backlog of reliable business. The Navy can provide such stability, and the taxpayer can benefit from the resulting lower costs, when Congress authorized multiyear procurements and provides advance procurement funding to enable Economic Order Quantity purchasing of components and subsystems.

The Department has used multiyear procurement successfully in the past 20 years to reduce defense system production cost. Multiyear procurement is a very useful acquisition strategy when a program has achieved stability. Statute establishes that the prerequisites to using a multiyear contract include stable requirements, a stable design for the product being procured, technical risks low enough to make realistic estimates of the cost of the contract, and anticipated cost avoidance through the use of a multiyear contract. Statute also requires there to be sufficient agency commitment to the program to expect the agency head to request funding for the multiyear contract at the level required to avoid contract cancellation. Where these circumstance exist, I will strongly encourage the use of multiyear contracts to reduce the production cost associated with weapon systems, including ships.

Permitting the Department to budget to only a limited portion of the aggregate cancellation ceilings in the Shipbuilding and Conversion, Navy, accounts, would allow management of risk at the aggregate level without straining budgets unduly. Effective use of these techniques requires discipline on the part of both the executive and legislative branches, to agree upon a plan and stick with it for several years at a time. The benefits include better prices for the taxpayer, more stability for the companies and their employees, and less turmoil all around.

NAVY SHIP FLEET SIZE AND INDUSTRY HEALTH

6. Senator SESSIONS. Currently the Navy states it has a need for at least a "300-plus" ship fleet. Yet, during the past administration our ship building rates were such as to generate a 220-ship fleet. Obviously there are severe ramifications to this trend. Industry told me that they currently have the capability to build to a 300-plus-ship fleet, but will shed this overhead soon if it appears that we will continue on the trend to a 220-ship Navy. This worries me. We as a nation cannot afford to lose this industrial capability. Do you have an idea as to what size of fleet is adequate and what plans do you have to keep our warship building industry healthy?

Mr. ALDRIDGE. The Secretary of Defense submitted a 30-Year Shipbuilding Plan Report to Congress in June 2000, which provided the required shipbuilding procurement rate and ship mix to sustain the present fleet size. Long-term procurement rates of 8–10 ships per year are needed to sustain the current fleet size and meet the force structure requirements. Continuing to procure six ships per year as reflected in the fiscal year 2002 budget will have three negative effects. First, it will create a "bow wave" of future-shipbuilding procurement requirements, for which it will be increasingly difficult to allocate scarce procurement account resources. Second, it will create additional stress on fleet maintenance budgets to sustain the service lives of aging and increasingly obsolescent ships to maintain force structure. Third, the lower shipbuilding rates of this year's budget and the increased shipbuilding rates in future years will create a layoff-hiring cycle within the shipbuilding industry, which will result in increased cost to the Government for future ship construction. This will exacerbate the previously mentioned procurement and maintenance affordability problem and causes further stress to the "top line" of future Navy budgets.

Our shipbuilding plan is barely adequate to sustain the remaining Naval shipbuilding industrial base including the suppliers that provide supporting equipment and associated engineering services. Our plan provides the best available balance between the Department's requirements and available resources. The innovative teaming strategy approved by Congress for the construction of four *Virginia* Class submarines, advance procurement for the fiscal year 2002 and fiscal year 2003 *Virginia* Class submarines, and the next DDG 51 multiyear procurement contract, all highlight acquisition strategies aimed at lowering costs, reducing disruptions from hiring and layoff cycles, while maintaining level employment, and encouraging capital investments. Our shipbuilding plan maintains both the LPD 17 and the Auxiliary Dry Cargo Vessel (T–AKE) programs that, in spite of recent adjustments in annual acquisition quantities, will help the auxiliary vessel manufacturers capitalize on past and current program efficiencies. These actions constitute the Navy's near term effort to ensure the long-term ability of the shipbuilding industry to support our future construction programs.

As noted in the November 2000 Report to Congress submitted by the Secretary of the Navy updating the 1993 *Arleigh Burke* Destroyer Industrial Base Study, both of the destroyer shipbuilders will have to book unprecedented amounts of additional, non-U.S. Navy work in order to maintain their workforces during the transition from DDG 51 to DD(X) production. This assessment was based on the shipbuilding profile presented in the fiscal year 2001 budget submission. However, the cumulative effect of actions taken in the fiscal year 2002 budget request including the acceleration of the 58th DDG 51 Class ship to fiscal year 2002, coupled with congressional action on the LPD 17 program in fiscal year 2001 and the Navy's action in the President's Budget for Fiscal Year 2002, make the industrial base forecast even more challenging than that reflected in the November 2000 report. The acceleration of the 58th DDG 51 Class ship to fiscal year 2002 sustains the surface combatant industrial base in the near term but exacerbates the industrial base situation, documented by the report, between the end of DDG 51 production and the beginning of DD(X) production. This situation demands closer attention. I also note that the risks of the destroyer production transition are not confined to the shipbuilding industrial base. Second tier suppliers of shipboard equipment used on destroyers and other warships also will be affected to varying degrees. Possible effects could be higher unit costs for associated equipment for other Navy shipbuilding programs or a corporate decision to scale back or stop production. Neither of these consequences is in the best interest of the Navy or the country.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

MISSILE DEFENSE

7. Senator COLLINS. What are your views on a realistic time frame for research and development and eventual deployment of theater and national missile defenses? What do you see as the pros and cons for missile interceptors, which are land-, sea-, or even space-based?

Mr. ALDRIDGE. Historically, a weapon system of the scale and complexity of missile defense spends many years in research and development. In the case of missile defenses, our development process uses a disciplined approach to ensure that our response incorporates technologies to meet the challenges of a constantly evolving threat at an acceptable risk level. Although we have made significant progress in demonstrating the technologies that enable hit-to-kill performance, this leads to numerous challenges that can extend the time for research and development.

The Secretary continues to review the Department's ballistic missile defense architecture. As the President said in his speech of May 1, 2001, this review will "examine all available technologies and basing modes for effective missile defenses that could protect the United States." This review is considering numerous options for basing interceptors (land, sea, and/or space) and will identify more specific deployment schedules. I expect that the Secretary will share the results of that review with you when it is complete.

MILITARY USE OF SPACE AND CRITICAL SPACE TECHNOLOGIES

8. Senator COLLINS. I understand that improving military space systems and military use of space will be high priorities for defense over the next several years. Space control and space-based strike capability research and development programs—like the spaceplane, Clementine 2, and KEASAT—were proposed to develop and demonstrate technologies needed to protect our space assets and transform our own deep strike capability through space. Do you support these programs and do you have plans to expand research on technologies critical to space operations?

Mr. ALDRIDGE. Yes, I support expanded research on technologies that are critical to space operations. The Department has recently concluded a broad area review in the area of space control in order to provide guidance to the services on technology investments in this mission area. Critical areas identified through this review and other recently completed studies identified responsive launch, space-based operations/logistics, miniaturization, space-based space surveillance, and temporary/reversible counter space-based communications and electro-optical systems as areas that may benefit from additional resources.

The Department continues to work closely with the National Aeronautics and Space Administration (NASA) on the development and demonstration of reusable launch vehicle technology that could support the future development of a military spaceplane. The Department is currently performing a requirement review and military utility analysis for the recently canceled X–33 and X–34 technology demonstration programs. The results from these reviews will define the efforts the Department supports for near-term investment.

In fiscal year 1998 the Department of Defense restructured the Clementine 2 program to incorporate it within the existing micro-satellite technology program. In cooperation with other government organizations, the micro-satellite technology development program will focus on pervasive technologies for miniaturization and micro-satellites such as: multifunctional structures for affordability and flexibility, lightweight power generation, and storage; advanced processors; high precision, high efficiency thrusters, autonomous reconfiguration; and open architecture satellites with standard interfaces. These technologies will be developed, packaged, and demonstrated for their utility in future missions such as inspection, surveillance, and remote servicing operations.

The Kinetic Energy Anti-Satellite (KEASAT) technology demonstration has been solely funded since 1993 through congressionally directed funds. The effort is currently developing three kill vehicles through flight qualified status, scheduled to be complete in fiscal year 2002. The Department currently places a higher emphasis on temporary/reversible space negation systems, but will complete the technology demonstration of the KEASAT kill vehicles to a status of flight qualified, with the capability to conduct a flight test within 1 year of a decision to do so.

R&D PRIORITIES TO TRANSFORM MILITARY FORCES

9. Senator COLLINS. The Pentagon's budget blueprint proposes an additional $2.6 billion for research and development and missile defense. Without pre-empting the strategic review and budget to be issued in the upcoming month(s), what are some of your priorities for R&D initiatives to transform our military forces?

Mr. ALDRIDGE. I intend to increase the development of our ballistic missile defense program. Part of this increase will go toward the space component. Another part will be to continue development of existing ground-based systems. We also need to continue to strive to balance technology development to support a wide range of potential operational capabilities.

To accomplish this, funding increases are necessary. The Department's R&D initiative will also include an increase in investment for basic research and Defense Advanced Research Projects Agency. Also, our strategic initiatives will focus on new capabilities like target defeat, urban terrain operations, network centric warfare, space, autonomous unmanned systems, advanced power, nanotechnology, and directed energy. This will increase our lethality, survivability, maneuverability, and supportability for the future military force.

EUROPEAN UNION "GALILEO" SATELLITE NAVIGATION SYSTEM

10. Senator COLLINS. The European Union is unilaterally putting hundreds of millions of dollars into their "Galileo" satellite navigation system in order to compete with the United States' highly successful Global Positioning System (GPS). Do you think that we can reach common ground with the Europeans, our NATO partners, to modernize a single satellite navigation system based on GPS? Do you believe that this is now in the best interest of the United States to do so?

Mr. ALDRIDGE. The April 2001 European Union Transport Ministry approval of a Galileo program report indicates a continuing commitment to pursing the development of the civil-based Galileo system. Consultations with the European Union on possible cooperation opportunities between GPS and Galileo are being lead by the Department of State. However, I do not believe the Europeans will be able to acquire a civil-based capability as wide-ranging as GPS for anywhere near the amount of money they state the Galileo system will cost (3.2 billion euros or $2.75 billion).

From a military perspective, NATO remains committed to using military GPS services and the DOD continues to work within NATO to ensure that modernized GPS services satisfy mutual military requirements. The U.S. is modernizing GPS to provide enhanced capabilities for both civil and military users. One of the challenges for the U.S. and our allies is to develop capabilities to deny civil satellite navigation services during times of crisis and thereby avoid having those services misused against U.S. and allied military forces. Although the European Union's (EU) initiative to develop Galileo is advertised as providing civil only services, there are clear benefits to be gained in reaching common ground on how these civil Galileo services will be implemented. For this reason, continuing dialogue with the EU is in the best interest of the U.S.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

NETWORK CENTRIC WARFARE

11. Senator LIEBERMAN. Given the significant potential of network centric warfare to exploit the power of information and information technology to achieve battlefield dominance, how do you plan to: direct requirements generation and acquisition such that the Armed Forces will be able to realize a truly network-centric force; carry out a joint experimentation program to develop new operational concepts which take full advantage of the advances in network-centric capabilities; and ensure that OSD and the services place the requisite priority on development of the associated technologies?

Mr. ALDRIDGE. While I believe that the coupling between the requirements generation process and acquisition process is more robust now than ever before, I will continue to support enhancements of their relationship as well as the improvement of each process. The present DOD course is a good one. The DOD major systems acquisition directive 5000 and the JS requirements generation process directive, 3170, were generated hand-in-glove. These are the governing regulations for systems acquisition. Additionally, the Vice Chairman of the JCS sits on the Defense Acquisition Board as it reviews programs. One of the requirements by both directives is the interoperability of systems, expressed as a program key performance pa-

rameter and reflected in the operational requirements documents of major programs. Within interoperability are contained the requirements for each system to comply to various DOD-wide architectures that directly enhance network-centric warfare performance affecting all our services and allies.

As you may be aware, the DOD has in place a number of activities that deal with experimentation of new ideas and joint matters. These include joint warfighting experiments, joint test and evaluation to develop training tactics and procedures, advanced concept technology demonstrations (ACTDs), and so on. An example of these is the ACTD called Coalition Aerial Surveillance and Reconnaissance (CAESAR), which provides interoperability of ground moving target indicator assets of the U.S. and seven of our allies and will be demonstrated via NATO military exercises. Another example is the Network-Centric Collaborative Targeting (NCCT) ACTD. NCCT includes numerous sensor types and is developing and applying network-centric techniques, collaborative concepts, and front-end processing to multi-service intelligence, surveillance, and reconnaissance assets to provide target-quality information on time-critical targets. From the results of this and other similar demonstrations and experiments, the Department will gain residual capabilities and valuable experience that will help us execute programs and similar initiatives.

One of the initiatives I will undertake is to increase the emphasis on our defense technology base. I also plan to monitor the progress we make on our tech base activity via the various tools that will be available to me. One of these tools is the Department's S&T reliance process, which includes the conduct of technology area review and assessments. These assessments involve panels composed of members from the DOD, academia, and industry. They are chartered to review various technology areas, such as information systems technology. Recommendations from these panels are presented to senior Defense officials, including the top service science and technology representatives. They in turn take appropriate action (i.e., enforce adjustments to investments) to ensure the services and agencies place the requisite priority on the development of associated technologies that support the concept of network-centric warfare. In addition to defense-unique technology, we need to leverage the commercial sector technology. The commercial sector offers great opportunities in information and communication technologies, which are in the heart of network-centric warfare. We can take advantage of these sectors to get better results faster and less costly.

INTEROPERABILITY ISSUES

12. Senator LIEBERMAN. Would you find it advisable that any program which deals with interoperability issues (communications, sensors, logistics) be handled through the Joint Requirements Oversight Committee?

Mr. ALDRIDGE. All programs that have Interoperability Key Performance Parameters (KPPs) must be certified by the J–6 per CJCSI 6212.01B "Interoperability and Supportability of National Security Systems, and Information Technology Systems," dated 8 May 2000 and/or CJCSI 370.01B "Requirements Generation System," dated 15 April 2001. CJCSI 6212.01B Enclosure A, Paragraph A, specifies J–6 will "Conduct an interoperability requirements certification of Mission Need Statement (MNS), Capstone Requirements Document (CRD) and Operational Requirements Document (ORD), regardless of Acquisition Category (ACAT) level." CJCSI 3170.01B Enclosure B–4, Paragraph 4A, states that all "Unresolved interoperability issues will be forwarded by the J–6 to the Military Communications Electronics Board (MCEB) for resolution. The MCEB will ensure that unresolved issues resulting from interoperability assessments are presented to the Joint Requirements Oversight Council (JROC) for resolution." Currently, the JROC oversees the interoperability aspects of all ACAT I and special oversight programs. Additionally, the chairman of the JROC is a member of the Defense Acquisition Board (DAB). Expanding the scope of JROC programs to include all programs that deal with interoperability is not advisable, due to practical limitations of the council's time and attention. The current practice of J–6 interoperability certifications for all programs, regardless of ACAT and jointness and the added oversight of the MCEB, is seen as an adequate process at this time.

REVITALIZING DOD LABORATORIES

13. Senator LIEBERMAN. In the past several years, we have been particularly concerned about personnel and management issues in DARPA and the service laboratories. We have worked hard to provide legislative relief in the form of several innovation provisions aimed specifically at improving the ability to recruit and retain

high-quality personnel. These provisions include both the pilot program for revitalizing DOD laboratories and civilian personnel provisions (fiscal year 1999 Section 246, fiscal year 2000 Section 245), and a provision to expand the experimental civilian personnel program (fiscal year 2001 Sections 1113 and 1114). How do you intend to implement these provisions and are there other ideas you have regarding strategies to revitalize the laboratories? With cooperation from Congress, do you feel that you can make noteworthy progress towards revitalizing the labs through incremental improvements such as the ones previously mentioned, or do you foresee the need for a major reform of the civil service?

Mr. ALDRIDGE. As we put the administration's defense team in place, revitalization of the defense labs and workforce is a priority discussion and action area for us. Implementation activities have begun in earnest for each of the authorities granted through the various public law provisions. Throughout the implementation process we will keep an eye toward discovering and defining areas that can benefit from continued interaction with and cooperation of Congress. As a select example of progress, our pilot lab in the Air Force has successfully initiated a scholars program and a distinguished space industry fellows program to infuse new ideas and enthusiasm to their mission area and workforce. DARPA is aggressively seeking new employees using the special hiring authority under Sections 1102 and 1113. As we go forward, I am confident that we will make progress in lab revitalization. I do not foresee, at present, a need for a major civil service reform to accomplish the revitalization. But, I will be attentive to this issue and will seek assistance if current civil service law becomes an insurmountable barrier to defense lab revitalization.

S&T LEADERSHIP

14. Senator LIEBERMAN. Particularly given the trends towards transformation and the implementation of network-centric warfare, it is my opinion that we need very strong leadership in S&T both in the services and in OSD. How do you plan to ensure the voice of the S&T leadership is prevalent in the highest levels of the DOD? Will you hold formal briefings to the Secretary or the Joint Chiefs on both S&T and T&E programs? Also, at what point should we anticipate the appointment of key S&T personnel including the DARPA Director, Deputy Director of Research and Engineering, and DUSD S&T?

Mr. ALDRIDGE. I agree that the Department needs strong leadership in S&T in both the services and the Office of the Secretary of Defense. I intend to be the strong voice for S&T within the Department, and am establishing a management structure to ensure the visibility of technology throughout the Department. On 30 May, the President announced the nomination of Michael Wynne to be the Principal Deputy Under Secretary of Defense for Acquisition and Technology. We are also working to quickly announce other key technology leaders in the new administration. The process of selecting and nominating individuals to key positions is a long process. We have named individuals for the positions above the DDR&E, DARPA Director, and DUSD(S&T), so nomination of people for the critical technology oversight positions is imminent. Finally, I do not intend to hold formal periodic briefings to the Secretary and Service Chiefs on both the S&T and T&E programs, but instead, pledge to make S&T a critical recurring element of the DOD acquisition program.

MISSILE DEFENSE

15. Senator LIEBERMAN. The administration has emphasized the commitment to Defense R&D, and has included $2.6 billion of additional R&D funding for fiscal year 2002. How much of this increase do you anticipate will go towards supporting R&D for National Missile Defense? Of that amount, will it be used strictly for R&D or do you anticipate that a portion will be directed towards T&E in BMDO?

Mr. ALDRIDGE. The Secretary continues to review the Department's ballistic missile defense architecture. This review will revise the Department's budget request for fiscal year 2002. We have not yet decided how much of fiscal year 2002 increase will be allocated toward R&D. As soon as we have completed those deliberations we will share the results with you.

DARPA TRANSITION STRATEGIES

16. Senator LIEBERMAN. Although DARPA has long been recognized as a major leader in developing revolutionary military technologies, there has been some con-

cern lately that, due to the lack of an effective transition mechanism, many of these promising technologies are not fully leveraged in the services. How do you intend to address these concerns?

Mr. ALDRIDGE. While there is little empirical evidence available by which to judge transition performance, it is clear that transition is a formidable challenge. Few would argue that it is not something the DOD could do better. Although this challenge is naturally exacerbated for DARPA because of its mission of high-risk, high-payoff research and its position outside the services, I feel that it is crucial that DARPA stay focused on revolutionary technology.

DARPA requires a broad array of transition strategies to match the diversity of the technology it develops. It has recently begun implementing three thrusts to improve these strategies. The first is to build on what we know works, such as jointly funding programs with the services and establishing joint DARPA-service program offices. The second is to better understand how DARPA technologies have transitioned in the past, so that those lessons may be reapplied. The third is to actively explore other transition initiatives around the DOD, such as those of the Navy's Chief Technology Officer and Advanced Concept Technology Demonstrations, to see if they can provide additional pathways for DARPA technology.

DARPA is working carefully to augment its transition strategies while not diluting the Agency's critical focus on revolutionary technology. As Under Secretary, I intend to continue a high level of attention to DARPA's revolutionary technology development as well as to its technology transition efforts.

DOD'S HIGHEST PRIORITY RESEARCH AREAS

17. Senator LIEBERMAN. In the Fiscal Year 2000 National Defense Authorization Act, Section 241, Congress requested a report on emerging operational concepts and technological objectives for research and development. We hoped this report would elucidate the DOD's priorities and serve as a roadmap in establishing current research investment strategy. Either reflecting the results of this report or from your own perspective, could you briefly summarize the DOD's highest priority research areas?

Mr. ALDRIDGE. A significant focus of the Department's S&T program should be prioritized around research areas that best support our strategy for the future military. These high priority research areas include: nanoscience; advanced materials; directed energy; advanced power; and human-centered systems research that can aid in decision-making under stress, provide more realistic training, and optimize human-information interfaces and performance. These foci are in addition to science and technology for existing "hard problems" facing the Department which include: time critical targets; chemical and biological weapons defense; cruise and ballistic missile defense; and military operations in urban terrain. Finally, the Department is in the process of identifying additional research areas with the potential for revolutionary payoff. These areas include: fuller dominance of space; autonomous uninhabited vehicles; and network-centric warfare.

18. Senator LIEBERMAN. If confirmed, you will be responsible for a large spectrum of defense issues. How do you propose to manage this office given the disparate areas of responsibility?

Mr. ALDRIDGE. First, I plan to establish five new goals to more effectively and efficiently address the large spectrum of defense issues. The five new goals are: (1) achieve credibility and effectiveness in the acquisition and logistics support process; (2) revitalize the quality and morale of the DOD acquisition, technology, and logistics workforce; (3) improve the health of the defense industrial base; (4) rationalize the weapon systems and infrastructure with defense strategy; and (5) initiate high leverage technologies to create the warfighting capabilities, systems, and strategies of the future.

I plan to achieve these goals through such initiatives as: increasing the empowerment of the workforce; establishing a metrics system to measure progress toward the attainment of these goals; reorganizing the acquisition, technology, and logistics organization along functional lines to more effectively address the issues and to facilitate accurate and timely decision-making; providing full funding for the programs—to the greatest extent possible—in concert with adhering to more realistic cost estimates and establishing prudent management/risk reserves; and working closely with Congress to restore credibility to the entire acquisition and logistics process.

In sum, I plan to lead the acquisition, technology, and logistics organization into a new era of "acquisition excellence" by changing the environment, reducing cycle

time, improving the process, linking human resources, and monitoring progress with metrics.

A–76 PROCESS

19. Senator LIEBERMAN. The A–76 process is perceived as a very bureaucratic system without the expected savings. Do you have any thoughts about the process and what improvements would you pursue?

Mr. ALDRIDGE. While I agree that the process is very complex and lengthy, I must disagree with any characterization that it does not provide savings. The worst that can be said is that we need to improve the accuracy of our measurements of savings. Numerous independent reviews have validated that we are reaping very real savings.

A–76 competitions, although complex and contentious, do provide a proven method for managers to determine the most cost-effective operation of commercial functions through public/private competition.

I am hopeful that through participation in the Commercial Activities Panel chaired by the Comptroller General, we will realize significant improvements and recommend elimination of obstacles that unduly burden our processes and efforts to become more cost-effective.

QUESTION SUBMITTED BY SENATOR JEAN CARNAHAN

20. Senator CARNAHAN. I am advised that the National Imagery and Mapping Agency (NIMA) has proposed that work performed by 600 Federal employees at installations in Missouri and Maryland be directly converted to contractor performance without a public-private competition under OMB Circular A–76. Public-private competitions serve the dual purposes of ensuring that the government obtains the lowest price available for services and providing skilled Federal employees the opportunity to compete to keep their jobs.

What is the justification for converting these jobs to the private sector through a sole source award without any competitive bidding of any sort, let alone a public-private competition? What are the cost savings to NIMA that would be achieved by the direct conversion? How can these cost savings be determined without a public-private competition?

Do you believe the Office of the Secretary of Defense should provide oversight over direct conversions such as the one proposed by NIMA?

Mr. ALDRIDGE. NIMA is considering contracting with an Alaska Native Corporation, under the Small Business Administration's 8(a) program, for certain information technology and information services functions. Such a direct conversion is consistent with OMB Circular A–76 and section 8014 of the 2001 Department of Defense Appropriations Act, Public Law 106–259. While NIMA estimates manpower reductions of 20 percent phased in through the life of the contract, no conversion will be undertaken for these functions unless efficiencies and savings will result. NIMA also anticipates that this conversion can be made with no reduction in force or other involuntary personnel action. OSD oversees outsourcing decisions for compliance with applicable policy.

[The nomination reference of Edward C. Aldridge follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology, vice Jacques Gansler.

[The biographical sketch of Edward C. Aldridge, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF EDWARD C. ALDRIDGE

The Honorable E.C. "Pete" Aldridge, Jr., is currently Chief Executive Officer of The Aerospace Corporation, an independent, nonprofit organization dedicated to solving critical national problems through science and technology. He came to Aerospace from McDonnell Douglas Electronic Systems Company, where he served as President from 1988 to 1992. In June 1986, he was confirmed as the 16th Secretary of the United States Air Force, a department he led until 1988.

Edward C. Aldridge was born in Houston in 1938 and spent his youth in Shreveport, LA. He received a bachelor of science degree in aeronautical engineering from Texas Agricultural and Mechanical University in 1960 and a masters of science degree, also in aeronautical engineering, from the Georgia Institute of Technology in 1962.

Mr. Aldridge began work at the Defense Department in 1967, joining the staff of the Assistant Secretary of Defense for Systems Analysis as an Operations Research Analyst and then served as Director of the Strategic Defensive Division until 1972. He also served as an advisor to the Strategic Arms Limitation Talks in Helsinki and in Vienna.

He re-entered private industry in 1972 as a Senior Manager with LTV Aerospace Corp. in Dallas for a year, until he was named Senior Management Associate in the Office of Management and Budget, Executive Office of the President, in Washington, DC.

Returning to the Department of Defense in 1974, Mr. Aldridge served as Deputy Assistant Secretary of Defense for Strategic Programs until 1976. He was then selected to be the Director of Planning and Evaluation, a Principal Advisor to the Secretary of Defense in the planning and program evaluation of U.S. military forces and support structure.

In 1977, Mr. Aldridge once again joined the private sector, assuming the role of Vice President of National Policy and Strategic Systems Group for the Systems Planning Corp. in Arlington, VA. In that position, he was responsible for the corporation's study and analysis activities in the areas of strategic and conventional forces and long-range strategic planning.

In August 1981, he became Under Secretary of the Air Force, with the responsibility for providing overall direction, guidance, and supervision for the National Reconnaissance Office (NRO) and the Air Force space program, including launch and on-orbit operations, and planning for future space capabilities. Mr. Aldridge was also an astronaut in training in preparation for his participation as a payload specialist on the first planned mission from Vandenberg Air Force Base, CA, which was canceled because of the Challenger accident.

Mr. Aldridge has a long and distinguished record of achievement. His outstanding work has earned him numerous awards and honors, including the Secretary of Defense Meritorious Civilian Service Award, the Department of Defense Distinguished Civilian Service Award, and the Department of Defense Distinguished Public Service Award, among many others.

Mr. Aldridge also maintains active ties with various defense-, industry-, and aerospace-related groups. In many of these groups he has held leadership roles. His affiliations include: former President and Fellow, American Institute of Aeronautics and Astronautics (AIM), and Chair, AIAA Foundation Board; Member, Defense Science Board; National Director and Life Member, Air Force Association; and Member of the Board of Directors, Air Force Academy Foundation, among many others.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Edward Cleveland Aldridge, Jr.; Nickname: Pete.

2. **Position to which nominated:**
Under Secretary of Defense (Acquisition and Technology), Office of the Secretary of Defense.

3. **Date of nomination:**
April 23, 2001.

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

5. **Date and place of birth:**
August 18, 1938; Houston, Texas.

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

7. **Names and ages of children:**
Michael C. Aldridge, 41; David L. Aldridge, 39; Mark R. Aldridge, 31; Lori L. Boyd (Stepdaughter), 33.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Texax A&M University, 1956–60, Bachelor of Science in Aeronautical Engineering, 1960.
Georgia Institute of Technology, 1960–61, Masters of Science in Aeronautical Engineering, 1962.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
President and Chief Executive Officer, The Aerospace Corporation, El Segundo, CA and Arlington, VA, March 1992 to Present.
President, McDonnell Douglas Electronic Systems Company, McLean, VA, December 1988–March 1992.
Secretary of the Air Force, Department of the Air Force, The Pentagon, Washington, DC, June 1986–December 1988.
Under Secretary of the Air Force, Department of the Air Force, The Pentagon, Washington, DC, August 1981–June 1986.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Member of the Defense Science Board (DSB), Department of Defense.
Former Member of the National Security Telecommunications Advisory Council.
Former Member of Advisory Committee on the Future of NASA.

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

The Aerospace Corporation, El Segundo, CA —President and CEO, Member of the Board of Trustees.

United Industrial Corporation, New York, NY—Member of the Board of Directors.

AAI Corporation, Hunt Valley, MD—Member of the Board of Directors.

Charles S. Draper Laboratory, Boston, MA—Member of the Corporation.

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

American Institute of Aeronautics and Astronautics—Life Member.

Air Force Association—Life Member.

International Academy of Astronautics—Member.

United States Space Foundation, Colorado Springs, CO—Member of the Board of Directors.

Air Force Academy Foundation, Colorado Springs, CO—Member of the Board of Directors.

Air Force Aid Society, Washington, DC—Member of the Board of Directors.

Air Force Memorial Committee—Member.

Wolf Trap Foundation, Vienna, VA—Member of the Board of Directors.

Washington Golf and Country Club—Member.

13. **Political affiliations and activities:**

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

None.

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

None.

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

George W. Bush for President.

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

Delta Air Lines Scholarship—Georgia Institute of Technology

DOD Distinguished Public Service Award (1977, 1987, 1988)

Secretary of Defense Meritorious Civilian Service Award (1972)

Air Force Exceptional Civilian Service Award (1986)

Army Distinguished Civilian Service Award (1988)

Navy Distinguished Public Service Award (1988)

National Intelligence Distinguished Service Award (1989)

National Reconnaissance Office Distinguished Service Medal (1997)

Rotary National Award for Space Achievement (1993)

National Space Club Robert H. Goddard Memorial Trophy (1987)

Air Force Association Jimmy Doolittle Fellow (1985)

Air Force Association Ira Eaker Fellow (1986, 1987)

Air Force Academy Foundation Distinguished American Award (1987, 1988)

Air Force Association Max Kriendler Award (1988)

Air Force Association W. Stuart Symington Award (1988)

Air Force Association Gen. Bernard Schriever Award (1986)

American Institute of Aeronautics and Astronautics George M. Low Space Transportation Award (1989)

National Security Industrial Association James V. Hartinger Award (1987)

National Defense Industrial Association Bob Hope Distinguished Citizen Award (1998)

National Guard Association Harry S. Truman Award (1988)

American Astronautical Society Military Astronautics Award (1985)

College of Engineering Honor Alumnus, Texas A&M University (1985)

Texas A&M Corps of Cadets Hall of Fame (1998)

Engineering Hall of Fame, Georgia Institute of Technology (1997)

Armed Forces Council of Chicago Distinguished Civilian Service Citation (1987)

Brazilian Air Force "Merito Aeronautico" (Legion of Merit) (1986)

Honorary Member, U.S. Air Force Thunderbirds

Tau Beta Pi, Sigma Gamma Tau, and Sigma Xi (Honorary Societies)

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

"Defense Against the U.S. Cruise Missile", Journal of Defense Research, 1979

"Assured Access: The Bureaucratic Space War", Goddard Historical Essay, National Space Club, 1989

"Military Space Systems", Ohio State University Annual Defense Report, 1990

"Consistency: A Vital Ingredient for National Security Space Programs", DEFENSE, 1988

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

There have been no formal speeches related to the position for which I have been nominated.

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

Yes.

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

SIGNATURE AND DATE

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

EDWARD C. ALDRIDGE.

This 23rd day of April, 2001.

[The nomination of Edward C. Aldridge was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 8, 2001.]

[Prepared questions submitted to William J. Haynes II by Chairman Warner prior to the hearing with answers supplied follow:]

April 24, 2001.

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

DEAR MR. CHAIRMAN: Enclosed are my answers to the questions of the Senate Armed Services Committee in connection with my nomination to be the General Counsel of the Department of Defense.

I welcome the opportunity to respond to the committee's questions and look forward to appearing before you during my confirmation hearing. If I can provide additional information, I would be happy to do so.

Sincerely,

WILLIAM J. HAYNES II.

Enclosure.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have had an opportunity to observe the implementation and impact of those reforms, particularly in your earlier appointment as the General Counsel of the Army.

Do you support full implementation of these defense reforms?

Answer. Yes.

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

Answer. Though I have been away from the Department for more than 8 years, it is my impression that the Department of Defense has worked diligently and effectively to implement the Goldwater-Nichols DOD Reorganization Act of 1986, as amended, and the Special Operations reforms.

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

Answer. Important aspects of these defense reforms include: clearly prescribing the chain of military command from the President to the Secretary of Defense, and from the Secretary of Defense to the Combatant Commander; clearly defining the role of the Chairman of the Joint Chiefs of Staff as the principal military adviser to the President, the Secretary of Defense, and the National Security Council; designating the Chairman as the spokesman for the combatant commanders, subject to the authority, direction, and control of the Secretary of Defense; defining the authority and responsibility of the combatant commanders; and streamlining the operations of the Joint Staff. Strengthening civilian control over the military and clarifying the relationships among the Secretary of Defense, the secretaries of the military departments, the Joint Chiefs of Staff, and the combatant commanders are also clearly important.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

RELATIONSHIPS

Question. What do you see as both the formal and informal relationship between the General Counsel of the Department of Defense and the following offices: the Secretary of Defense; the Under Secretaries of Defense; the Assistant Secretaries of Defense; the Chairman of the Joint Chiefs of Staff; the Counsels for the Defense Agencies; the Legal Advisor to the Chairman of the Joint Chiefs of Staff; the Staff Judge Advocates to the Commanders of Combatant Commands; the Counsel to the Inspector General; the General Counsels of the Military Departments; the Judge Advocates General; the Joint Service Committee on Military Justice; the Comptroller General; the United States Court of Appeals for the Armed Forces; and the Code Committee established under Article 146 of the Uniform Code of Military Justice.

Answer. The Secretary of Defense, as the head of the Department, is the most senior official to whom the DOD General Counsel provides advice. As General Counsel of the Department of the Army, I had many opportunities to observe the relationship between the DOD General Counsel and the Secretary of Defense. I view the General Counsel as the Secretary's principal adviser on the full breadth of legal issues faced by the Department. The General Counsel can also serve the Secretary by providing objective advice on policy initiatives. In addition, the General Counsel performs such functions as the Secretary may prescribe.

The DOD General Counsel should work closely with the Under Secretaries, both personally and through the General Counsel's staff, in assisting them to achieve their policy and programmatic goals within the parameters established by law.

The DOD General Counsel provides legal advice directly to the Assistant Secretaries and through the General Counsel's staff.

While the Chairman of the Joint Chiefs of Staff relies primarily upon his Legal Counsel for legal support, the Chairman and the DOD General Counsel should work closely on the broad range of matters affecting the Department.

Under DOD Directive 5145.1, which is the regulatory charter of the DOD General Counsel, and DOD Directive 5145.4, which charters the Defense Legal Services Agency (DLSA), the DOD General Counsel also serves as the Director of DLSA. The General Counsels of the Defense agencies and DOD field activities are part of DLSA, and thus report to the DOD General Counsel. The DOD General Counsel and the Office of the DOD General Counsel work closely with the Defense agency and

DOD field activity General Counsel offices, with frequent informal discussions of legal issues and exchanges of information. On a more formal level, the DOD General Counsel, primarily through his or her functional Deputy General Counsels, supervises the Defense agency and DOD field activity General Counsels, providing professional guidance, supervision, and coordination.

The Legal Counsel to the Chairman, a military lawyer in the grade of Colonel or Navy Captain, provides legal advice and services to the Chairman and the Joint Staff. The DOD General Counsel and the Chairman's Legal Counsel cooperate fully in assuring that the officials whom their respective offices advise are well-served. In particular, I understand that the DOD General Counsel and the Chairman's Legal Counsel meet frequently to discuss issues of mutual concern and to exchange information.

The DOD General Counsel's relationship to the Staff Judge Advocates of the Combatant Commands is, for the most part, through the Chairman's Legal Counsel. There are also frequent informal contacts between the Office of the DOD General Counsel and the Staff Judge Advocates of the Combatant Commands. In addition, the General Counsel serves as the Designated Agency Ethics Official for DOD. As the Deputy Designated Agency Ethics Officials for their respective Combatant Commands, the staff judge advocates report to the General Counsel with respect to standards of conduct matters. The General Counsel's Standards of Conduct Office conducts reviews of the Combatant Commands' ethics programs.

I understand that at least some aspects of the relationship between the DOD General Counsel and the DOD Inspector General are described in a memorandum of understanding with respect to the delivery of legal services to the Inspector General. The Deputy General Counsel (Inspector General) advises the Inspector General on audits and investigations and the interpretation of statutes and regulations, in particular, and regarding all matters, of any kind, that relate to the programs, duties, functions, or responsibilities of the Inspector General, while remaining an integral part of Office of the DOD General Counsel.

The General Counsels of the Military Departments serve as chief legal officers of their respective departments, and each reports to the Secretary of his or her respective department. As the Secretaries of the Military Departments are subject to the authority, direction, and control of the Secretary of Defense, necessarily the General Counsel of the Department of Defense should meet regularly and work closely with the General Counsels of the Military Departments.

The Judge Advocates General report ultimately to their respective Military Department Secretaries. They provide legal services in a variety of areas, and have unique responsibilities for military justice. As the chief legal officer of the Department of Defense, the DOD General Counsel works closely with the Judge Advocates General and meets with the Judge Advocates General on a regular basis.

The Joint Service Committee on Military Justice was created within the DOD "to assist the President in fulfilling his responsibilities under the UCMJ in prescribing rules and procedures for the trial of courts-martial that are uniform insofar as practicable and apply the principles of law and rules of evidence generally recognized in the trial of criminal cases in the United States district courts." (DOD Dir. 5500.17; Art. 36, UCMJ) The committee consists of representatives of the Judge Advocates General of the Military Departments, the Staff Judge Advocate to the Commandant of the Marine Corps, and the Chief Counsel of the Coast Guard. The DOD General Counsel designates a non-voting representative to the Joint Service Committee. Under DOD Directive 5500.17, the Joint Service Committee on Military Justice conducts an annual review of the Manual for Courts-Martial. The Joint Service Committee considers developments in the Federal criminal code, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and judicial decisions in its review. The committee's recommendations for amendments to the Manual are in the form of proposed Executive Orders. In addition, the Joint Service Committee prepares legislative proposals that are subject to the established DOD coordination process.

The Comptroller General's duties include investigating the receipt, disbursement, and use of public money; evaluating government programs; auditing agency financial transactions; reporting on the use of public funds; and reviewing bid protests. The DOD General Counsel provides legal advice to DOD officials whenever the Department of Defense is involved in these matters. The DOD General Counsel also supports the DOD Inspector General, who is the central liaison between the Department of Defense and the Comptroller General. Further, an agency head may request an opinion from the Comptroller General on questions involving payments and vouchers. The DOD General Counsel may submit such questions to the Comptroller General on behalf of the Secretary of Defense. On an informal basis, the Office of

the DOD General Counsel enjoys a very good relationship with the Comptroller General's office, which facilitates dialogue and informal consultation.

Pursuant to Article I of the Constitution, Congress established the Court of Appeals for the Armed Forces in Article 141 of the Uniform Code of Military Justice, 10 U.S.C. 941. Article 141 provides that "[t]he court is located for administrative purposes only in the Department of Defense," emphasizing its judicial independence from the Department of Defense. Traditionally, the DOD General Counsel serves as an informal liaison with the court for the Department.

The Code Committee consists of the Judges of the United States Court of Appeals for the Armed Forces, the Judge Advocates General of the Military Departments, the Chief Counsel of the Coast Guard, the Staff Judge Advocate to the Commandant of the Marine Corps, and two recognized authorities on military justice appointed by the Secretary of Defense from public life. On at least an annual basis, the Code Committee comprehensively surveys the operation of the Uniform Code of Military Justice, reporting its findings to the Senate and House Committees on Armed Services, the Secretary of Defense, the Secretaries of the Military Departments, and the Secretary of Transportation. While the DOD General Counsel has no formal relationship to the Code Committee, he or she provides informal support as the Code Committee desires. In addition, the DOD General Counsel informs the Code Committee with respect to the activities and recommendations of the Joint Service Committee on Military Justice.

QUALIFICATIONS

Question. Section 140 of Title 10, United States Code, provides that the General Counsel is the chief legal officer of the Department of Defense and that the General Counsel shall perform such functions as the Secretary of Defense may prescribe.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. I anticipate that Secretary Rumsfeld would ask me to perform all of the duties assigned to the DOD General Counsel by statute and DOD directives. If confirmed, I would expect, among many other functions, to provide legal advice to the Secretary and Deputy Secretary of Defense and other DOD officials, supervise the Office of the DOD General Counsel and the Defense Legal Services Agency, and work closely with the senior legal officials of the military departments, all in an effort to provide the very best legal services possible throughout the Department of Defense.

LEGAL OPINIONS

Question. Will the legal opinions of your office be binding on all lawyers within the Department of Defense?

Answer. Under 10 U.S.C. 140(b) and DOD Directive 5145.1 (codified at 32 C.F.R. part 394), the DOD General Counsel is the chief legal officer of the Department of Defense. Consequently, the legal opinions of the Office of General Counsel are binding on all lawyers in the Department.

Question. How will you ensure that such legal opinions are available to lawyers in the various components of the Department of Defense?

Answer. I am advised that the opinions of the Office of General Counsel are disseminated throughout the Department of Defense in the ordinary course of business. If confirmed, I would of course expect to continue this practice. In addition, I would be receptive to appropriate efforts to make the office's opinions available electronically.

MILITARY JUSTICE MATTERS

Question. Since Article 6 of the Uniformed Code of Military Justice gives primary jurisdiction over military justice to the Judge Advocates General, how do you see your functions in this area with regard to those officials?

Answer. In Article 6, Congress gave the Judge Advocates General the responsibility to "make frequent inspections in the field in supervision of the administration of military justice." If confirmed, I will meet regularly with the Judge Advocates General and provide support to them in carrying out this important responsibility and ensuring the integrity of the military justice process.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. The DOD General Counsel ordinarily has no role to play in specific military justice cases. Decisions in these cases are made by the commander of the accused, the convening authority, the military judge, and court members. The Service

Courts of Criminal Appeals and the U.S. Court of Appeals for the Armed Forces (USCAAF) provide appellate review of cases arising under the Uniform Code of Military Justice. The General Counsel, like the Secretary of Defense and other senior civilian and military officials of the Department, must avoid any action that may affect or appear to affect the outcome of any case. I share the USCAAF's view that unlawful command influence can be a "mortal enemy" of military justice. The DOD General Counsel helps to ensure that the military justice system and its judicial officers are not subjected to inappropriate external pressures that may threaten or be perceived to threaten the independence of the military's judicial system or the commander's UCMJ discretion in maintaining good order and discipline.

The DOD General Counsel plays a major role in developing military justice policy. The General Counsel performs this role primarily through the Joint Service Committee on Military Justice, which conducts an annual review of the Manual for Courts-Martial and other assigned special reviews of military justice issues of importance to the Department, through liaison responsibilities with the Code Committee, through the DOD legislative process by which proposed legislation to amend the Uniform Code of Military Justice is submitted to Congress, and through coordination on the issuance of DOD guidance establishing policy in such related areas as victim and witness assistance, confinement of military prisoners, and criminal investigation policies.

PROCESSING THE ANNUAL DEPARTMENT OF DEFENSE LEGISLATIVE REQUEST

Question. One of the current responsibilities of the General Counsel of the Department of Defense is to coordinate the Department's legislative program and to provide the Department's views on legislative proposals initiated from outside the Department.

What actions will you take to ensure that the Department's legislative proposals are submitted in a timely manner to ensure ample opportunity for consideration before markup of the National Defense Authorization Act?

Answer. I am advised that the Department's "omnibus" approach to the development of the departmental legislation program has matured during the past few years. It seems an efficient and fair method for the examination and consideration of legislative initiatives. It is also more efficient, allowing the Department to provide proposed legislation to Congress in a timely manner.

If confirmed, I intend to work to improve efficiency and discipline in the Department's approach and to achieve prompt interagency coordination on the Department's legislative initiatives.

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

Answer. I understand Congress' need for timely comments from the Department. If confirmed, I will be attentive to the need to provide views on all bills in a timely manner.

JUDICIAL REVIEW

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. The Constitution provides that Congress and the President have the power to control the military. The nature of this power, and the role of the Article III courts in defining or limiting it, have been addressed repeatedly by the Supreme Court. As a general proposition, the Court has explained that "it would be difficult to think of a clearer example of the type of governmental action that was intended to be left to the political branches directly responsible—as the judicial branch is not—to the electoral process." *Gilligan v. Morgan,* 413 U.S. 1, 4 (1973).

Many courts and scholars have long recognized that courts should be reluctant to intrude into the constitutional responsibilities of the President and Congress for the Armed Forces, in which the professional judgments made are unique and subject to carefully defined control. "[J]udges are not given the task of running the Army . . . . Orderly government requires that the judiciary be as scrupulous not to intervene in legitimate Army matters as the Army must be scrupulous not to intervene in judicial matters." *Orloff v. Willoughby,* 345 U.S. 83, 93–94 (1953). "[I]t is difficult to conceive of an area of governmental activity in which the courts have less competence. The complex, subtle, and professional decisions . . . are essentially professional military judgments, subject always to civilian control of the legislative and executive branches." *Gilligan v. Morgan,* 413 U.S. at 10.

The courts have held that the great majority of internal military decisions are not subject to judicial review. *See Sebra v. Neville,* 801 F.2d 1135 (9th Cir. 1986); *Mindes v. Seaman,* 453 F.2d 197 (5th Cir. 1971). In the narrow range of cases in

which judicial review of military activities occurs, the courts must give great deference to executive and legislative judgments on military matters. *Loving v. United States,* 517 U.S. 748, 767 (1996).

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of Defense?

Answer. The client of the DOD General Counsel is the Department of Defense.

LEGAL ETHICS

Question. What is your understanding of the action a Department of Defense attorney should take if the attorney becomes aware of improper activities by a Department of Defense official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. Working diligently to ensure the faithful execution of the laws is the duty of every DOD attorney. If any DOD attorney learns of improper activities by an official who has sought his or her legal advice but is unwilling to follow it, the attorney should immediately notify his or her legal supervisor (or the senior lawyer in the next higher level of his organization) concerning the improper activities. The professional chain of communication on legal matters provides the means to take the matter as high as it needs to go in the errant official's supervisory chain to ensure that corrective action is taken promptly.

Question. Do you believe that the present limits on *pro bono* activities of government attorneys are generally correct as a matter of policy or does the policy need to be reviewed?

Answer. I am unaware of any concerns by Department of Defense attorneys regarding limitations on their *pro bono* activities. If I am confirmed, I will be attentive to any issues in this area, and recommend appropriate changes in policy if warranted.

Question. In your view, do the laws, regulations, and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance?

Answer. I have not reviewed this issue, but I am advised that the laws, regulations, and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance. All DOD attorneys are members of the Bar of a State or the District of Columbia. Thus, they are subject to the rules of their respective Bars. Attorneys in the military departments and a number of other components are also bound by the rules of professional responsibility of those components.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of Defense in ensuring the integrity of the officer promotion process?

Answer. Under Subchapter 1 of Chapter 36, Title 10, United States Code, initial responsibility for the proper functioning of the promotion selection process as that process is applicable to individual selection boards resides with the Secretary of the military department concerned. All reports of promotion selection boards are processed through the Office of the Department of Defense General Counsel prior to final action on the report by the Secretary or Deputy Secretary of Defense. The DOD General Counsel must satisfy himself or herself that there has been adherence by the military departments to the statutory standards prescribed in Chapter 36 and that the work product of each individual selection board, as embodied in its report, is in conformity with statutory requirements. If, in a given case, the DOD General Counsel concludes upon the review of a selection board report that there has been a failure to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion, the DOD General Counsel should advise the Secretary of Defense concerning the perceived irregularities. Further, the Office of General Counsel, in providing advice to the Office of the Assistant Secretary of Defense for Force Management Policy, helps to ensure that departmental policies dealing with the promotion of officers, as promulgated in DOD Directives and Instructions, fairly and accurately reflect the provisions of law set out in chapter 36.

Question. What is the role of the General Counsel of the Department of Defense in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. If adverse information is attributed to a prospective nominee, the DOD General Counsel should satisfy himself or herself that the evidence in the investiga-

tive file supports the description of the adverse information attributed to the officer being considered for nomination. In addition, the DOD General Counsel should raise issues regarding such adverse information with officials in the appropriate service and OSD when warranted. When the adverse information attributed to an officer is unusual or otherwise raises issues that are out of the ordinary, the DOD General Counsel should give the Secretary of Defense the benefit of the General Counsel's own evaluation of the significance of the adverse information with regard to the qualifications of the officer to serve in the grade or position to which he or she may be nominated. The DOD General Counsel should work within the Department to ensure that such adverse information is appropriately reported to the Senate Armed Services Committee through established channels, and all written communications forwarded to the committee pertaining to adverse information attributed to an officer recommended for nomination should be reviewed by the DOD General Counsel. Ultimately, the Department's adverse information reporting system must ensure that the committee receives timely notification of ongoing investigations and potentially adverse information pertaining to nominees for flag and general officer appointment.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. In your opinion, what is the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. Attorneys who represent the Defense Department or its components work directly with the Department of Justice counsel in cases in which the Department of Defense, or one or more of its components or its officials, is a party or has an interest. The Department of Justice has the statutory responsibility to represent the United States, its agencies, and its officers, including the Department of Defense, in all litigation matters. See 28 U.S.C. Section 516. Nonetheless, attorneys representing DOD review pleadings before they are filed with the courts, conduct and direct discovery, participate in making major litigation decisions, and in some cases become a part of the trial team. It is my understanding that attorneys from the Departments of Defense and Justice work closely to represent the Department and the United States in all respects.

Question. Is the present arrangement satisfactory, or does the Department need more independence to conduct its own litigation?

Answer. I am not aware of any need to change the present arrangement.

COURT OF APPEALS DECISION

Question. On January 4, 2000, the United States Court of Appeals for the District of Columbia Circuit decided the case of *National Center for Manufacturing Sciences v. Department of Defense, 199 F. 3d 507 (D.C. Cir. 2000).* The court concluded that "Because of the existence of 10 U.S.C. Section 114, it is clear that any monies appropriated for NCMS by Congress for research must be authorized before they can be appropriated and distributed"; and "Because 10 U.S.C. Section 114(a)(2) requires authorization of these funds before they become available, appropriation alone is insufficient."

What is your view of the court's decision in this case and its implications regarding the obligation of funds that are appropriated, but not authorized?

Answer. The case in question affirmed the district court's decision to grant the government's motion to dismiss for failure to state a claim. The basis for the decision was the fact that in the Department's Fiscal Year 1995 Authorization Act, Congress effectively rescinded the unreleased portion of a fiscal year 1994 funding earmark for the National Center for Manufacturing Sciences (NCMS). Accordingly, the court concluded that NCMS had no legal entitlement to the funds claimed.

Based on the court's opinion, it appears that all parties to this litigation, and the court, viewed the funds in issue to have been authorized by Congress. Thus, the "appropriated not authorized" issue was not squarely presented for decision in this case, but was addressed only as a collateral matter. Situations where funds have been appropriated but not authorized are often complex and may involve unique statutory language. As a result, I would anticipate that the Department will continue its practice of working closely with our oversight committees whenever these issues are presented.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the service boards for the correction of military records?

Answer. The range of issues potentially requiring legal advice from the DOD General Counsel's office is very broad. I am advised that attorneys within the Office of General Counsel frequently become involved with policy issues pertaining to military personnel, both with regard to individual cases and to the application of the Department's personnel policies throughout the services. I believe that the General Counsel should, in appropriate cases, make his or her views about individual cases and the development and application of personnel policies known to the Department's senior leadership, so that individual cases are resolved fairly and that overall policies are developed uniformly, fairly, and in conformance with law.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next General Counsel of the Department of Defense?

Answer. If confirmed, my priorities will follow those of the President and the Secretary of Defense. Consequently, among the major challenges will be to serve the Secretary and his leadership team as advisor, counselor, and advocate in addressing those priorities. Moreover, the Department's routine functions and missions are so vast and unpredictable that it is difficult to anticipate specific questions that will arise.

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

Answer. I am convinced that the attorneys and staff of the legal community of the Department of Defense have addressed their responsibilities very capably in the past. If confirmed, I will work to ensure that the Department's lawyers continue to provide sound, professional, and responsive legal advice to our clients concerning not only these legal issues, but also the numerous other issues that the Department of Defense confronts on any given day.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of the Department of Defense?

Answer. I am aware of no serious problems in this area.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will focus on assuring that the legal community of the Department of Defense provides quality, timely, and sound legal advice and counsel.

Question. What do you see as the greatest legal problems facing the Department in the coming year?

Answer. Please see my response to "Major Challenges," above.

Question. Does the Office of the General Counsel have the resources to deal with these problems and do its everyday work?

Answer. If I am confirmed, I will be sensitive to the requirement to ensure that the Office of General Counsel has adequate resources. If I determine that those resources need augmentation, I will recommend appropriate increases.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of Defense?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. Although the potential of additional U.S. military action has diminished, what is the established mechanism to ensure that all deployments of U.S. Armed Forces are brought to the attention of the DOD General Counsel so that the consultation and reporting provisions of the War Powers Resolution is implemented?

Mr. HAYNES. There is an established mechanism within the Department of Defense to ensure that the General Counsel reviews all orders that involve the possible deployment of U.S. Armed Forces in situations in which consultation and reporting consistent with the War Powers Resolution may be warranted. Operational planning processes and administrative procedures ensure that all relevant officials in the Office of the Secretary of Defense and the Office of the Chairman of the Joint Chiefs of Staff are aware of the requirement for General Counsel review of such deployments.

2. Senator THURMOND. In 1985, a comprehensive Department of Defense "Joint Study on Religious Matters" concluded that application of the Religious Freedom Restoration Act style "strict scrutiny" standard to religious practice in the military "would be a standing invitation to a wholesale civilian judicial review of internal military affairs. . . Adoption of the civilian 'strict scrutiny' standard poses grave dangers to military discipline and interferes with the ability of the military to perform its mission." What are your views regarding the implications of applying the "strict scrutiny" standard to religious practices in the military?

Mr. HAYNES. The 1985 Department of Defense "Joint Study on Religious Matters" did not oppose accommodation of religious practices. The study recommended against a mandatory standard that required military commanders to accommodate religious practices without taking into consideration the requirements of military duty. As the courts have consistently held, the military is, by necessity, a specialized society separate from civilian society. Accommodation standards require a different application in the military than may be applied in a civilian context. The study concluded that it seems unlikely that the courts will use the same strict scrutiny test in the military context they use in the civilian context. Furthermore, the study concluded that the courts would likely continue to give deference to the military in matters of military requirements, discipline and military expertise. I believe we have found this to be the case. The Department has not experienced the wholesale civilian judicial review of internal military affairs that those conducting the study may have envisioned. Similarly, the concerns have not materialized regarding grave dangers to military discipline and interference with the ability of the military to perform its mission. Department of Defense Directive 1300.17, "Accommodation of Religious Practices Within the Military Services," has proved successful in balancing the religious interests of its personnel with the military necessity for readiness, unit cohesion, standards, and discipline.

While "strict scrutiny" is a high standard, the religious beliefs and practices of our military members are important personal interests that should not be taken lightly. When military necessity and the standards of good order and discipline require restrictive action based on compelling military interests, the courts have historically afforded the military the appropriate deference that is due. Moreover, commanders are not reporting adverse impacts on military discipline or mission accomplishment.

3. Senator THURMOND. We all have read stories in the press criticizing the military justice system and the Uniform Code of Military Justice. Often these articles are sensationalized and written by people who have no understanding of the system. How would you characterize the military justice system?

Mr. HAYNES. I believe much of the criticism of the military justice system as a whole is, in large part, due to the fact that many members of the media, jurists, and general public have no actual experience with the administration of military justice or the military judicial system. I would characterize the military justice system as a progressive system of laws and procedures that measures well against other judicial systems.

We recently observed the 50th anniversary of the Uniform Code of Military Justice (UCMJ), a great step forward in military jurisprudence and the protection of rights afforded our service members. Starting with the creation of a court of appeals, composed of civilian judges, in 1951 (now the United States Court of Appeals for the Armed Forces), the authorization of discretionary review of courts-martial by the U.S. Supreme Court, and the transformation of the courts-martial process into a judicial system, military justice can take pride in its evolution. The individual

rights afforded our men and women in uniform, and the due process provided in our court-martial procedures, are significant levels of achievement. However, no judicial system should be regarded as perfect. By doing so, we would preclude all interest in making improvements and tend to overlook, rather than address, problems. For these reasons, it is important that the Department continues to work with both the Code Committee, established by Article 146, UCMJ, and the Joint Service Committee on Military Justice, established by DOD Directive. Both committees perform crucial functions. The Code Committee conducts an annual review of the operation of the UCMJ, and the Joint Service Committee on Military Justice provides an annual review of the Manual for Courts-Martial procedures.

While some specific issues or areas may warrant further review, the military justice system as a whole is operating as Congress intended and as required to meet the needs of the military for good order and discipline.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

4. Senator LIEBERMAN. What are your priorities regarding OSD General Counsel?

Mr. HAYNES. As the DOD General Counsel, I will strive to ensure that the Department of Defense receives legal services, grounded on fidelity to the law, that reflect careful and thorough analysis, are sensitive to the crucial mission of the Department and the Secretary's policy objectives, and provide, whenever possible a range of legally appropriate options for the consideration of decisionmakers.

5. Senator LIEBERMAN. DOD's Alternate Dispute Resolution (ADR) Program (resolution of disputes in the earliest stage feasible, by the fastest and least expensive method, and at the lowest organizational level) continues to grow and offer less costly means of dispute resolution. What changes or enhancements, if any, will you make to the ADR Program?

Mr. HAYNES. I am a strong proponent of using ADR to resolve disputes as early as possible in the course of a dispute. I am aware that ADR is already being used to a greater extent than ever before and in more areas throughout the Defense Department. I am learning that the ADR programs in the various DOD components vary in their size and scope, and that the components are generally buoyed by their successes and are seeking further encouragement and support for their ADR programs.

As General Counsel, I will actively promote the use of ADR. All Defense Department components will be encouraged to support efforts both to use ADR early and to move from a focus on ADR as a tool of lawyers to conflict management as a business objective of the entire component. My focus will be to reinforce appropriate use of ADR in all DOD components. I will emphasize to senior leadership in all components the need to deepen the penetration of ADR and will encourage them to continue to make progress in improving their ADR programs.

In managing the ADR program, my office will concentrate on improving the evaluation of the ADR programs in the Department, sharing lessons learned among the components, and implementing recent legislation on pilot projects for employing ADR.

QUESTION SUBMITTED BY SENATOR JEAN CARNAHAN

6. Senator CARNAHAN. I am advised that the National Imagery and Mapping Agency (NIMA) has proposed that work performed by 600 Federal employees at installations in Missouri and Maryland be directly converted to contractor performance without a public-private competition under OMB Circular A–76. According to NIMA, the apparent authority for this conversion is 10 U.S.C. 8014. But that statute does not contain an exemption from the blanket requirement to conduct an A–76 study.

Please provide an explanation of the legal authority under which NIMA proposes to conduct a direct conversion of these jobs, cite the specific provisions of Circular A–76 that allow such a conversion, and provide the documents supporting that the appropriate procedures have been followed by NIMA in this instance.

Mr. HAYNES. This responds to your request that I review the procedures for outsourcing certain information technology (IT) and information services (IS) functions at the National Imagery and Mapping Agency (NIMA).

For some time NIMA management has been reviewing its IT and IS functions to determine which should be performed only by government employees (i.e., "core" functions), and which could be performed otherwise. Industry analysts and consultants under contract to NIMA conducted part of this review. In response to the re-

sulting recommendations, NIMA management has determined that the IT and IS functions currently performed by approximately 1,100 government employees plus a number of contractors could be restructured to provide more efficient and less costly operations.

NIMA management has determined that 500 of the employees are performing core functions. The functions performed by the remaining 600 employees, as well as those performed under 12 contracts, are currently being evaluated to determine whether to consolidate them into a single prime contract with some number of subcontracts. Working with the Small Business Administration (SBA), NIMA has identified an 8(a) contractor with the potential to serve as the prime contractor. SBA's 8(a) program provides preferential procurement opportunities to developing small, disadvantaged businesses meeting certain social and economic criteria. The 8(a) firm is currently developing its proposal for performing and subcontracting the work and will deliver that proposal to NIMA in late July. NIMA intends to spend August evaluating the proposal. If the decision is made to award a contract, the award would not be made before September 15, 2001, with performance transition commencing October 1, 2001.

NIMA management's principal concerns in approaching this potential outsourcing have been continued customer support and the preservation and protection of its skilled workforce. NIMA's mission will not tolerate employee uncertainty and disruption. Moreover, management recognizes that any contractor's performance would benefit from the unique qualifications of the current NIMA employees, including their security clearances. Management expects that most of the 600 employees whose functions are included in this initiative may be interested in private sector employment. Indeed, NIMA is considering using voluntary separation incentive payments to assist these employees in the transition. For these reasons, part of NIMA's requirement that the 8(a) contractor must include in its proposal is the voluntary transition of current NIMA IT and IS employees to the contractor's employment over the course of 5 to 7 years. This requirement should enable NIMA to convert these functions to contract performance with no reduction-in-force or other involuntary personnel actions, and permit employees the full range of normal employment options. NIMA's expectation is that over the 5-year transition period, current NIMA employees will be able individually to decide whether and when to accept employment with the contractor or to remain at NIMA by reassignment within the agency.

The 8(a) firm currently under consideration is an Alaskan Native Corporation. Consequently, a cost comparison under OMB Circular A–76 is not required, nor is the analysis required under section 8014 of the Department of Defense Appropriations Act, 2001, Public Law 106–259. Section 8014 also exempts firms that are "under 51 percent ownership by an Indian tribe," such as this 8(a) firm, from the reporting and analysis requirements of section 2461 of Title 10, United States Code. Nevertheless, NIMA's final decision to award a contract to outsource these IT and IS functions will be made upon NIMA's determination that such a decision will produce efficiencies and cost savings.

I am satisfied that appropriate legal procedures have been followed. Your request for a suspension of NIMA's activities is unnecessary, as NIMA is still collecting information, and will not be in a position to make a decision before September 15, 2001. As for your request for consultation, NIMA management would be pleased to provide a discussion of their approach to you or your staff at your convenience. Commander Jim Fraser, Director, Senate Affairs, Office of the Assistant Secretary of Defense (Legislative Affairs), 703–695–7104, can make the necessary arrangements.

[The nomination reference of William J. Haynes II follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense, vice Douglas A. Dworkin.

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

BIOGRAPHICAL SKETCH OF WILLIAM J. HAYNES II

Born in Waco, Texas, Jim Haynes was raised in a United States Air Force family. Mr. Haynes earned his B.A. degree on an Army R.O.T.C. scholarship at Davidson College, where he was elected to membership in Phi Beta Kappa and Omicron Delta Kappa, and earned his J.D. degree from Harvard Law School. After law school, Mr. Haynes clerked for U.S. District Judge James B. McMillan in Charlotte, North Carolina. He then served 4 years on active duty as an officer in the United States Army, leaving for private practice.

In 1990, President George Bush appointed Mr. Haynes General Counsel of the Department of the Army, a post he held for 3 years. As chief legal officer of the Army, Mr. Haynes was ultimately responsible for all legal matters confronting the Army, and for professional oversight of the military and civilian lawyers of the Army.

Mr. Haynes is a partner in the Washington, D.C. office of Jenner & Block, where he represents corporate and individual clients, providing a range of legal services and counseling. For 3 years in the mid-1990s, he was Staff Vice President and Associate General Counsel for General Dynamics Corporation; part of that time he also served as General Counsel of General Dynamics' Marine Group.

In private life, Mr. Haynes is active in public service. He recently concluded his service on the Advisory Committee to the Standing Committee on Law and National Security of the American Bar Association. He is "outside" General Counsel for the Army Engineer Association. He is a Member of the National Advisory Committee for Maryville College in Tennessee. He has served on a panel of the National Academy of Sciences' Naval Studies Board. From February through April 1999, Mr. Haynes provided pro bono legal services to a non-governmental relief organization, Mercy Corps International, from its offices in Central Asia. Mr. Haynes has represented defendants, pro bono, in the District of Columbia court system, and he currently advises several non-profit enterprises.

Mr. Haynes is licensed to practice law in the District of Columbia and in the States of Georgia and North Carolina. He is listed in *Who's Who in America,* and *Who's Who in American Law.* He holds an honorary Doctor of Laws from Stetson University, where he delivered the commencement address in May 1999.

Mr. Haynes is married to Margaret Campbell Haynes of Newnan, Georgia. Mr. and Mrs. Haynes have three children: Will, Sarah, and Taylor.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
William James Haynes II.

2. **Position to which nominated:**
General Counsel of the Department of Defense.

3. **Date of nomination:**
April 23, 2001.

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

5. **Date and place of birth:**
March 30, 1958; Waco, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Margaret Frances Campbell Haynes.

7. **Names and ages of children:**
William James Haynes III (age 14), Sarah Insley Haynes (age 12); Taylor Bynum Haynes (age 9).

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Harvard Law School, J.D. 1983, Cambridge, MA.
Davidson College, B.A. 1980, Davidson, NC.
Parkway High School, Diploma 1976, Bossier City, LA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
May 1999 to present: Partner, Jenner & Block (law firm), 601 13th Street, NW., Washington, DC.
February–April 1999: Volunteer Consultant, Mercy Corps International (relief organization), Almaty, Kazakhstan.
July 1996–January 1999: Staff VP and Associate General Counsel, GC of Marine Group (1997–1998), General Dynamics Corporation, 3190 Fairview Park Drive, Falls Church, VA.
April 1993–July 1996: Partner, Jenner & Block (law firm).
March 1990–January 1993: General Counsel of the Department of the Army, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Dec. 2000–Feb. 2001: Policy Coordinator (volunteer), Federal Emergency Management Agency, Bush-Cheney Transition.
1993: Consultant, Information Warfare Panel (*pro bono*), Naval Studies Board, National Academy of Sciences.
Nov. 1989–March 1990: Special Assistant to the General Counsel, Department of Defense.
January 1989–April 1989: Counsel to the Transition, Department of Defense.
October 1984–Dec. 1988: Officer (eventually Captain), United States Army.
Sept 1983–Sept. 1984: Law Clerk, Judge James B. McMillan, U.S. District Judge (W.D.N.C.).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Partner, Jenner & Block (law firm).
Member, Maryville College National Advisory Council.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, American Bar Association.
Member, Army Navy Club.
General Counsel, Army Engineer Association.
Member, Phi Beta Kappa.

13. **Political affiliations and activities:**

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

None.

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

Member, Republican Party.

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

Bush for President, Inc.—$500.00 (July 2000)
Bush for President, Inc.—$250.00 (February 2000)
Friends of George Allen—$500.00 (May 2000)
Quayle 2000—$250.00 (May 1999)
Leahy for U.S. Senator Committee—$250.00 (May 1998)
Snowe for Senate—$250.00 (March 1998)
Shelby for U.S. Senate—$300.00 (October 1997)
George W. Bush for Governor—small, unknown amounts (1995/6 and 1998?)
Various small contributions to the Republican National Committee over the years.

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

Honorary Doctor of Laws, Stetson University (1999).
Decoration for Distinguished Civilian Service (Department of the Army) (1992).
Meritorious Service Medal (with Oak Leaf cluster) (1986, 1988).
Army ROTC Scholarship (1976–1980).
Phi Beta Kappa (1980).
Omicron Delta Kappa (1980).
Eagle Scout (1971).

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

"The Value of Wetlands as Wetlands: The Case for Mitigation Banking," 23 *Environmental Law Reporter* 10261, Vol. XXIII, No. 5, May 1993. (Co-authored with Royal C. Gardner.)

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

None relevant to this position.

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

Yes.

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

SIGNATURE AND DATE

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

WILLIAM J. HAYNES II.

This 18th day of April, 2001.

[The nomination of William J. Haynes II was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 17, 2001.]

[Prepared questions submitted to Powell A. Moore by Chairman Warner prior to the hearing with answers supplied follow:]

April 24, 2001.

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

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

Sincerely,

POWELL A. MOORE.

cc: Honorable Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes. The establishment of the unified and specified combatant commands, the delineation of responsibilities, and most importantly, the focus on "jointness" outlined in the Defense Reorganization Act of 1986 has enhanced the readiness and warfighting capabilities of our Armed Forces.

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

Answer. These reforms have changed the way the Department of Defense works by strengthening the role of the Chairman of the Joint Chiefs of Staff and the combatant commanders, and significantly improving the ability of the Department to protect America's security and further its vital interests. The reforms have helped improve the interaction among the services in conducting military operations by making joint operations the norm.

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

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Each one has enhanced the ability of the Department of Defense to carry out its assigned responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

RELATIONSHIPS

Question. If confirmed, what would be your relationship with: the Secretary of Defense; the Deputy Secretary of Defense; the Under Secretaries and Assistant Secretaries of Defense; the General Counsel of the Department of Defense; the Inspector General of the Department of Defense; the Defense Agencies; and the legislative affairs officers of the military departments and the Joint Staff.

Answer. If confirmed, I will function as the principal staff assistant to the Secretary on congressional matters. Under the Secretary's direction, I will be responsible for Department legislative program coordination, congressional liaison in various forms, participation of departmental witnesses in congressional hearings, responses to congressional inquiries, and Department support of congressional travel.

If confirmed, my relationship with the Deputy Secretary of Defense will be substantially the same as that described above with respect to the Secretary of Defense.

If confirmed, my relationship with the Under Secretaries of Defense and the Assistant Secretaries will be to serve as principal advisor regarding liaison and communications with Congress.

If confirmed, my relationship with the General Counsel will be based on my role as principal staff assistant to the Secretary of Defense on congressional matters. Identifying legal issues inherent in legislative matters and obtaining the views and recommendations of the General Counsel is central to the effective performance of my duties. If confirmed, I will fully support the General Counsel in the development of the DOD legislative program and coordination of Department positions on proposed legislation, including the preparation and submission of annual legislative proposals.

If confirmed, I will be fully cooperative and supportive of the Inspector General's mission.

If confirmed, I will provide overall guidance to the individual Defense Agencies with respect to the Department's legislative issues. I will ensure that the agencies are responsive to congressional inquiries, and have a thorough understanding of the Department's legislative initiatives and the Secretary's position on issues.

By Title 10 and Department of Defense Directive, ultimate responsibility for supervision of legislative liaison activities throughout the Department is vested in the Assistant Secretary of Defense for Legislative Affairs. If confirmed, I will work closely with the legislative affairs offices of the Military Departments and the Joint Staff and will continue to foster a climate of effective cooperation and mutual support.

Question. Within the Office of the Secretary of Defense, the defense agencies, and the combatant commanders, there are numerous offices that have their own congressional liaison personnel.

What will you do to ensure that your office is the focal point for all of the Department of Defense for dealing with Congress?

Answer. If confirmed, I will meet regularly with representatives of all components of the Department to ensure full coordination on all legislative matters. It will continue to be our goal that all legislative affairs activities of the Department are coordinated through the OSD Legislative Affairs Office.

DUTIES

Question. Section 138 of Title 10, United States Code, provides that the principal duty of the Assistant Secretary of Defense for Legislative Affairs is the overall supervision of legislative affairs of the Department of Defense. Other duties are to be prescribed by the Secretary of Defense.

Should you be confirmed as the Assistant Secretary of Defense for Legislative Affairs, what would you view as your principal responsibilities to the Secretary of Defense?

Answer. My principal responsibility will be to ensure that the Secretary, Deputy Secretary, and key principals in the Department of Defense are fully aware of congressional interests, concerns, and initiatives. If confirmed, I will work closely with our oversight committees of Congress and the various components of the Department of Defense to ensure that the Department's policies are properly articulated and that issues raised by Congress are clearly understood and addressed by the Department.

Question. Assuming you are confirmed, what other duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. If confirmed, my responsibilities will encompass the full spectrum of legislative activities and concerns for the Department. While this will be my primary focus, I will certainly take on any other duties prescribed by Secretary Rumsfeld.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the Assistant Secretary of Defense for Legislative Affairs?

Answer. If confirmed, one of the greatest challenges I will face is to ensure the continued flow of timely, accurate, and relevant information to Congress on all defense-related issues. As we shape our military force to meet the challenges of the 21st century, it is essential that the administration and Department remain fully engaged with Congress and that we maintain a bipartisan consensus on defense matters and national security issues.

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

Answer. If confirmed, I expect to meet on a daily basis with senior Department leadership to ensure that our legislative priorities are fully coordinated, and that the Secretary, Deputy Secretary, and senior Department leadership receive timely and valuable advice on all legislative issues. While it is essential that the lines of communication remain open between the Department and our oversight committees and Senate/House leadership, it is equally important that we are aware of the prior-

ities and responsive to the defense-related concerns of other congressional committees and members.

Question. What do you consider to be the most serious problems in the military services' relationships with Congress?

Answer. As we consider the necessary steps to shape and transform our military to meet the demands of a new century, the services will play a central role in the necessary dialogue with Congress. If confirmed, I expect to work closely with the Legislative Affairs Service Chiefs and the Joint Staff to meet and address the challenges ahead. Addressing issues such as readiness, military pay and retirement, health care, technological advances, and emerging threats will require close coordination, not only within the Department of Defense but also between the executive and legislative branches.

Question. If confirmed, what management action and timetables would you establish to address these problems?

Answer. If confirmed, I will work closely with the services and the Joint Staff to address the challenges noted above.

ROLE OF CONGRESS IN NATIONAL SECURITY POLICY

Question. In your opinion, what is the role of Congress in setting national security policy?

Answer. The Constitution charges Congress with raising, maintaining, and regulating the Armed Forces. The development and execution of our national security policy must be a shared responsibility. The administration and Department will work closely with Congress as we shape our military forces to meet the demands of the 21st century. If confirmed, I look forward to working with this committee and Congress to further the cooperative engagement that has long been the standard, and to forge and maintain a bipartisan consensus on national defense issues.

LIAISON WITH THE APPROPRIATIONS COMMITTEE

Question. The liaison with the Appropriations Committees is currently carried out through the Office of the Under Secretary of Defense, Comptroller, not through the Office of the Assistant Secretary of Defense for Legislative Affairs.

Do you believe that this arrangement allows you to carry out your responsibility under Section 138 of Title 10, United States Code?

Answer. Ultimate responsibility for the supervision of legislative liaison activities throughout the Department of Defense is vested in the Assistant Secretary of Defense for Legislative Affairs. If confirmed, I plan to work closely with the Office of the Under Secretary of Defense/Comptroller, as well as all other relevant offices within the Department, the Joint Staff, and the services to ensure that our legislative priorities in all matters are fully understood and coordinated.

Question. Based on your experience, does the fact that there are two separate offices within the Office of the Secretary of Defense dealing with Congress create coordination problems?

Answer. Our goal will be that the legislative priorities and concerns of the Department are fully coordinated, not only within the Pentagon but also with Congress. It's extremely important that we continue to foster a very close working relationship with both the authorizing and appropriating defense committees.

Question. Do you believe that the current practice of a separate liaison between the Appropriations Committees, the Office of the Secretary of Defense and the budget offices of the military services should be continued or should all legislative affairs activities be consolidated under the Assistant Secretary of Defense for Legislative Affairs?

Answer. If confirmed, I will coordinate closely with the Comptroller and with all oversight committees to ensure the Department speaks with one voice before Congress.

Question. What do you anticipate would be your relationship with the Appropriations Committees?

Answer. Policy issues of importance to the Department require the support of both the authorization and appropriations committees. If confirmed, it will be my responsibility to ensure that we are responsive to the needs of all of our oversight committees.

PROVIDING CONGRESS WITH TIMELY INFORMATION

Question. What steps would you take to ensure that the appropriate congressional officials and committees are provided with timely notification and relevant information concerning international crises, the use of United States military forces, and incidents involving Department of Defense personnel and equipment?

Answer. If confirmed, I will ensure that this continues to be a top priority for the Department. It is critical that timely, accurate, and relevant information is provided to members, committees, and staff.

MONITORING LEGISLATION AFFECTING THE DEPARTMENT OF DEFENSE

Question. The Committees on Armed Services of the Senate and the House of Representatives have principal oversight responsibility in Congress for Department of Defense activities. However, there is a great deal of legislation considered by other congressional committees that specifically affects the Department of Defense or that affects government agencies in general and which may have a substantial impact on the Department of Defense.

What steps would you establish to ensure that you and the Secretary of Defense are kept informed of all legislation that may have an impact on the Department of Defense?

Answer. It is essential that we focus not only on the legislative priorities of our oversight committees, but also on relevant legislation considered by other congressional committees. We must work closely with our counterparts at the State Department, the National Security Council, and other federal agencies to ensure that defense-related issues and concerns are fully addressed. If confirmed, I will ensure that my staff members maintain a network of contacts on all congressional committees and strive to learn of all legislative proposals that could impact the Department.

Question. If confirmed, would you ensure that the Committees on Armed Services are alerted to all legislative matters of interest to the Department in a timely manner?

Answer. Yes.

NOMINATIONS

Question. What role would you, as Assistant Secretary of Defense for Legislative Affairs, expect to play in the military and civilian nomination process?

Answer. If confirmed, I would expect to play a primary role in the civilian nomination process, ensuring that all nominees are prepared to meet the many requirements of the confirmation process. In the military nomination process, I would expect to work closely with the Chairman of the Joint Chiefs and the services in preparing key military nominees for confirmation.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. What are your personal views on the value and current management of the legislative fellowship program within the Department of Defense? Specifically, in your opinion are legislative fellowships awarded to deserving military or civilian personnel?

Answer. While my personal knowledge of this subject is limited, it is my understanding that the legislative fellowship program has proven to be a valuable and effective vehicle for educating Department personnel on the workings of the legislative branch. Competition for these positions is keen, and it is my impression that these fellowships are awarded to fully deserving military and civilian personnel. If confirmed, I will obtain more information about the legislative fellowship program to ensure my office has visibility in its operation.

Question. As Assistant Secretary of Defense for Legislative Affairs, would you have any part in the selection of military or civilian personnel to be a legislative fellow?

Answer. No. I have been advised that selection of the personnel is a service responsibility, and that oversight of the program is provided by the Assistant Secretary of Defense for Force Management Policy (ASD/FMP).

Question. As Assistant Secretary of Defense for Legislative Affairs, would you have any part in the utilization assignments for military and civilian fellows upon completion of their fellowship?

Answer. No. This also is a responsibility of the respective services, taking into account the necessary professional development of each individual completing the fellowship as well as the needs of the services.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

DEPARTMENT COORDINATION

1. Senator THURMOND. One of the more significant challenges of your office is to ensure that the Departunent speaks with one voice on major policy issues. How do you plan to address this vexing problem?

Mr. MOORE. First, I plan to meet regularly with representatives of all components of the Department to ensure full coordination on all legislative matters. It will continue to be our goal that all legislative affairs activities of the Department are coordinated through the OSD Legislative Affairs Office. Within the interagency coordination process, we must work closely with our counterparts at the State Department, the National Security Council, and other federal agencies to ensure that our defense-related issues and concerns are fully addressed. In general, one of the greatest challenges we face is to ensure the continued flow of timely, accurate, and relevant information to Congress on all defense-related issues. As we complete our strategic review and consider the steps necessary to reshape our military force to meet the challenges of the 21st century, it is essential that the administration and Department remain fully engaged with Congress and that we continue to forge a bipartisan consensus on defense matters and national security issues. It is also essential that we focus not only on the legislative priorities of our oversight committees, but also on legislation considered by other congressional committees and members.

CONGRESS AND THE DEPARTMENT OF DEFENSE

2. Senator THURMOND. Your long and distinguished career serving both Congress and the executive branch, allowed you to be a witness to the changes in the relationship between Congress and the Department of Defense.

What in your judgment had been the most significant change in this relationship since you first joined Senator Russell's office in 1966? How does this change affect your role as ASD for Legislative Affairs, if you are confirmed for that position?

Mr. MOORE. We are now in an information age where news is available around the clock. Given the tremendous challenge we face in staying ahead of this expansive media coverage, it has become even more important for the Department to keep open the lines of communication with Congress at all levels. Our relationship with Congress is based on a continuing dialogue, and effectively managing the timely flow of information is essential. For example, I recognize the importance of using the Internet to dispense and to obtain information, and I intend to work very hard to bring the Office of Legislative Affairs into the 21st century in that regard. Despite our many technological advances, however, our guiding principle in the Department of keeping Congress well-informed in a timely manner has not changed.

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

STRATEGIC REVIEW

3. Senator LIEBERMAN. Upon the completion of the strategic review, what proposals do you have to help relay those recommendations?

Mr. MOORE. The Defense review is an iterative process that will be ongoing. The findings and recommendations of the various elements of the Defense review will serve as road maps for key issues that must be considered during the QDR process, and subsequently, in the development of future budget requests. It is important that we communicate the results of our Defense review in a timely manner when information is available. For example, we will look to schedule member and staff briefings when the various elements of the review have been completed. Throughout this process, I will work closely with the Secretary, Deputy Secretary, and senior leadership in the Department to ensure that we keep open the lines of communication with Congress.

NOMINATION PROCESS

4. Senator LIEBERMAN. Do you plan to recommend changes to the nomination process?

Mr. MOORE. As Assistant Secretary of Defense for Legislative Affairs, I will do everything I can to ensure that all of the President's nominees for positions in the Department of Defense move through the confirmation process as expeditiously as possible. At this point, it would be premature for me to consider any recommendations for changes to the nomination process.

LEGISLATIVE FELLOW PROGRAM

5. Senator LIEBERMAN. What is your opinion of the legislative fellow program and will you pursue changes to the program?

Mr. MOORE. While my personal knowledge of this subject is limited, it is my understanding that the legislative fellowship program has proven to be a valuable and effective vehicle for educating Department personnel on the workings of the legislative branch. Competition for these positions is keen, and it is my impression that these fellowships are awarded to fully deserving military and civilian personnel. It is my understanding that selection of the personnel is a service responsibility, and that the Assistant Secretary of Defense for Force Management Policy (ASD/FMP) provides oversight of the program. I will make it a priority to obtain more information about the legislative fellowship program to ensure my office has visibility in its operation. At this point, it would be premature for me to consider any possible changes to the program.

[The nomination reference of Powell A. Moore follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense, vice John K. Veroneau.

[The biographical sketch of Powell A. Moore, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF POWELL A. MOORE

Powell A. Moore is Chief of Staff for Senator Fred D. Thompson, Republican of Tennessee and Chairman of the Senate Committee on Governmental Affairs. He has held this position since September 1, 1998.

Active in public policy affairs in Washington for more than 30 years, Moore is a former Assistant Secretary of State for Intergovernmental and Legislative Affairs under President Reagan and has served on the White House staff under Presidents Nixon, Ford, and Reagan.

Moore began his Washington career in 1966 as Press Secretary to Senator Richard B. Russell of Georgia and served in this capacity until Senator Russell's death in January 1971. He then joined the Nixon Administration, first serving as Deputy

Director of Public Information for the Department of Justice and later as a member of the White House Legislative Affairs staff.

He left the White House in 1975, and for the subsequent 6 years, engaged in government relations and legislative affairs consulting, representing a variety of corporations and associations.

Moore returned to the White House in January 1981 on the day following Ronald Reagan's inauguration as the 40th President of the United States. As Deputy Assistant to the President for Legislative Affairs during 1981, he managed the Senate component of the legislative affairs office at the White House.

In January 1982, President Reagan nominated him to be Assistant Secretary of State for Intergovernmental and Legislative Affairs, and he was confirmed by the Senate on February 4, 1982. As Assistant Secretary of State, Moore traveled with congressional delegations to more than 35 countries and participated in meetings between U.S. congressional leaders and 19 heads of state.

During his service in two key legislative affairs positions of the Reagan administration, he assisted President Reagan in realizing a number of significant legislative achievements. He managed the Senate confirmation strategy for several of President Reagan's high level nominations, including the historic nomination of Associate Justice Sandra Day O'Connor.

Moore worked on the presidential campaign staffs of Richard Nixon in 1972, Gerald Ford in 1976, and Ronald Reagan in 1980. He also worked as a volunteer for the presidential campaigns of George Bush in 1988 and 1992, Bob Dole in 1996 and George W. Bush in 2000.

After leaving government in late 1983 and before returning in 1998, Moore advised and represented business interests as Vice President for Legislative Affairs of the Lockheed Corporation and as a consultant. In this capacity, he compiled a substantial list of measurable public policy achievements on behalf of a wide variety of clients.

Moore was born in Milledgeville, Georgia, on January 5, 1938. He graduated from the University of Georgia in Athens in 1959 after attending preparatory school at Georgia Military College in Milledgeville. The University of Georgia's Henry W. Grady School of Journalism selected him as its Outstanding Alumnus for 1985, and he was similarly honored by Georgia Military College in 1986. After graduation, he was commissioned as an officer in the United States Army where he served for 3½ years with tours in Baumholder, Germany, and Fort Benning, Georgia. After leaving the Army and before coming to Washington, he worked as a weekly newspaper editor in Georgia.

Moore lives in Alexandria, Virginia and has a daughter, Mrs. Frances M. Preston of Greensboro, North Carolina; a son, Allen Moore of Alexandria, Virginia; and three grandsons.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Powell Allen Moore.

2. **Position to which nominated:**
Assistant Secretary of Defense for Legislative Affairs.

3. **Date of nomination:**
April 23, 2001.

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

5. **Date and place of birth:**
January 5, 1938; Milledgeville, Georgia.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced.

7. **Names and ages of children:**
Frances Van Moore Preston, age 34 (born on April 19, 1967); Powell Allen Moore, Junior, age 31 (born on December 6, 1969).

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Georgia Military College (high school division), Milledgeville, Georgia from September 1951 until June 1955.
Georgia Military College (junior college division), Milledgeville, Georgia from September 1955 until June 1956.
Georgia College, Milledgeville, Georgia from June 1956 until August 1956.
University of Georgia, Athens, Georgia from September 1957 until March 1959; Bachelor of Arts degree in Journalism, June 1959.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
June 1989 until February 1993, self employed consultant, 1133 Connecticut Avenue, NW., Washington, DC.
February 1993 until February 1998, Senior Principal and Managing Director, Capitoline International Group, 1615 L Street, NW., Washington, DC 20036.
February 1998 until August 1998, Senior Vice President, Global USA, Inc., 2121 K Street, NW., Washington, DC 20037.
September 1998 until present, Chief of Staff, Office of Senator Fred Thompson, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
March 1959 until August 1962, Infantry Officer, United States Army, Fort Benning, Georgia and Baumholder, Germany.
October 1966 until March 1971, Press Secretary to Senator Richard B. Russell, Washington, DC.
March 1971 until May 1972, Deputy Director of Public Information, Department of Justice, Washington, DC.
March 1973 until January 1975, Deputy Special Assistant to the President, The White House, Washington, DC.
January 1981 until February 1982, Deputy Assistant to the President, The White House, Washington, DC.
February 1982 until August 1983, Assistant Secretary of State for Legislative Affairs, Washington, DC.

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

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

Metropolitan Club of Washington, DC; Belle Haven Country Club, Alexandria, Virginia; 116 Club, Washington, DC.

13. **Political affiliations and activities:**

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

None.

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

August 1996, Official Proceedings Staff, Republican National Convention, San Diego, California.

September 1, 1998 to present, Political Fund Designee, Tennesseans for Thompson, Nashville, Tennessee/Washington, DC.

February 2000, Volunteer Surrogate Program Manager, McCain 2000 Committee, Alexandria, Virginia.

August 2000, Official Proceedings Staff, Republican National Committee, Philadelphia, Pennsylvania.

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

03/11/96 - Isakson for Senate Committee - $500.00.
04/17/96 - Republican Network to Elect Women (RENEW) - $250.00.
04/22/96 - Helms for Senate Committee - $500.00.
04/22/96 - Congressman Chris Cox Committee - $250.00.
05/02/96 - Re-elect Thurmond Committee - $1,000.00.
05/02/96 - Friends of John Warner 96 Committee - $1,000.00.
06/12/96 - Chambliss for Congress Committee - $500.00.
07/12/96 - Sheila Frahm for U.S. Senate Committee - $250.00.
07/18/96 - Coverdell Good Government Committee - $250.00.
09/09/96 - Bereuter for Congress Committee - $250.00.
09/11/96 - Guy Milner for Senate Committee - $500.00.
10/01/97 - Friends of Jim Bunning Committee - $250.00.
03/03/97 - The Tom Sawyer Committee - $100.00.
03/05/97 - Craig for U.S. Senate Committee - $500.00.
05/15/97 - Coverdell Good Government Committee - $500.00.
10/01/97 - Coverdell Good Government Committee - $250.00.
10/20/97 - Republican Party of Virginia - $150.00.
10/30/97 - Coverdell Good Government Committee - $250.00.
11/14/97 - Stevens for Senate Committee - $250.00.
12/04/97 - Rustoven for Senate Committee - $250.00.
05/07/98 - Bob Kerrey for U.S. Senate Committee - $500.00.
06/22/98 - Northern Lights Political Action Committee - $250.00.

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

None.

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

To the best of my recollection, everything I have written since coming to Washington more than 34 years ago has been written in the name of clients or public officials for whom I worked. I do not recall anything that has been published in my name. When I was a young man in my mid-twenties, more than 36 years ago, I was a weekly newspaper editor in Milledgeville, Georgia. In this capacity, I routinely wrote news articles, editorials, and a weekly column, but I do not have practical access to these writings.

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

June 6, 1998 - Commencement Address - Georgia Military College, Milledgeville, Georgia. [Nominee responded and the information is contained in the committee's executive files.]

August 11, 1999 - U.S. Capitol Historical Society, Washington, DC, Subject: Richard B. Russell as part of a series on the Members of Congress for whom the six Congressional office buildings are named. [Nominee responded and the information is contained in the committee's executive files.]

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

Yes.

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

SIGNATURE AND DATE

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

POWELL A. MOORE.

This 23rd day of April, 2001.

[The nomination of Powell A. Moore was reported to the Senate by Senator John Warner on May 1, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 1, 2001.]

PENDING MILITARY NOMINATIONS

TUESDAY, MAY 1, 2001

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

The committee met, pursuant to notice, at 10:20 a.m., in room SH–216, Hart Senate Office Building, Senator John Warner (chairman of the committee) presiding.

Committee members present: Senators Warner, Inhofe, Santorum, Roberts, Allard, Sessions, Collins, Bunning, Levin, Lieberman, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, and Dayton.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Anita R. Raiford, deputy chief clerk; and Scott W. Stucky, general counsel.

Professional staff members present: Charles S. Abell, Charles W. Alsup, John R. Barnes, Ambrose R. Hock, George W. Lauffer, Patricia L. Lewis, Thomas L. MacKenzie, and Richard F. Walsh.

Minority staff members present: David S. Lyles, staff director for the minority; Peter K. Levine, minority counsel; Creighton Greene, professional staff member; and Michael J. McCord, professional staff member.

Staff assistants present: Beth Ann Barozie, Thomas C. Moore, Jennifer L. Naccari, and Michele A. Traficante.

Committee members' assistants present: Dino L. Carluccio, assistant to Senator Smith; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders and Charles Cogar, assistants to Senator Allard; Arch Galloway II and Scott Douglass, assistants to Senator Sessions; Kristine Fauser, assistant to Senator Collins; Derek Maurer, assistant to Senator Bunning; Menda S. Fife, assistant to Senator Kennedy; Barry Gene (B.G.) Wright, assistant to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; and Brady King, assistant to Senator Dayton.

Chairman WARNER. I would like the committee to consider the following nominations for voting and hopefully sending these nominations to the floor.

First, Edward C. Aldridge, to be Under Secretary of Defense for Acquisition and Technology; Dr. Dov Zackheim, to be Under Secretary of Defense, Comptroller; Charles S. Abell, former member of our committee staff, to be Assistant Secretary of Defense for Force Management Policy; Ms. Victoria Clark, to be Assistant Secretary

of Defense for Public Affairs; William J. Haynes II, to be General Counsel to the Department of Defense; and Powell A. Moore, to be Assistant Secretary of Defense for Legislative Affairs.

I advise the committee that we have had hearings on all of them. The record has been before the committee for several days. No questions have been raised by any committee member or anyone else.

We are also ready to consider 773 pending military nominations. These nominations have been before the committee the required length of time. No objection has been raised regarding them.

I ask unanimous consent that we consider these nominations en bloc.

I ask first, Senator Levin, do you have any comment?

Senator LEVIN. No. I would support that and so move.

Senator BUNNING. Mr. Chairman?

Chairman WARNER. Yes.

Senator BUNNING. Mr. Chairman, I would just like to inquire of the 773 military nominations if we have had any adverse material submitted with any of them.

Chairman WARNER. Not the 773, but there is one individual that was a part of the block submitted by the President that has been deleted for further consideration by the committee.

Senator BUNNING. So, all 773 have no adverse information?

Chairman WARNER. That is correct.

Senator BUNNING. OK, thank you.

Chairman WARNER. Any further comment by members of the committee?

[No response.]

If not, all those in favor, say aye.

[A chorus of ayes.]

Opposed?

[No response.]

The ayes have it. The nominations are approved by the committee. They will be sent to the floor. I will be meeting with the Majority Leader in the hopes that we can schedule these at an early date.

I thank you.

[Nominations referred to follow:]

1. In the Army there are 482 appointments to the grade of colonel (list begins with Donald M. Adkins) (Reference No. 160).

2. Rear Admiral Malcolm I. Fages, USN to be appointed to the grade of vice admiral (Reference No. 206).

3. In the USAF there are 55 appointments to the grade of colonel (list begins with Gregory O. Allen) (Reference No. 207).

4. In the ARNG there are 3 appointments to the grade of colonel (list begins with James R. Guise) (Reference No. 208).

5. In the USA there are 2 appointments to the grade of colonel (list begins with Michael Child) (Reference No. 209).

6. In the Marine Corps Reserve there are 5 appointments to the grade of colonel (list begins with Walter T. Ellingson) (Reference No. 210).

7. In the Naval Reserve there are 2 appointments to the grade of captain (list begins with Manuel E. R. Alsina) (Reference No. 211).

8. Rear Admiral Keith W. Lippert, USN to be appointed to the grade of vice admiral (Reference No. 218).

9. In the USAF there are 4 appointments to the grade of colonel and below (list begins with Steven D. Carey) (Reference No. 224).

10. In the ARNG there is 1 appointment to the grade of colonel (Joe L. Smothers) (Reference No. 225).

11. In the ARNG there are 9 appointments to the grade of colonel (list begins with Louis A. Abbenante) (Reference No. 226).

12. In the USMC there are 15 appointments to the grade of lieutenant colonel (list begins with Dennis G. Adams) (Reference No. 227).

13. In the USMC there are 33 appointments to the grade of major (list begins with Charles E. Brown) (Reference No. 228).

14. In the Naval Reserves there is 1 appointment to the grade of captain (David C. Barton) (Reference No. 229).

15. In the USN there is 1 appointment to the grade of lieutenant commander (James W. Hudson) (Reference No. 230).

16. In the USN there is 1 appointment to the grade of lieutenant commander (Sheila C. Hecht) (Reference No. 231).

17. In the USN there is 1 appointment to the grade of lieutenant commander (Paul R. Faneuf) (Reference No. 232).

18. In the USN there are 2 appointments to the grade of lieutenant commander (list begins with Daniel L. Bower) (Reference No. 233).

19. In the USN there are 9 appointments to the grade of lieutenant (list begins with Kyle P. Durand) (Reference No. 234).

20. In the USN there are 17 appointments to the grade of captain and below (list begins with Eduardo C. Cuison) (Reference No. 235).

21. In the USA there are 121 appointments to the grade of colonel and below (list begins with Margretta M. Diemer) (Reference No. 244).

22. Major General Donald A. Lamontagne, USAF to be appointed to the grade of lieutenant general (Reference No. 252).

23. Lieutenant General Lance W. Lord, USAF to be reappointed to the grade of lieutenant general (Reference No. 253).

24. Major General Brian A. Arnold, USAF to be appointed to the grade of lieutenant general (Reference No. 254).

25. Major General Timothy A. Kinnan, USAF to be appointed to the grade of lieutenant general (Reference No. 255).

26. Major General Richard V. Reynolds, USAF to be appointed to the grade of lieutenant general (Reference No. 256).

27. Lieutenant General William J. Begert, USAF to be appointed to the grade of general (Reference No. 257).

28. Major General Garry L. Parks, USMC to be appointed to the grade of lieutenant general (Reference No. 259).

TOTAL: 773

[The nomination reference of Edward C. Aldridge follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

Edward C. Aldridge, of Virginia, to be Under Secretary of Defense for Acquisition and Technology, vice Jacques Gansler.

[The nomination reference of Dr. Dov S. Zakheim follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 13, 2001.

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

Dr. Dov S. Zakheim, of Maryland, to be Under Secretary of Defense (Comptroller), vice William J. Lynn III.

[The nomination reference of Charles S. Abell follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 29, 2001.

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

Charles S. Abell, of Virginia, to be an Assistant Secretary of Defense, vice Alphonso Maldon, Jr.

[The nomination reference of Victoria Clarke follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 5, 2001.

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

Victoria Clarke, of Maryland, to be an Assistant Secretary of Defense, vice Kenneth H. Bacon.

[The nomination reference of William J. Haynes II follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

William J. Haynes II, of Tennessee, to be General Counsel of the Department of Defense, vice Douglas A. Dworkin.

[The nomination reference of Powell A. Moore follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 23, 2001.

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

Powell A. Moore, of Georgia, to be an Assistant Secretary of Defense, vice John K. Veroneau.

[Whereupon, at 10:22 a.m., the committee recessed, to resume in open public hearing.]

NOMINATIONS OF DR. DAVID S.C. CHU TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS; THOMAS E. WHITE, JR., TO BE SECRETARY OF THE ARMY; GORDON R. ENGLAND TO BE SECRETARY OF THE NAVY; DR. JAMES G. ROCHE TO BE SECRETARY OF THE AIR FORCE; AND ALFRED V. RASCON TO BE DIRECTOR OF SELECTIVE SERVICE

THURSDAY, MAY 10, 2001

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

The committee met, pursuant to notice, at 10:06 a.m., in room SD–342, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, McCain, Smith, Inhofe, Allard, Hutchinson, Collins, Levin, Cleland, Bill Nelson, and Carnahan.

Other Senators present: Senators Kay Bailey Hutchison, Phil Gramm, Paul Sarbanes, and Barbara Mikulski.

Also present: Representative Roscoe Bartlett.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; and Scott W. Stucky, general counsel.

Professional staff members present: George W. Lauffer, Patricia L. Lewis, Thomas L. MacKenzie, Cord A. Sterling, and Richard F. Walsh.

Minority staff members present: David S. Lyles, staff director for the minority; Madelyn R. Creedon, minority counsel; Gerald J. Leeling, minority counsel; Peter K. Levine, minority counsel; Daniel J. Cox, Jr., professional staff member; Creighton Greene, professional staff member; and Michael J. McCord, professional staff member.

Staff assistants present: Kristi M. Freddo, Suzanne K.L. Ross, and Michele A. Traficante.

Committee members' assistants present: Christopher J. Paul, assistant to Senator McCain; Margaret Hemenway, assistant to Senator Smith; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Michael P. Ralsky, assistant to Senator Hutchinson; Scott Douglass, assistant to Senator

Sessions; Kristine Fauser, assistant to Senator Collins; David Young, assistant to Senator Bunning; Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; and Peter A. Contostavlos, assistant to Senator Bill Nelson.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Senator INHOFE. Mr. Chairman, I chair the Transportation and Infrastructure Committee, one of the committees you used to chair, and we had already set for this exact time our reauthorization hearing, so there are several who will be going back and forth. We regret it. I just wanted to mention that.

Chairman WARNER. We also apologize to many who desired to be in this hearing room. We do the best we can here in the Senate, and due to the number of hearings we are having, we were unable to get a larger room. Nevertheless, members of the committee welcome this distinguished group of nominees. I have visited with all and congratulations are going to our President and Secretary of Defense.

We have Dr. David Chu, who has been nominated to be Under Secretary of Defense for Personnel and Readiness; Thomas E. White, Jr., to be Secretary of the Army; Gordon R. England, to be Secretary of the Navy; Dr. James G. Roche, to be Secretary of the Air Force; and Alfred V. Rascon, to be Director of the Selective Service. We welcome you all.

Dr. Chu, I understand you have here members of your family. Would you kindly introduce them and ask them to stand up, please.

Dr. CHU. Thank you, Mr. Chairman. My wife; our daughter, Carolyn; and our son, Jonathan.

Chairman WARNER. We welcome you this morning. These are very important hearings. They are landmark events not only in the lives of nominees, but the families. Families are very much a part of the team that works with the Secretary of Defense. I had breakfast with the Secretary earlier this morning, and he is full of energy. He suggested I get back here in time to get started. I am anxious to have you join him.

Mr. White, I understand that you have family here, too, if you would be kind enough to introduce them.

Mr. WHITE. Thank you, Mr. Chairman. I am joined by my wife, Susan, and our daughter, Kate.

Chairman WARNER. Mr. England, I understand you have your wife.

Mr. ENGLAND. Yes, sir, I do. I have my wife, Dottie, with me. Thank you, sir.

Chairman WARNER. We welcome you.

Dr. Roche.

Dr. ROCHE. Thank you, Mr. Chairman. I have my bride, Diane, and our daughter, Heather. Thank you, sir.

Chairman WARNER. Mr. Rascon.

Mr. RASCON. Sir, I have my wife, Carol; my daughter, Amanda; and my son, Alan.

Chairman WARNER. I am going to put the balance of my statement into the record, and following my statement, the prepared

statements of Senators Thurmond, Santorum, and Allard. We want to move here quickly this morning. Generally just a summary of the distinguished biographies that each of you have and bring to bear in these positions.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

The committee will come to order.

The committee meets today to receive testimony concerning five very important nominations.

I am pleased that we have before the committee this morning the nominees to serve as the civilian leaders of all three military departments an important part of the fine "board of directors" Secretary Rumsfeld is assembling to help him run the Department. We are also pleased to have two nominees for other key positions. Assuming Senate confirmation—which I support—you will be joining an excellent, experienced team at the Pentagon.

Dr. David S.C. Chu has been nominated to be Under Secretary of Defense for Personnel and Readiness, Thomas E. White, Jr., to be Secretary of the Army, Gordon R. England to be Secretary of the Navy, Dr. James G. Roche to be Secretary of the Air Force, and Alfred V. Rascon to be Director of Selective Service.

We welcome the nominees and their families.

Dr. Chu, I understand that your wife, Dr. Laura Tosi, your daughter Carolyn, and your son Jonathan are here with you today.

Mr. White, I understand that your wife Susan and daughter Katie are here with you today.

Mr. England, I understand that your wife Dottie is with you today.

Dr. Roche, I understand that your wife Diane and daughter Heather are here with you today.

Mr. Rascon, I understand your wife Carol Richardson-Rascon, daughter Amanda, and son Alan are here with you. I am also informed today is Alan's 10th birthday, so please accept my congratulations.

Family support is critical to the success of individuals in senior positions in our government and we appreciate the support and sacrifices of the families of these distinguished nominees.

Dr. Chu you are returning for a second tour at the Pentagon. Dr. Chu began his public service career as the Director of Program Analysis and Evaluation in the Office of the Secretary of Defense during the Reagan administration. He was then appointed Assistant Secretary of Defense for Program Analysis and Evaluation by President George Bush Senior. Dr. Chu is currently the Vice President of RAND's Army Research Division and Director of the Arroyo Center. He has had a distinguished career in both the public and private sector.

Thomas E. White, Jr., also possesses both a notable private sector career and an equally distinguished Army career, which began as a commissioned officer upon graduation from West Point in 1967. He then went on to serve his country in uniform for 23 years, including 2 years of service in combat operations in Vietnam. He retired as a Brigadier General in 1990. He is currently serving as the Vice Chairman at Enron Energy Services.

Gordon R. England has had a distinguished career in business, beginning as an engineer working on the Gemini space program with the Honeywell Corporation. He then held several important positions with the General Dynamics and Lockheed Martin Corporations working on programs vital to the armed services. He has served as a member of the Defense Science Board and on the USO's Board of Governors. Mr. England recently departed the position of Executive Vice President of General Dynamics, where he served for 4 years.

Dr. James G. Roche began his career with 23 years of active duty service in the Navy. He commanded the destroyer U.S.S. *Buchanan* (DDG–14), and held senior policy positions within the Departments of Defense and State prior to retiring in 1983 at the rank of captain. I recall with pleasure his service on this committee as Minority Staff Director under Senator Scoop Jackson. He is currently the Corporate Vice President and President of the Electronic Sensors and Systems Sector with the Northrop Grumman Corporation. I am pleased such a distinguished individual would once again answer the call to public service.

I extend a particularly warm welcome to our final nominee, Alfred V. Rascon, a recipient of the Congressional Medal of Honor. In 1966, as an Army medic, "Doc" Rascon demonstrated extraordinary valor in saving the lives of his fellow soldiers during combat in Long Khanh, Vietnam. It is a testament to his bravery that his

former platoon mates, upon hearing that Mr. Rascon's nomination for the Medal of Honor had been lost, doggedly pursued it to fruition. He has subsequently had a distinguished career serving his country as a Special Agent with the Immigration and Naturalization Service and as an Intelligence Operations Specialist with the Drug Enforcement Agency. Most recently he served as Inspector General of the Selective Service.

Our nominees have a wealth of experience, and I believe each of them will excel in the positions to which they have been nominated. We welcome our nominees and their families and look forward to their comments and responses today.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman.

Mr. Chairman, I join you and the ranking member, Senator Levin, in welcoming our distinguished group of nominees. I am especially pleased that we are considering the nominations to fill the positions of the service secretaries. As the Department is finalizing the budget for the fiscal year 2002, it is essential that a secretary that can speak with total authority represents the service at the bargaining table.

Dr. Chu, I want to welcome you back before the committee. You have a distinguished record and have been a voice to be reckoned with during your prior tour in the Department of Defense. I hope you will not shirk from speaking out after you are confirmed to the important position of Under Secretary of Defense for Personnel and Readiness.

Dr. Roche, Mr. England, Mr. White, I had the pleasure of meeting with each of you and want to reemphasize my support for your nominations. You will be taking the helm of your respective services at the critical juncture during which President Bush and Secretary Rumsfeld will transform our National Security Strategy and military services to meet the challenges of an ever-changing world. I am confident you will instill a new era of doing business within the Department and reverse the declining readiness and quality of life.

Mr. Rascon, the Selective Service System is the only time-proven means of mobilizing this Nation's manpower for a significant crisis. I view the Selective Service as the country's third tier of defense after the volunteer Active and Reserve Forces. Your challenge will be no less great than that of the service secretaries.

Mr. Chairman, I join you in congratulating each of our nominees. I also want to thank them for their willingness to take on the challenges of the position for which they have been nominated. More importantly, I want to express my appreciation for both the professional and personal sacrifices they are making to serve our Nation and the men and women who proudly wear the uniforms of the United States military.

Thank you, Mr. Chairman.

PREPARED STATEMENT BY SENATOR RICK SANTORUM

Chairman Warner, thank you for convening this important hearing. As our committee has heard from both the Secretary of Defense and the Deputy Secretary of Defense, the confirmation process has been painstakingly slow. Today's hearing will go a long way towards providing top-flight civilian leadership in key positions in the Pentagon.

As we have heard, President Bush and Secretary of Defense Rumsfeld have argued that the military must be more efficient in buying weapons and providing health care, housing and other services to its personnel. For that reason, the President's nomination of several former business executives for positions within the Pentagon is widely viewed as a first step towards new management policies.

This philosophy is apparent with the nomination of Jim Roche to be Secretary of the Air Force, Gordon England to be Secretary of the Navy, and Thomas White to be Secretary of the Army. As the Chairman of the Airland Subcommittee, I have frequently heard that the Pentagon doesn't understand or appreciate the needs of our defense industrial base. Each of the service secretary nominees has experience in the defense industry and is well-equipped to work with our industry as we begin the process of transforming our military capabilities to meet 21st century threats.

While not members of industry, Dr. Chu and Mr. Rascon have impressive public sector service records and are by all accounts well-qualified for the positions to which they have been nominated.

I look forward to a productive working relationship with each of today's nominees.

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Thank you Mr. Chairman.

I want to thank all of you for coming here today. The duties that you have agreed to accept responsibility for are very important to the United States and I appreciate your willingness to take them on. I look forward to hearing your perception of the current readiness and relevance of our forces and hearing your thoughts on updating and improving them.

As the Strategic Subcommittee Chairman, I am particularly interested in your concerns as they relate to our strategic forces and their ability to defend the "homeland" and support the CINCs.

Every time my pager goes off I am reminded of the importance of space operations to our economy and to the defense of this great nation. Earlier this week Secretary Rumsfeld provided us with his assessment of the report of the Commission to Assess United States National Security Space Management and Organization. I am very pleased with Secretary Rumsfeld's recommendations. Many of these recommendations were encouraged by the NRO Commission and Space Commission and stressed by me during his confirmation hearing. He is recognizing the long-term security needs of our Nation and unlike some Senators I think this is the smart thing to do.

So, gentlemen, I thank you for your willingness to serve, and I look forward to hearing what you have to say.

Chairman WARNER. Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, I am going to put my statements about each of our nominees into the record as well. They are well-qualified, and I look forward to having them at this hearing. I also want to add my thanks to their families for the contributions that they will be making to the service of each of these nominees. I believe also if I could just say one additional quick comment that Mr. Rascon is a Medal of Honor winner, is that correct?

Mr. RASCON. Yes, sir.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT BY SENATOR CARL LEVIN

Mr. Chairman, I join you in welcoming our nominees to the committee this morning. I also want to extend a warm welcome to their families who are with them today.

Dr. Chu, nominated to be the Under Secretary of Defense for Personnel and Readiness, comes to us from Rand. Rand is known for high-quality, objective research on national security issues. Dr. Chu, once you are confirmed, you change from the position of making recommendations in a more or less academic environment to a position of putting those recommendations into practice.

Mr. White comes to us from the Enron Corporation. *Fortune* magazine has named Enron "America's Most Innovative Company" for 6 consecutive years. Mr. White, I hope that you bring that same innovation to the Army as you lead it through its transformation. I also want to congratulate Mr. White for having the good sense to be born in Detroit, Michigan. It is always nice to see native Michiganders appointed to high positions.

Mr. England comes to us from the General Dynamics Corporation, where he recently served as vice president and where he was responsible for two major sectors of the corporation. His biography reflects his steady hand at managing many different programs. Mr. England, your experience at managing these diverse programs will serve you well as you manage the air, land, and sea functions of the Navy.

Dr. Roche comes to us from Northrop Grumman. He has quite a list of notable accomplishments, culminating in his service as corporate vice president and president, Electronic Sensors and Systems Sector of Northrop Grumman. I'm convinced that the single most important experience that prepared him for his positions of great responsibility was his service as the Democratic Staff Director for this committee, where he was trained by Senators Scoop Jackson and Sam Nunn.

Mr. Rascon recently retired as the Inspector General of the Selective Service System. This service should give him great insight into the responsibilities of the position for which he has been nominated. I would be remiss if I didn't mention that

Mr. Rascon has been awarded the Medal of Honor for acts of valor as an Army medic in Vietnam. Mr. Rascon, it is indeed an honor to be here with you today.

Mr. Chairman, we have five well-qualified candidates for important positions that the President is anxious to fill. I look forward to hearing from our nominees and acting on their nominations in the near future. Thank you.

Senator LEVIN. I just probably shouldn't say anything about any of these nominees because I have good things to say about all of them. It is always an honor to be in the presence of someone who has shown the kind of extraordinary valor that is reflected in the Medal of Honor.

Mr. RASCON. Thank you very much, sir.

Chairman WARNER. I certainly associate myself with those remarks. I know the Secretary well. He wishes you well this morning.

Mr. RASCON. Thank you very much.

Chairman WARNER. My colleagues, do you have any comments? Then we will ask our distinguished colleague, the senior Senator from Maryland, to begin.

STATEMENT OF PAUL S. SARBANES, U.S. SENATOR FROM MARYLAND

Senator SARBANES. Thank you very much, Mr. Chairman, members of the committee. Recognizing the time constraints you are operating under, to which the Chairman alluded, I'll be very brief. I have to take a couple of moments to say good things about Jim Roche. This is an absolutely superb nomination, and I can't think of anyone better qualified to be the Secretary of the Air Force.

He has had an incredibly distinguished career, including more than two decades of service in the United States Navy. He was even the Democratic staff director of this committee at one point, so for all the staffs sitting back there at the chairs, this is what eventually might transpire.

He has done an absolutely superb job at Northrop Grumman. He has actually received a Ph.D. in management from the Harvard Business School. He has put a lot of those practices on line in his corporate work at Northrop Grumman for almost two decades now and he has done what is recognized in the corporate world as an outstanding job of leadership.

The people at Northrop Grumman in our State all testified to the superb example that he sets, and I can't tell you how pleased we are. We are going to lose him, and we regret that, lose him in the sense of having him as a leading corporate citizen in the State, but of course, the Nation will gain tremendously.

One of the things he does is he takes his business colleagues around, and instructs them on a lot of military command, including visiting famous battlefields. Jim's been quoted as saying the business relevance of studying military command is clear. No soldier ever lost a battle. Officers lose battles. No employee ever bankrupted a company. Executives ruin companies. That is just one example of the kind of innovative thinking that he has brought to his responsibilities. The Air Force, the Nation, and the country are going to benefit greatly from his leadership, and I have just come this morning to endorse him in a the very strongest terms.

Thank you very much, Mr. Chairman.

Chairman WARNER. We also have the other distinguished Senator from Maryland with us. Senator Mikulski. We welcome you.

STATEMENT OF BARBARA A. MIKULSKI, U.S. SENATOR FROM MARYLAND

Senator MIKULSKI. Good morning, Senator Warner, Senator Levin, and other members of the committee. I am here to enthusiastically introduce Dr. Jim Roche to the committee, as well as also introduce Alfred Rascon, who is also a brother Marylander.

In terms of Dr. Roche's nomination, Senator Sarbanes has outlined the experience. In knowing Dr. Roche as both a corporate executive, as well as a real citizen of Maryland through his civic engagement, I was struck in getting to know him by his extensive background.

He has great knowledge of the military. He has combat experience, both in the military and then in his role as a Senate staffer on both the Intelligence and Armed Services Committees. That is another kind of combat experience. It will be great to have someone who understands the role of Congress and brings great expertise to the position.

What I have noticed, and also in our many conversations, is that Dr. Roche understands the issues facing today's military, as one who served and yet at the same time had to provide the new technologies, the new smart weapons. He understands the tremendous demands on our military and the changing face of military families. He has been acknowledged as one of the most creative intellectuals in the aerospace community by his colleagues and by industry analysts. Also in terms of his own community involvement, he has absolutely engaged in not only helping those left out and left behind by groups like United Way, but as a mentor, as an involver in higher education to really look at how we can raise this next generation of young people to be the most intellectually capable and dedicated to service.

I asked Dr. Roche a few weeks ago why he was considering leaving his job as an executive to take this. I said, you are in charge of your life. You are in charge of your calendar. You have worked hard all of your life, and you know what he said? He says you have to have a burning affection for the United States of America, and for the kids who we ask to go to war, and I'd like to play a role for them. So we think he will be an outstanding Secretary of the Air Force and look forward to introducing him and voting for him.

Also, Alfred Rascon comes to you today as a Congressional Medal of Honor winner. As a former DEA agent, as a resident of Maryland who has been active in many ways in the leadership of our Nation and our country, he is a defender. He is a protector. He is a fighter. The Selective Service needs to be re-energized. As the appropriator on the Appropriations Committee's VA–HUD Subcommittee, I look forward to working with him to re-energize it. We believe his leadership will rekindle even a greater sense of what young people need to have as service to the Nation.

So as the junior Senator from Maryland, I couldn't be prouder of bringing these two men to your attention.

Chairman WARNER. You certainly come through in your statement. The committee welcomes our two colleagues from Maryland

and thank you for your valuable contributions. I note the presence of the distinguished senior Senator from the State of Texas, Mr. Gramm.

STATEMENT OF PHIL GRAMM, U.S. SENATOR FROM TEXAS

Senator GRAMM. Mr. Chairman, thank you very much. It's a great honor for me to be back before the Armed Services Committee, a committee which I had the privilege to serve on for 6 years.

I am here to introduce and recommend a Texan, Tom White, to this committee. Tom is Vice Chairman of Enron Energy Services and leads a management team that runs the largest retail energy business in America.

He is a 1967 engineering graduate of the United States Military Academy. He has a Masters of Science degree in operations research from the U.S. Naval Postgraduate School. He attended the War College. He served with distinction in Vietnam. He retired as a general officer before coming to Enron, and he has that rare combination of practical experience in the military and proven leadership in the private sector of the economy. I think it is fair to say, Mr. Chairman, that Tom White is one of the most outstanding managers in corporate America.

I thanked him earlier this morning for being willing to give up tremendous earning power to come and serve the country, and I want to commend him to you. He is what we would call in Texas a top hand. He is the kind of guy you want when you want something done. I have no doubt in my mind, Mr. Chairman, that he will do an outstanding job as Secretary of the Army.

He is a person that knows how to manage people and resources, and when our job is taking the money we have and building the finest Army we can build with those resources, I don't have any doubt in my mind that Tom White can do an outstanding job, and therefore I commend him to you.

Chairman WARNER. Thank you, Senator Gramm.

Congressman Bartlett.

STATEMENT OF ROSCOE G. BARTLETT, U.S. REPRESENTATIVE FROM MARYLAND

Mr. BARTLETT. Thank you very much. I have a statement for the record if that might be entered.

Chairman WARNER. Without objection, we will include it.

[The prepared statement of Mr. Bartlett follows:]

PREPARED STATEMENT BY REPRESENTATIVE ROSCOE BARTLETT

Members of the Senate Armed Service Committee, I take great pleasure in introducing to you President Bush's nominee for Director of the Selective Service, Alfred Rascon. He is also one of my most honored and decorated constituents.

Alfred V. Rascon is a Medal of Honor Recipient, who was born in Chihuahua, Mexico. His parents immigrated to the United States, settling in Oxnard, California, where Mr. Rascon attended elementary and high school. His strong desire to give back to our country led Alfred to enlist in the U.S. Army. Mr. Rascon served our country faithfully during the Vietnam War, and his heroic actions during his service there resulted in presentation of this Nation's highest award for valor, the Medal of Honor. It was belatedly presented to him by former President Clinton on February 8, 2000.

Mr. Rascon received the Congressional Medal of Honor for his gallantry during the Vietnam War. He served as a Specialist Four medic to a reconnaissance platoon in the 173rd Airborne Brigade. On March 16, 1966, Mr. Rascon's platoon came

under heavy fire from numerically superior force while moving to reinforce another battalion. Disregarding his own safety, Mr. Rascon ran to assist his fellow soldiers under heavy enemy fire. He was wounded numerous times. Three separate times, he fell on fellow soldiers using his own body to shield them from heavy machine gun and grenade attacks. He recovered ammunition, so that his comrades would not be overrun. Though severely wounded, he continued to search for other wounded comrades to assist. He later refused aid for himself or evacuation and continued to provide assistance to his fellow soldiers until he collapsed.

The paperwork for Mr. Rascon's original recommendation for the Congressional Medal of Honor was lost in the Pentagon. It was only recognized recently due to the efforts of members of his platoon, who testify to this day that they are alive only because of Mr. Rascon's heroism. I was pleased to assist in remediating this problem and even more pleased to learn that he has been nominated for Director of the Selective Service.

From 1983 to the present, Mr. Rascon has served honorably as a government civil servant. He has worked with Department of Justice, Drug Enforcement Administration, INTERPOL (U.S. National Central Bureau), and the Immigration and Naturalization Service. He recently retired as Inspector General of the Selective Service System, headquartered in Rosslyn, Virginia. He has received myriad awards and commendations from U.S. and foreign agencies for his civil and military service. Alfred Rascon truly embodies the values that make America great and would be a valuable asset to this administration.

We live in a world today where too many of the role models of our children commit notorious acts or act totally out of self-interest. It is men such as Alfred Rascon who show us what role models are supposed to be. He regarded the lives of others as more important than his own and acted totally out of his care for then. He did not seek attention when his paperwork was lost in the Pentagon. Indeed, in no way has he ever tried to glorify himself or take credit for his actions. His friends and those whose lives he had saved in Vietnam had to bring to light the fact that his heroism had gone unrewarded by his country.

We must constantly remind ourselves and educate our children that we are privileged to live in the greatest and most tree country on Earth only because of the service and sacrifices of brave individuals, such as Alfred Rascon. Our country can never truly reward this man or those like him who have sacrificed so much for us. The only thing we can do is to never forget them.

We are very fortunate to have a man like Mr. Rascon serving our country. His service to our country, both in the military and as a civil servant, has been exemplary. I would like to take this opportunity to thank him for his service and for his willingness to continue his service to our Nation.

I would also like to thank the committee and Alfred for allowing me to introduce him today.

Mr. BARTLETT. Thank you very much. Let me just speak briefly then.

I am really pleased today to be able to introduce to you Alfred Rascon, who is not only a great American hero, he is also my constituent. He was born in Mexico, came to this country with his parents. Before he was a citizen of this country because he appreciated so much what he found here, he entered our armed services and served in Vietnam. While there as a medic, the group he was with was involved in a heavy firefight, and although he was a medic, he threw his body over the bodies of several of his comrades to protect them. He went out and retrieved a gun and ammunition and he probably was credited with saving many lives, not just by his heroic action in shielding them with his body, but also retrieving guns and ammunition so that they had more firepower.

The paperwork for his Medal of Honor was lost. Never once did he come forward to say "why wasn't I recognized for this." It was his buddies who came forward years later to make the statement, "why wasn't he recognized." I am pleased to have had a part in remedying that inequity and just a couple of years ago, I attended the Medal of Honor ceremony where he was given the Medal of

Honor and you know, what a great individual and what an opportunity we have.

Now I am really pleased to introduce him to you as the head of the Selective Service. He has exemplified all of those things that our forefathers came here to fight for. We talk about role models for our kids today. Many of our role models fail us. Alfred Rascon has not failed us. He is a role model we can all be proud of and I don't think we could do better for an individual to head this very important service. Thank you very much.

Chairman WARNER. Congressman Bartlett, thank you for joining us and for giving us those facts. There is not a person in this room or anyone watching the proceeding from afar that isn't humbled and deeply moved by being in the presence of this distinguished American hero.

Thank you.

We will now proceed to have the opening statements from our witnesses. Senator Levin and I have reviewed your policy questions. Senator Levin and I also as a matter of our routine reviewed the communications from the White House counsel with regard to your backgrounds, and we find all that material in order. Any question on that?

Senator LEVIN. No.

Chairman WARNER. Dr. Chu, if you will proceed.

STATEMENT OF DR. DAVID S.C. CHU, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

Dr. CHU. Mr. Chairman, I have no statement for the record but with your permission, I would like to make some brief openings remarks.

Mr. Chairman, Senator Levin, members of the committee, it is indeed an honor to appear before you this morning as the President's nominee for Under Secretary of Defense for Personnel and Readiness.

I would like to thank the President for nominating me for this position and Secretary Rumsfeld for his guidance, confidence, and support. I'd also like to thank this committee for all it has done over the years for the men and women of our armed forces. If I am confirmed, I look forward to working with the committee to meet the many challenges in front of us. Finally, I'd like to thank my family for its support as I have pursued earlier and may now again pursue a career in public service. I am very grateful to them for their affection and their willingness to support my service. Thank you, sir.

Chairman WARNER. Thank you, Dr. Chu. The committee is privileged this morning to have joining us the distinguished junior Senator from the State of Texas and I'll be happy to receive your statement.

STATEMENT OF KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Senator HUTCHISON. Thank you, Chairman Warner. When the hearing was delayed, I was chairing a meeting of the Aviation Subcommittee.

Chairman WARNER. I recognize that. We are glad you are here.

Senator HUTCHISON. I appreciate so much your taking me out of order so that I can——

Chairman WARNER. You are very much in order. The senior Senator just left the room.

Senator LEVIN. Your timing is really perfect in the matter.

Senator HUTCHISON. Since Senator Rockefeller is now in charge of the Senate Aviation Subcommittee, I need to return fast. No telling what's going to come out of our subcommittee today. Seriously, I am so pleased to be here for my friend, Gordon England, who has been nominated for Secretary of the Navy. He and his wife Dottie have been long-time friends of mine in Texas.

But more important than that, he is the most qualified person to serve in this position and in the Pentagon because of his long-time experience and expertise in engineering and just the equipment that we are going to need as we go into the next century.

I first came to know him when he headed General Dynamics and later Lockheed, where the world's best tactical fighter is made, the F–16. That program, of course, has been a model for Air Force procurement. I am confident that he will bring the same leadership to the Navy. After Gordon left Lockheed, he became Executive Vice President of General Dynamics Corporation, responsible for information systems and international sales.

During his career, which began as an engineer on the Gemini space program, and as an avionics design engineer, he served in many positions within the industry, including President of General Dynamics Land Systems, producing land combat vehicles, and President of its Fort Worth aircraft company and Executive Vice President of the Combat Systems Group.

Mr. England's wealth of knowledge and experience alone more than qualifies him for this new responsibility. But more important even than all of that is his personal commitment to our strong national security, his vision, his character. Throughout his career, he has not only been able to overcome challenges, but to bring a caring and empathetic approach in dealing with the work force.

During the period of difficult cutbacks in the Fort Worth defense industry, he helped to create the city's business assistance center, which helps people start or expand businesses. I think in the coming years, the Pentagon is going to have to make hard, tough choices about tactical aviation, shipbuilding, and the host of modernization and transformation issues. Here in Congress, it is critical that we have trust and confidence in the leadership making these calls. Gordon England is precisely the kind of visionary leader that the Navy needs, and I am very honored that he has been nominated by the President and given that confidence and I assure you that he will serve with distinction.

Chairman WARNER. I thank the Senator from Texas very much for that valuable contribution.

Senator HUTCHISON. Mr. Chairman, could I just take leave for 1 minute to mention Tom White. Tom is not a Texan exactly, but he has chosen God's country for the last 10 years. So I want to say that he is not technically a Texan.

Senator LEVIN. He was born in Detroit, by the way, so he left God's country.

Senator HUTCHISON. He left God's country as soon as he could, Senator Levin. But seriously, he will be an outstanding Secretary of the Army. He is going to be introduced by others as well as you, Senator Levin. But he has had a wonderful military career. He graduated from West Point, rose to the rank of Brigadier General and I can't think of a better person to be entrusted in the position of Secretary of the Army.

Thank you.

Chairman WARNER. Thank you very much, Senator.

Mr. White.

STATEMENT OF THOMAS E. WHITE, JR., NOMINEE TO BE SECRETARY OF THE ARMY

Mr. WHITE. Chairman Warner, Senator Levin, members of the Armed Services Committee, I am deeply honored and privileged to appear before this committee. I am also extremely grateful to the President and the Secretary of Defense for the confidence and the trust they have shown in nominating me to serve as the 18th Secretary of the Army.

Mr. Chairman, I sincerely appreciate your very kind introduction and that of Senator Gramm and Senator Hutchison, and especially the introduction of my wife, Susan, and our daughter, Katie, who are here with us today. They, along with our two sons, Tommy and Chuck, are my supporting foundation as we contemplate this new phase in our lives.

Mr. Chairman, I look forward to any questions you and the committee have for me concerning this nomination. I ask that my written opening statement be submitted for the record so that we might have more time for discussion.

[The prepared statement of Mr. White follows:]

PREPARED STATEMENT BY THOMAS E. WHITE, JR.

Chairman Warner, Senator Levin, members of the Armed Services Committee, I am deeply honored and privileged to appear before this committee. I am also extremely grateful to the President and Secretary of Defense for the confidence and trust they have shown in me by nominating me to serve as the 18th Secretary of the Army.

Mr. Chairman, I sincerely appreciate your very kind introduction, especially the introduction of my wife, Susan, and our daughter, Katie. They, along with our two sons, Tommy and Chuck, are my supporting foundation as we contemplate this new phase in our lives.

If confirmed, this will be my first opportunity to serve in the Pentagon in a position subject to confirmation by this committee. I am fortunate to have had other valuable experiences in the Army, in the Pentagon, and in senior leadership positions in industry that will allow me to bring a thorough knowledge of the Department and an understanding of best business practices to the very important responsibilities of the office for which I have been nominated.

During my 23 years of active Army service, which included two tours in Vietnam, command of the 11th Armored Cavalry Regiment in Germany, a number of assignments on the Army Staff, and finally, duty as the executive assistant to then Chairman of the Joint Chiefs of Staff, General Powell, I personally witnessed many changes in the Army.

I saw the Army's low points consistently counterbalanced by the dedication, courage, and commitment of our soldiers. I saw the Army right-size and down-size. I saw and participated in the transformation of our Army from the Vietnam Army to the Cold War Army. Our Army today is once again an Army in transformation, as it must be, to meet our important responsibilities for the security of our Nation in the new century. Seen in the context of the 225-year history of our Army, this imperative to change is not new.

I would like to add however, that my most enduring lessons over the years were provided by the individual sacrifices and contributions of the American men and women I was privileged to lead, in peace and in war. We have a very serious obligation to all of them—active, reserve, guard, civilian, and veteran—for they are the foundation of every capability we pursue. As the President reminded us, peace is earned by the hard and often dangerous work of our men and women in uniform. The old adage that people are not "in the Army," they "are the Army" has never been more true. Taking care of people is a sacred duty I will bear if confirmed as Secretary.

During their confirmation hearings, both Secretary Rumsfeld and Deputy Secretary Wolfowitz eloquently described the changes our world, our Nation and our military have undergone in the last quarter century. They also described the President's three national security goals and the five key supporting objectives of the Department of Defense. I am fully committed to these goals and objectives and will lead the Army's efforts to ensure they are integrated with our sister services and completely accomplished.

I would like to share with this committee the objectives I will pursue in support of the President and the Secretary of Defense, as we work together to make the Army's vision a reality.

The first objective is to invest in people. We must attract, develop and retain America's best and brightest. We must provide for the quality of life and well being of soldiers, Department of Defense civilians, veterans, and their families. We must manage personnel turbulence and improve the predictability and stability in the lives of soldiers and families. We must expand and develop educational opportunities to promote the continuous personal and professional learning required to take maximum advantage of technological advances. We must continue to make the diversity of our people a competitive advantage. We must achieve high-quality standards for installations and housing, through a series of initiatives such as the Army's Residential Communities Initiative. Finally, we must advance the development of bold and innovative leaders. In short, there is no more important investment than our investment in people—it is an imperative.

The second objective is to assure readiness. American forces have always proven their unfailing ability to adapt to new conditions, stretch limited resources to sustain operations over extended periods of time, and always . . . always . . . accomplish their mission. Too often however, we have paid a high price in human life during the initial phases of almost every combat operation because we were not ready for the changes we faced. Today, the pace of change is faster and conditions more uncertain than ever. Assuring readiness today means a full commitment to modernizing our equipment and weapons to maintain the qualitative edge afforded by advances in technology, recapitalizing the systems we need in the near- and mid-term, fully integrating the Active and Reserve components, fully manning our combat and support units, managing the mission cycle of units to improve the operational and personnel tempo of our people and systems, and improving our ability to operate in a joint and combined arena. I am committed to readiness in the broadest sense.

The third objective is to transform the entire Army. Transformation encompasses every aspect of our Army. It is more than merely divesting ourselves of obsolete systems and purchasing new ones. It is more than just an interim armored vehicle, or a beret, or a Future Combat System. Every aspect of the Army—doctrine, organization, training, leadership, materiel and equipment, recruiting and advertising, acquisition, infrastructure, and much more—must all change together in a holistic manner. The force characteristics we require to maintain strategic dominance—responsiveness, deployability, agility, versatility, lethality, survivability, and sustainability—can only be achieved if we transform the entire Army—and we will.

The final objective is adopting sound business practices. The first three objectives I mentioned can be accomplished—for a price. But that price must be affordable. We must share the burden of achieving the military capabilities America needs and do so in an affordable manner. To that end I will take a hard look at opportunities for increased outsourcing and privatization of non-core functions. We owe it to every American to improve the manner in which we use our resources. We owe it to every American to give our soldiers the capabilities they need to fight, win, and live to fight again.

Mr. Chairman, I thank you for the opportunity to testify today and for the committee's consideration of my nomination. Let me close by saying once again how honored I am to have been nominated by President Bush for this position. If confirmed, I pledge to do my utmost to fulfill the trust and confidence placed in me by the President, the Secretary of Defense, and the men and women of our Army.

Chairman WARNER. Your statement and the statements of all will be admitted in their entirety in today's record.

Mr. WHITE. Thank you, Mr. Chairman.

Chairman WARNER. Mr. England.

STATEMENT OF GORDON R. ENGLAND, NOMINEE TO BE SECRETARY OF THE NAVY

Mr. ENGLAND. Mr. Chairman and members of the committee. It is my honor to be here today to seek confirmation as the 72nd Secretary of the Navy. I want to thank Senator Hutchison for being here and for her kind words. I would also like to express my appreciation to the President and Secretary Rumsfeld for this opportunity to serve our Nation, our sailors, and our marines.

I fully support their efforts to build a military more relevant to the threats and opportunities of the 21st century. If confirmed, I will work closely with this committee and Congress in bringing about this transformation and in ensuring the security of our great country. I thank you for your kind attention. I do look forward to your questions, and Mr. Chairman, I do have a prepared statement for the record. Thank you.

[The prepared statement of Mr. England follows:]

PREPARED STATEMENT BY GORDON R. ENGLAND

Mr. Chairman, members of the committee, it's my distinct honor to appear before you today in seeking confirmation as the 72nd Secretary of the Navy. I also want to express my appreciation to the President and to Secretary Rumsfeld for this opportunity to serve our Nation and our sailors and marines. I fully support the President and the Secretary of Defense in their efforts to build a military more relevant to the threats and opportunities of the 21st century. Should I be confirmed, I look forward to working with this committee and Congress to bring about this transformation within the Department of the Navy.

If confirmed, I plan to initiate four strategic thrusts in support of the President's vision. These initiatives center on combat capability, people, technology, and business practices.

Regarding combat capability, as this committee well knows, the primary purpose of the Navy and Marine Corps is to deter, train for, and when necessary, fight and win our Nation's battles. In remaining faithful to this charge, combat capability which includes readiness, must be our primary emphasis. If necessary resources will be shifted to meet this objective. In all our decision-making, we will ask the question, "Does this task, program, organization or facility materially contribute to improving our combat capability?" Likewise we will recognize that what has worked in the past may not always succeed in the future. Therefore, the Department will invest more in technical and doctrinal experimentation, and in new and different ways of accomplishing our mission. Our mission will be joint—One Team, One Fight. Along with our sister services and allies, we will organize, equip, and train to fight jointly.

People are our most important and valuable resource. While this has long been widely touted in the naval service, we can do a better job of practicing what we preach. A ship pier side has absolutely no asset value to this Nation without a well-trained and highly motivated crew. Our Nation's investment in carriers, ships, submarines, aircraft, and other advanced technology systems will be squandered if we do not aggressively demonstrate our commitment to people. To tackle this, I will emphasize "Quality of Service"—achieving a higher quality workplace as well as a higher quality of life for our sailors, marines, active duty and Reserve, and civilians and all of their families. The goal will be to create an environment where our men and women can excel at their chosen profession, unimpeded by factors that divert their attention from work and sap their morale. This includes competitive compensation and quality housing, workplace resources, health care, and training, with an operational tempo that considers the individual, as well as family and community. This environment is based on attuned leadership throughout our command structure that encourages information to flow freely up and down the organization. and that values the knowledge and expertise of the total force. Everyone in the De-

partment of the Navy needs to recognize that while some positions carry a greater burden, all of our people are equal and important. No one should be discounted because of rank or years of service. At the end of the day, our sailors, marines, and civilians should know that their contribution is important and feel that their work is both stimulating and rewarding.

The application of advanced technology is central to our Nation's military strength. Unfortunately, the application of technology in the military has for a generation lagged its commercial availability, sometimes by several iterations. This is most pronounced in our combatsystems, but also includes technology for training testing and management systems. This lag is inconsistent with the effort led by President Bush and Secretary Rumsfeld to restructure defense for a new national security environment.

Should I be confirmed, I will focus on several areas to address this problem. First, the Navy Department needs to draw a technological advantage from the full spectrum of American businesses and universities. To gain this broad participation, the unique DOD acquisition system, with its myriad rules and regulations, needs to be simplified and streamlined. It must and Will come more into alignment with commercial practices. The Department will be proactive in supporting the Under Secretary for Acquisition in implementing these changes. Second, layers of bureaucratic decision-making, with their inherent time delays, will be streamlined. Third. "spiral development," the fielding of available technology with planned evolution to a final configuration, will further speed the introduction of new technology into service.

Finally, if confirmed, I will strive to improve the efficiency and effectiveness of DOD and DoN business practices. While the Navy Department serves a national purpose with overarching goals well beyond the commercial objectives of markets and profit, many commercial business practices are still applicable.

Over the past few years, it appears that the gap between government and industry business practices has widened, with two negative consequences: First, inefficient Departmental processes have led to ineffective results, generally due to unaffordable solutions. Second, commercial companies have largely deserted the DOD while traditional defense companies have started to diversify into commercial business. By improving business practices we should be able to shift more dollars into combat capability and expand our buying power through increased competition.

Should I be confirmed, several management techniques will be implemented to systematically improve business practices. First, we need an activity based costing system to provide the actual cost of our activities and programs. Managers will then be able to make informed decisions before committing valuable resources. Second, we will implement comprehensive measures and metrics at all levels of the organization. We will measure what we do and evaluate our performance against established metrics. Third, our management team will be process oriented. We will improve processes to improve products, rather than working on products exclusively.

In summary, my agenda is to substantially improve our combat capability, enrich the lives of our people, swiftly incorporate technology across our total operation. and dramatically improve our business practices. Each of these thrusts is interrelated, so implementation will be systematic rather than piecemeal. These efforts will be difficult and challenging and the support of this committee will be essential and greatly appreciated.

If confirmed, I will work closely with Congress on matters affecting our Navy and Marine Corps and the security of our great Nation. Thank you for your kind attention. I look forward to your questions.

Chairman WARNER. Dr. Roche.

STATEMENT OF DR. JAMES G. ROCHE, NOMINEE TO BE SECRETARY OF THE AIR FORCE

Dr. ROCHE. Good morning, Mr. Chairman.

Mr. Chairman, Senator Levin, distinguished members of the committee, it is truly an honor and privilege to appear before you today as the President's nominee to serve as the 20th Secretary of the Air Force. We are the junior and newest service. I especially would like to thank Senators Sarbanes and Mikulski for their kind remarks. They mean a great deal to me. Senator Sarbanes, you have spent 25 years trying to educate me, and I hope I can live up to your expectations. I am deeply grateful for President Bush for nominating me to this post, for Secretary Rumsfeld for giving me

the opportunity to continue to serve my country in this vital position on his team. I very much appreciate their support and confidence they placed in me to lead the United States Air Force as Secretary, if I am confirmed.

Mr. Chairman, I would also like to thank all who have helped me in this nomination process, in the office of Secretary of Defense, in Northrop Grumman, the U.S. Air Force, and especially my wife, Diane, daughter, Heather, and this committee especially for expediting my appearance here today. I owe my appreciation to David Lyles and Les Brownlee. I don't think I would have been as competent as they have been in moving something as quickly on your behalf as they have. I very much appreciate what they did. I look forward to working very closely with this committee and with these key leaders of your staff, sir. With your permission then, Mr. Chairman, I would like to have the remainder of my remarks placed in the record.

[The prepared statement of Dr. Roche follows:]

PREPARED STATEMENT BY DR. JAMES G. ROCHE

Mr. Chairman, Senator Levin, distinguished members of the committee, it is truly an honor and a privilege to appear before you today as the President's nominee to serve as the 20th Secretary of the Air Force I want to thank Senator Mikulski for her kind remarks—they mean a great deal to me. I am deeply grateful to President Bush for nominating me to this post, and to Secretary Rumsfeld for giving me the opportunity to continue to serve my country in this vital position on his team. I deeply appreciate their support and the confidence they have placed in me to lead the United States Air Force as its Secretary, if I am confirmed.

I also would like to thank all who have helped me in the nomination process, both in OSD and in the U.S. Air Force, and especially this committee for expediting my appearance for today's hearing.

With your permission, Mr. Chairman, I will make a few opening remarks and request that my prepared statement be included in the record.

Mr. Chairman, throughout my 23 years wearing the uniform of the United States Navy, and in my subsequent years working with the Armed Services—either on the staff of this committee or the Senate Select Committee on Intelligence, or as a member of our defense and aerospace industry—what has impressed me the most about our Nation's Armed Services is the quality of the individuals who voluntarily serve. For instance, it strikes me that members of the Air Force team have earned their world-class reputation because of their commitment to the highest standards of excellence;

Because they have earned the support and confidence of the people and the elected representatives of the greatest Nation on earth;

Because they have harnessed the talents and technologies of America's defense industrial base;

Finally, because they have forged a seamless team among the truly outstanding enlisted members, officers, civilians, Air National Guardsmen, and reservists. They, above all, are the reason whyI am so honored to be nominated to this post, and why I will be committed to this job with every fiber of my being, if I am fortunate enough to be confirmed by the Senate.

Mr. Chairman, I am proud of my service in the world's finest Navy,and I feel fortunate to have had the opportunity to contribute in some small way to our National security as a business person with the Northrop Grumman Corporation for the past 17 years. I am especially honored to have led the extraordinary men and women of Northrop Grumman's Electronic Sensors and Systems Sector. But I am tremendously excited at the prospect that, if confirmed, I may be counted as a member and leader of the U.S. Air Force.

I want to thank you, Mr. Chairman, Senator Levin and the members of this committee, for your outstanding support to each of the Armed Services. I, more than most, realize the critical importance of the relationship between this committee and our Armed Services. For instance, every major touchstone in our Nation's proud aerospace legacy may be linked in some tangible way to a deliberation, or a question raised, or a decision made by this committee. The relationships between the Air Force and the members this committee, as well as with your counterparts in the

House of Representatives, are key to its past successes. Maintaining and building upon these relationships, I believe, will be the core enablers of our future accomplishments. If confirmed, I would solicit your counsel and guidance—not just your support and approval. This, for me, is a matter of "coming home" to this committee, the esteemed members of which—on both sides of the aisle—taught me so much during my service here.

Secretary Rumsfeld has made it very clear that, despite the strategic and technological strengths embodied in our Armed Services, we are in an era in which a sound strategic calculus compels us to review—and perhaps, to rethink—our defense posture in a changed security environment. If confirmed as Secretary of the Air Force, I would expect to be judged against the following four goals that I proposed for myself to Secretary Rumsfeld:

First, the Air Force, as well as its sister Services, is obliged by the changed national security environment to fashion, along with our allies and friends, a deterrence posture that matches those changed conditions . . . and tomorrow's challenges, however uncertain they may appear to us. We must continue to renew, or build anew, a force structure that, when teamed in joint or combined operations, will be effective in keeping peace and preserving freedom in this century, not the last one. I look forward to the opportunity to lead the Air Force, work with the Department of Defense, and solicit your views to adapt Air Force strategy and force structure for the future. This forward-looking focus will inspire members of the Air Force with a renewed sense of their noble calling, enabling airmen to connect with the core reasons why they put on the uniform each day, come to work, and put their lives on the line for the security our great Nation.

Second, this committee is well aware that one of the urgent tasks facing the Air Force leadership is to deepen and enrich the bonds of trust with the men and women who serve our Nation on the Air Force team. We must be able to attract and retain the very best individual to serve—and then take care of them and their families—both military and civilian. Some very good work has been done—again, with your tremendous support—to identify and recruit quality people while maintaining stringent Air Force standards; but we must capitalize on those efforts now and redouble our efforts on retention and development. We must foster a culture of career aspiration among Air Force officers and enlisted personnel—whether they be pilots or aircrew, space operators or navigators, aircraft maintenance technicians or para-rescue jumpers. The range of military aerospace careers is broad and rich with opportunity.

But we often fall short on staying power, on keeping our people informed, engaged and motivated throughout their careers. I view this as the Air Force's most critical challenge because, in my experience in naval command and in business, I have had it proven over and over that people remain the most important resource of any organization. Force readiness, sustainability, mission performance—all of these depend on developing the best composition of quality individuals on the team, and on motivating each and every member of the service with an unparalleled *esprit de corps.*

Our Nation demanded a great deal from Air Force people in the past decade—and that team responded brilliantly. From global humanitarian operations to Operation ALLIED FORCE, the citizens of the United States justifiably can be proud of their Air Force. In the midst of a transition to a 40-percent smaller force deploying over 3 times as much as in the previous decade, aerospace leaders have adapted the Air Force to make it truly expeditionary. This has been a remarkable accomplishment, and a tremendous contribution to a secure, global peace. It uniquely situates the Air Force in a position to harness the economic and technological advantages in this era, in order to preserve our Nation's leadership in the next.

But in order to get there, we must accelerate our drive to become more modern and more efficient as an organization. This is the crux of my third goal: Air Force process, organization, structures—all of these need to be reexamined in the light of lessons learned and new realities. It is time to assess whether the sweeping organizational and process changes implemented in the last decade have produced their intended results. Considering the current global scene; the Air Force's transition to a smaller, busier force; and the near completion of its adaptation to an expeditionary force, I am confident we have much to gain by identifying and eliminating any inefficiencies that either remain or have resulted from all of the changes. The Air Force must also work with its depots to help them become more world-class—in costs as well as in quality. I would look to identify and bring best practices from government and industry to bear on our management of the service. As I stated earlier, I would welcome this committee's views, if confirmed, on policies, practices, or processes the Air Force should evaluate that might yield compelling efficiencies and cost savings.

Fourth, I hope to have the opportunity to influence in a constructive manner the acquisition policies and processes so as to insure innovation and competitive vibrancy within our essential defense industrial base over the long haul. Using public dollars effectively and efficiently, we are obliged to assure the American people, our forces abroad, and our friends and allies that we will be able to continue to defend our interests in the decades to come. But this will require a new focus in Air Force and Department of Defense acquisition policies and practices. As Secretary Rumsfeld has said, "Simply tinkering with the present acquisition system will not provide the innovation and speed necessary to satisfy future military needs and take advantage of powerful new technologies."

Nor does the current acquisition process always provide the necessary incentives to motivate the defense industry to become more efficient and deliver the most cost-effective goods and services. Worst of all, however, is the potential loss of innovation and technological advancement that might stem from the dramatically shrunken industrial base.

The Air Force today benefits from innovations and technologies developed over the years by many, many aerospace companies—some of them very small. But today, those "many" companies have been whittled down to just a few large, bureaucratic, and in some cases, seemingly vertically integrated, corporations, pursuing fewer and fewer new programs. The Air Force must begin a concerted process to find ways to incentivize and motivate contractors, large and small, to become more competitive, efficient and innovative, and to take full advantage of the fast-paced technological and business-process changes occurring in this century's information-dominated economy.

Mr. Chairman, if confirmed, I look forward to the prospect of an active, constructive relationship with you and this committee. Along with guidance from Secretary Rumsfeld, I will need your help, counsel, and support. I am sincerely honored to have the opportunity to be considered for this post on one of the most creative, experienced, and respected teams the world has known—the United States Air Force. Again, I want to express my appreciation to President Bush and Secretary Rumsfeld for their confidence and trust in me. I thank you, Mr. Chairman, Senator Levin, and the members of this committee.

Chairman WARNER. Mr. Rascon.

STATEMENT OF ALFRED V. RASCON, NOMINEE TO BE DIRECTOR OF SELECTIVE SERVICE

Mr. RASCON. Chairman Warner, and other members of this great committee. I too have an opening statement, but I'll make it quick and I'll make it short.

Chairman WARNER. Take your time. Take all the time you need.

Mr. RASCON. I am really humbled to be here before all of you and most of all, in having the privilege to be nominated by the President for this great position of Director of Selective Service. Pending Senate confirmation, I look forward to working with every one of you.

The Selective Service ends up being a system that remains and should remain in this country for many years to come. Being a veteran and having been in the face of death and the face of war, I understand that at times, we may not want a draft, but it is necessary, and at times it is necessary to maintain the listing of young men, of young men who will be ready and be prepared to fight for this country.

As such, sir, I have a prepared statement, and I'll just leave it for the record.

[The prepared statement of Mr. Rascon follows:]

PREPARED STATEMENT BY ALFRED V. RASCON

Chairman Warner, Ranking Member Levin, and members of the committee:

I am humbled that President Bush has expressed his confidence in me to become the next Director of Selective Service. Pending Senate confirmation, I look forward to serving my country once again.

As Director, I would be returning to the Agency from which I retired just 3 months ago after 38 years of Federal service in the Army and with several Department of Justice agencies including the DEA, the INS, and Interpol.

At one time or another, I think most of us have dreamt about being placed in charge of the organization where we worked. If we worked there for a while, we appreciate which aspects of the system and organizational culture are top notch, but we can also identify some things might be done differently and better. If I am confirmed as Director, you will be placing me in a fortunate situation. As a knowledgeable former member of the agency's senior staff, I believe I am highly qualified to preserve the best aspects of a proud Agency that has a distinguished 61-year history, while making improvements to operational efficiency, motivating employees and volunteers, and boosting morale.

The Selective Service System is a superb Federal agency with dedicated people doing terrific work, but there is always room for improvement. I know how the Selective Service System operates. I understand its importance to national defense readiness as America's only proven defense manpower insurance for a major crisis. I stand ready to make any needed improvements to the Agency's structure and defend its budget and necessary existence as a key component of national defense readiness. And, because of personal experiences involving duty, honor, and country in the midst of the horrors of a past war, I also understand and believe in the role that every young must play with regard to Selective Service. I will encourage the 2 million men reaching age 18 every year in the U.S. that they must live up to their patriotic, legal, and civic obligation to help "provide for the common defense" by registering with Selective Service.

With your support, I stand ready to take up the challenges of this important assignment. I thank you for considering me.

Chairman WARNER. The committee traditionally asks all of our nominees the following questions, and your indication of a yes or a no or such other comments you wish to make. I'll go left to right.

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

Dr. CHU. Yes, sir, I believe I have.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. Yes, sir.

Mr. RASCON. Yes, sir.

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

Dr. CHU. No, sir.

Mr. WHITE. No, sir.

Mr. ENGLAND. No, sir.

Dr. ROCHE. No, sir.

Mr. RASCON. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in the committee's hearings?

Dr. CHU. Yes, sir.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. Yes, sir.

Mr. RASCON. Yes, sir.

Chairman WARNER. Will you cooperate in providing witnesses in response to congressional requests?

Dr. CHU. Yes, Mr. Chairman.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. Yes, Mr. Chairman.

Mr. RASCON. Yes, sir.

Chairman WARNER. Will those witnesses be protected from any reprisal for their testimony in such appearances or briefings before Congress?

Dr. CHU. Yes, sir.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. Yes, sir. Definitely.

Mr. RASCON. Yes, sir. Absolutely.

Chairman WARNER. I'll defer to my colleague, Senator McCain, for his opening question.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you very much, Mr. Chairman. I'd like to congratulate the nominees and express my appreciation for their willingness to serve. From what I can gather, all these nominations are noncontroversial but should be expedited as quickly as possible to help get about the important issues and challenges that face us in the post-Cold War era.

Mr. England, in February 1996, the United States Navy in a briefing before this committee said the Secretary of the Navy supports competition for attack submarines. On April 25, 2001, this committee was informed by General Dynamics, which said I want to inform you that General Dynamics has tendered an offer to acquire Newport News Shipbuilding. It mentions several points, provides significant savings for the government, both nuclear shipyards will be retained, and will consider highly skilled workers as a national security asset. No layoffs are planned. There is no competition in nuclear shipbuilding nor is it feasible. What is your view?

Mr. ENGLAND. Senator, this is a critical issue. It obviously needs to be examined, but I have not worked in this area, sir. I have not reviewed these facts, but I would be happy to do so, if confirmed, and I will indeed, sir, take this action and get back to you on this subject.

Senator MCCAIN. I remember I said at that time in this committee that there would be a disappearance of competition in nuclear submarines. It is a fundamental economic principle as to how to reduce costs and to provide competition. I would hope you may be able to subscribe to that. The fact is we are not going to have competition in nuclear submarines as was patently obvious as we see this trend continue, which will then increase the cost to the taxpayers.

I'd like to ask the three nominees for Secretary of the Air Force, Army, and Navy, beginning with you, Mr. White, do you believe we still have excess military infrastructure that can and should be reduced in the military?

Mr. WHITE. Senator, I do, based upon a preliminary review of the base structure and recent discussions and also preliminary or previous information that the department has provided.

Senator MCCAIN. Mr. England.

Mr. ENGLAND. Yes, sir. I believe all the studies have indicated since the last BRAC that there is excess infrastructure. Our approach will be to await the outcome of the strategic review, see what's required for the new force going forward, identify if we have

excess at that point in time, and recommend work with this committee in terms of actions that should be taken.

Senator MCCAIN. Dr. Roche.

Dr. ROCHE. Senator, I don't know all the details but certainly my sense from initial briefings are that that there is excess capacity. Where I come from, it is only the sensible thing to do if you have asset that is not earning for you, you close it down, you shut it down, and you get as efficient as you possibly can.

Senator MCCAIN. Mr. White, do you believe it is the best interest of the Defense Department to authorize additional military base closures and realignments to better align our military base structure to meet the requirements of the post-Cold War era?

Mr. WHITE. Yes, I do, Senator, subject, as Mr. England has outlined, to the outcome of the strategic review and decisions on what the appropriate structure is to support that strategy.

Senator MCCAIN. Mr. England.

Mr. ENGLAND. I support the statement that Mr. White has just made, sir.

Senator MCCAIN. Dr. Roche.

Dr. ROCHE. My sense is I would have to take a look at things, talk to Secretary Rumsfeld. I know what his views are, but again, if there is excess capacity, we will find ways to dispose of the excess capacity. BRAC is the way to do it and BRAC should be done.

Senator MCCAIN. Mr. England, do you intend to recuse yourself from decisions that have to do with General Dynamics?

Mr. ENGLAND. I do for those areas specifically where I have knowledge, sir. I cannot do this for my whole tenure, of course.

Senator MCCAIN. Yes, you can, Mr. England.

Mr. ENGLAND. Well, sir, I mean in areas where I have no conflict of interest, I would not expect to recuse myself. Where I do have a conflict, obviously I would, sir. If there is a conflict with prior knowledge or involvement, then I would certainly recuse myself. But if there is no conflict, I certainly would not plan to do that.

Senator MCCAIN. Who makes the suggestion as to that conflict, Mr. England?

Mr. ENGLAND. I expect I would at this point, sir, and can support it. I have agreed to ethically follow the requirements of the Department of Defense. I would do what was ethical and proper to do and if it appeared to be inappropriate, then of course, I would not do it.

Senator MCCAIN. In your view. Mr. England, that is not good enough. I hope that we can have discussions on exactly what your recusal will be before your nomination is approved by the full Senate.

Mr. ENGLAND. Yes, sir.

Senator MCCAIN. It is a very big corporation. You have been involved in a lot of issues that affect national defense, and the American people deserve the elimination of any taint or appearance that you may be involved in an issue that affects the future of the corporation of which you were previously employed, and we apply that standard across the board, Mr. England, not just in your particular case. I want to tell you, we need to work with you to exactly define your role in those decisions affecting General Dynamics before in my view your nomination is approved by the full Senate.

Mr. ENGLAND. Senator, I'll be more than pleased to work with you and your staff. I am pleased to do that, discuss this, and resolve it with you, sir.

Senator MCCAIN. Mr. White, will you not involve yourself in any decisions that include your previous employment with Enron?

Mr. WHITE. I don't plan to and we can discuss that more with you, as Mr. England has suggested.

Senator MCCAIN. Thank you. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator McCain. I'll make two observations. One, I forwarded a letter to the Secretary of Defense late yesterday indicating the need for this, Senator, and of course, I'll advise all Senators, of the availability of the earliest possible briefing from the Department of Defense with regard to both merger bids, one by General Dynamics, the other the Northrop Grumman for the Newport News Shipbuilding Company.

It is important for this committee to involve itself in terms of looking at that impact on our national defense and the impact, as the Senator said, on the shrinking industrial base as that relates to competition. So as soon as I am informed of the Secretary's availability of those briefings, I'll make that fact known to the committee.

Senator MCCAIN. I thank the Chairman.

Chairman WARNER. I would point out that Mr. England, you have undertaken to do everything required by the Department of Defense, the OGE, and the committee with regard to your past affiliation with certain employers.

You have retired from General Dynamics and you will divest all the stock in General Dynamics, am I correct on that?

Mr. ENGLAND. Yes, sir, you are correct.

Chairman WARNER. You will purchase a security that will guaranty the ability to pay for a pension?

Mr. ENGLAND. Yes, sir. That's correct.

Chairman WARNER. Thank you very much. The Senator from Georgia.

STATEMENT OF SENATOR MAX CLELAND

Senator CLELAND. Thank you very much, Mr. Chairman. May I say that I want to thank you and Senator Levin for calling this important nomination hearing. Given the position of General Dynamics, it reminded me of Golda Meir's statement that she only wanted three generals from the United States—General Electric, General Dynamics, and General Motors. From time to time, we call on our private assets to help us out and that is what really matters.

May I say that I'd like to thank Mr. England and Mr. White and Dr. Roche for coming by to visit with me before the hearing. I am sorry that time didn't permit me to visit with Mr. Chu and Mr. Rascon. We look forward to that opportunity in the near future.

All of you have my support, and I thank you for your service to our country. The nominations that we consider today are critical. These nominees are another layer of civilian control over the military as described by the Constitution. Not the *Atlanta Constitution,* the real Constitution.

Dr. Roche, I do thank you very much for yesterday's visit. I appreciate the discussion we had regarding a bee in my bonnet about

the future of our Air Logistic Centers. You and I agreed that we need to maintain the capability to sustain our current, most important weapons systems, especially our future weapons systems. As you noted, the key to our survival of our ALCs is the partnership, I want to underscore, that partnership between the private sector and the public sector. As I really do look at, shall we say, the total assets of the United States to deal with national security or defense matters, it is obvious we have had a massive shrinking of the American military, about a third since the end of the Cold War and a massive shrinking in the private sector of power, of our, shall we say defense base. It does make sense to me then that these two great entities all focused on defense, public sector and the private sector in effect learn to work together in partnerships and as Ben Franklin said, better to hang together than hang separately. So I do think that the key word in the future for so many aspects of our defense involves the partnership between the public sector and the private sector because I don't think either sector can do it all, and we get the best bang for the buck and the best value for our military servicemen and for our country when we work together, so I just thought I would emphasize that. I think you are on board with that.

Dr. ROCHE. I am, Senator, very much.

Senator CLELAND. Partnership between the private sector and public sector. However, the public portion of this commitment must be real. As such, I would like to again outline some of the commitments that you and I agreed upon yesterday.

One, thank you for your commitment to meet with representatives of the ALCs, visit the ALCs and meet their community partners and appropriate congressional delegation members.

Dr. ROCHE. Yes.

Senator CLELAND. Second, you committed to visit the ALCs which you visited a number of times, I know you have in the past, but we would appreciate that one more time. That's correct?

Dr. ROCHE. Yes. I'll visit as one of the partners on the private side, but if confirmed, this time as the leader on the public side.

Senator CLELAND. I think your expertise on coming across the line and having an understanding of both sides of this partnership is going to be of great value to the United States. You committed to provide a strategic plan for the ALCs as you got into this matter and looked at it from every point of view that you would want to look at it, is that not correct?

Dr. ROCHE. Yes, sir. I also committed to try to get at least a draft to you by the end of this calendar year.

Senator CLELAND. Thank you very much. Finally, you committed to review the Air Force's current strategy, which I don't agree with, of not building weapons in the ALCs. Actually putting the new weapons systems from my point of view, in the ALCs?

Dr. ROCHE. I committed to it. I don't know what it says.

Senator CLELAND. I did notice that we were unfortunately sending a lot of our older facilities, our older weapons systems to the ALCs and the newer weapons systems, the ones that we really rely on when we go to war were not particularly in that chain. Particularly with the C–17 and the F–22. But thank you very much for

your commitment, and I look forward to working with you in that regard.

Any thoughts that you have that you would just like to share about the ALCs? For instance, do you think the Air Force needs its air logistic centers?

Dr. ROCHE. Senator, we absolutely agree. In the long run, the government must have its own facilities, own shipyards, its own ALCs. There is a whole series of reasons that we discussed from technology, being able to maintain technical excellence for companies to move into generations where we have fielded forces and a partnership that I have had as a business person at Northrop Grumman with Warner Robins is one I am very proud of. It has worked very well. I think the issue that we both agree on that I am going to work with you on is twofold. First, how do we get the capital investment into the ALCs so they are ready at the appropriate time. We say we don't know when that appropriate time is when something is in its early stages, an airplane has to stay close to the contract, warranty period or somewhere. Somewhere there has to be a transfer for the long haul maintenance and upgrades in partnership with the private sector to the ALCs.

The second issue that I have asked was that we have to find the careers in the ALCs are something people are proud to do, to be able to attract sharp young people and keep them. I thank you personally for your help in the program that the Air Force has, I just was briefed on in middle Georgia to find some super young people. Now, it is up to individuals like me to make sure the career is good enough so we can keep them.

Senator CLELAND. Just one more question.

Chairman WARNER. Senator, you take your time.

Senator CLELAND. Thank you very much, Mr. Chairman. Mr. White, thank you very much for your service to your country.

Would you like to share with us your plan for committing one true Army out of the three components, active Army, Army National Reserve, and National Guard?

Mr. WHITE. Well, Senator, if confirmed, the historical relationship between the active Army and the Reserve component is a critical one that I intend to promote and sustain. National Guard units are today deploying side-by-side with active component people in Kosovo and other places around the world. The Reserves have been reshaped into a combat service support force which I completely support. It integrates them better into the total force and the affiliation between National Guard divisions and active Army corps I think is a very positive one, so if confirmed, I intend to spend a lot of time with the Reserve components promoting that relationship.

Senator CLELAND. Thank you very much for your insight. You just mentioned in my own home State, the close working relationship between Fort Stewart and the great infantry division there, and the 48th Brigade. They have both shared duties back and forth going back and forth to Kuwait and the Balkans and so forth, and we appreciate your dedication to all three of those branches of our Army.

Let me just ask one question for all our service secretary nominees. An article in the newspaper reports that all services claim

the current budget keeps the military on a death spiral for forced future base closure. I am not a supporter of BRAC, but I do believe there are a number of things the military can do to streamline its infrastructure without closing bases wholesale here in the United States. Two CINCs, General Ralston and General Schwartz, have testified before this committee recently that closing a significant number of bases in both Korea and in Europe would enhance effectiveness, efficiency, and quality of life.

Also, programs such as the facilities reduction program that eliminates excess infrastructure on installations without necessarily closing those installations achieved results without incurring the costs of BRAC.

Are you, Mr. White, willing to support streamlining military infrastructure overseas if it is requested, or at least consider it, if it is requested by the appropriate CINC, as a way to achieve infrastructure savings before we look to close bases here in the United States? Any feeling on that?

Mr. WHITE. Senator, I would certainly support the CINCs' requirement to consider that. The CINCs are our customers, and we would take a hard look at anything they suggest in regard to the infrastructure.

Senator CLELAND. Thank you very much.

Mr. England.

Mr. ENGLAND. I think that is appropriate. They are our customers. We certainly take their recommendations and look at them in the context of those capabilities. I certainly would consider that, sir.

Senator CLELAND. Thank you very much.

Dr. ROCHE. Senator, I believe any excess capacity should be done away with. If it can be done in a sensible way, fine. Whether it is done overseas first or home first, I don't think one should follow the other. I think they should look at any excess capacity and find ways to not ask the taxpayers to be paying for it. The proper means to do it will be requiring a great deal of homework.

Senator CLELAND. We have a distinguished group of panelists today, and they have my support. Thank you very much.

Chairman WARNER. We thank you, Senator. You make a very valuable contribution to this committee and you draw on a wealth of experience. You have served yourself with great heroism in the United States Army.

I am going to take a few minutes, Chairman's prerogative, to make an observation or two and then ask a question or so.

First, in my 23 years here in the United States Senate, coincidentally, my distinguished colleague, Senator Levin and I came to the Senate together, we have watched many wonderful people come into the position to which you have been designated and appointed by the President. I anticipate in due course there will be confirmation by the Senate. But I'd like to say that having had the privilege of being in that seat many years ago, nominated for the position of Secretary of the Navy, and having the intention at that time of serving 2 years, once I was there, I recognized what a great challenge and a great opportunity it was and I spent over 5. So I don't quite know how long your careers will be but don't set a terminal date at this point in time. Because once you are in, you will be

seated in the front row of the greatest action that faces this country and challenge of any of us. You are working with the President of the United States in the role of Commander in Chief of the forces of this Nation, and you are working with the Secretary of Defense.

We convened this hearing in a very friendly atmosphere, convivial handshake among you. Once you are confirmed, you are going to have to take the gloves off and fight for your respective services. When the concept of the Department of Defense was put together roughly in 1947, three military departments were established. From that point on, the service secretary, together with the chief of the service, are principal advocates of that service. But as I reminisced with Secretary Rumsfeld this morning, when I was Secretary of the Navy, he was in the White House and was the top assistant to the President.

You are expected to take on the Secretary of Defense on behalf of everybody from the four stars down to the privates and the sailors and the airmen. Fight hard for resources. Fight hard for your department, and make your department the best within the structure of the totality of the Department of Defense. Dr. Chu has taken a note, and he should, because he is going to be one of the referees. Very often, you have to work through him to get to the Secretary. You will have your one-on-one time with this distinguished Secretary and the Deputy, and all I have to say is to fight hard for your department.

Now, Mr. England.

Mr. ENGLAND. Sir.

Chairman WARNER. On behalf of the Navy, and I have raised this issue this morning with the Secretary. We have a declining number of ships, roughly 315 today. When I sat there 30-plus years ago, we had over 700. We have come down from some high limit, and that is a long way.

Yet, several things have not changed. First and foremost, this Nation is basically an island surrounded by two great oceans. Second, our concept of defense is one of forward deployed defense. We can thank God every day that our shores have not been crossed by an invading force since 1812. But that is because of the protection the seas have given us. The fact is that we engage first and deter threat far beyond our shores in the hopes that whatever may occur can be settled there, if necessary.

Now, the Navy is the lifeline to convey the ground forces and to convey the supplies of the forward deployed armed force. Yet today we have this declining number of ships. The oceans and the need for forward deployment is still there, although wisely, I think, this President will lessen it in a prudent way in consultation with allies.

That is the life line and the link. Also, the economic strength of this country is dependent on overseas trade and the protection of the sea to the world, and that responsibility falls heavily on the United States Navy. Now, do I have your commitment, and do you give it to the committee and indeed Congress, to fight hard to see that that level of ships, whatever it might be, that the President and this Secretary of Defense determine, is obtained and the nec-

essary requests to Congress for authorization to build those ships are submitted?

Mr. ENGLAND. Yes, sir. I can assure you I will work very closely with the Secretary of Defense in support on his strategic review. I frankly do not know the exact number of ships, but it is bothersome that the number has continued to decline, and that at the current rate, my understanding is that we will be down to 240 or thereabouts out in 15 or 20 years. It is an area of great interest to me. It will be one of the very first topics to look at in the shipbuilding account—how we fund those accounts, what the right number of ships should be, and what the right mix of ships should be. So this is one of my priorities, sir. We will look at this as part of the strategic review.

I can assure you if we have needs in those areas, we will definitely come back and seek the advice and counsel and help of this committee. You have my commitment to work with you in that regard. The very highest priority of mine is to look at our shipbuilding accounts, sir.

Chairman WARNER. I thank you. Mr. White, with regard to the Department of the Army, you will find as you go there that the Army has paid the price. This is not a political statement, but in the last many years, as a matter of fact, the declining defense budget started under President Bush, follows our current position and for 12 to 13 years we had consecutive declines in the defense budget. That was reversed some 2 years ago. I commend this committee for its initiatives in reversing that.

The point is in those years of decline, the Department of the Army really had no recourse other than to draw down on their procurement, draw down in many ways on their infrastructure, whether it is the modern weapons or the buildings and the barracks which would deteriorate and indeed in your department. Now, that had to be done to find the funds with which to engage our forces beyond many fronts, notably, heavy expenditures involved in Kosovo. The Army also announced their plan for a transformation. They are recognizing that much of the doctrine, equipment, and other aspects of the Army have properly been devoted to the former Soviet Union, the Warsaw Pact, and the threats in Europe. At the same time, the Army continues to have very heavy obligations on the Korean Peninsula.

Now, with the change of the concept of engaging forces and the diversity of threats, the demise of the Warsaw Pact, and breakup of the Soviet Union, the Army quite properly decided to transform from the bottom up. I ask for your commitment to go in and reexamine what has been done thus far on the concept of that transformation, and where necessary, put your own imprimatur on the President and that of the Secretary of Defense on the success of that transformation. Do you have a comment?

Mr. WHITE. Sir, I completely agree with you. Within the context of the national strategy that the Secretary is developing, we have to make sure the transformation of the Army conforms with that, and does so in a way that gives us the smooth transition from where we currently are to where we must be 10 years from now with the first unit equipped with the new systems coming along and sustained readiness, so the first step in my opinion is agree to

the national strategy, the security strategy, and the land power component of that strategy and then conform the Army's transformation to it, and then get on to making that vision a reality. You have my commitment that that will be a top personal interest of mine.

Chairman WARNER. I think my colleague, Senator Levin, and other members of the committee will observe that in the past 2 or 3 years in consultation with previous secretaries of Defense, we pointed out that the costs of that projected transformation as originally laid down by the previous administration, simply did not match other budgetary considerations. You have to bring into alignment, fight hard for your share of the budget and some more, but you have to bring into alignment the projected costs and the budget allocation being given by the Secretary of Defense.

Mr. WHITE. I will do that, Mr. Chairman.

Chairman WARNER. Dr. Roche, I think you are the first sailor in history ever to take over the Department of the Air Force, am I correct?

Dr. ROCHE. I don't know, Senator. I may be the first dumb sailor to take over the Department of the Air Force, however.

Chairman WARNER. That is a novelty in itself. You have a heavy responsibility in the following: the aging of the aircraft. Again, the Secretary this morning pointed out and the perception that there is no nation that is going to put forward an aircraft comparable to the F–22, the other models of procurement now. Heavy decisions have to be made in that area. I am not suggesting how they are to be made at this point in time.

In my judgment, it is imperative that the United States of America maintain the superiority in the sky.

We could not have achieved our successes in very challenging military operations without air superiority. Similarly, our submarines have made the seas something the United States rules.

The F–22 has the capacity, by virtue of its stealthiness, its super crews, and its advanced weapons and sensors, to really motivate an opponent never to try to build a plane that is going to be comparable. It just isn't going to happen. Presumably, we will build this plane, and we will keep improving it. It also means that an opponent will recognize for the first time that we can have stealth aircraft over opposing territory and be able to attack anything that may be heading towards our troops and meet those aircraft in the enemy's territory, not on our territory.

Dr. ROCHE. That is unique in the history of air warfare, Senator. I very much believe in that program, but there is an issue of aging aircraft across the board that is troubling.

Chairman WARNER. I am now going to yield to Senator Levin. My next round of questions is going to relate to quality of life for the men and women of the armed forces. We cannot hope to achieve any of those goals without their continued commitment which this force has had since its very inception.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman. This committee has a relatively new subcommittee, called the Emerging Threats and Capabilities Subcommittee, which is looking at the new threats we face following the end of the Cold War, particularly the terrorist

threats both from nations, individuals, and groups. The subcommittee focuses on the asymmetric threats that we face both here and abroad. This committee has had many hearings on this subject. There are hearings being held now in the Appropriations Committee on the question of how the Federal Government should be organized to meet the terrorist threat and what is the proper role of the Department of Defense in that organization.

As the chairman mentioned, our shores have not been crossed by an invading force for almost 200 years. But our shores have been crossed and breached by terrorists, both on the Atlantic, at the World Trade Center, and in the Pacific with the efforts of some terrorists to come here. They were caught, thank God, before they were able to use their terrorist instruments. That probably had something to do with the events in Seattle which were scheduled. So we do face real new threats. I would just hope that as our new service secretaries you would spend some time focusing on those emerging nontraditional threats. The ones that are real and the ones that have been used. They are not just here. Our shores have been breached, overseas against our forces. The U.S.S. *Cole* is one of the more recent examples. Also, recall the terrorist attacks against our embassies that we had in Africa. I am just wondering whether or not our nominees have any comment on that and whether you agree that you are going to need to spend time and resources addressing these emerging and asymmetric threats that I just described?

Mr. WHITE. Senator, I think it is clearly a matter that requires time and resources. We intend to do our part, if confirmed, to deal with that from an Army perspective. I know Secretary Rumsfeld has discussed this with you in his hearing, as has Deputy Secretary Wolfowitz and we are all concerned about it and we will give it the appropriate attention.

Mr. ENGLAND. Senator Levin, of course, the Navy is already keenly aware of this issue after the U.S.S. *Cole*. I understand that they are taking steps and you have my assurance, if confirmed, sir, that this will definitely be at the top of the agenda. This is obviously a threat, not just here in the United States, but overseas. All of our bases and not just that, but of course families. This is indeed a serious problem and will indeed get my attention and it will receive necessary resources. So if confirmed, we will be working with you, sir.

Dr. ROCHE. Senator, I know that Secretary Rumsfeld and Deputy Secretary Wolfowitz have worried about this problem. As a member of the staff of this committee, I have seared in my mind that there were members of this committee who warned me of terrorism. I can tell you exactly where I was when that explosion occurred. I take this very seriously.

Senator LEVIN. There is going to be a whole focus on modernization, transformation, and more traditional challenges than we had but this is the new great tranche. We are going to need your attention to this at the same time we are trying to transform and at the same time we are trying to modernize and meet the more traditional threats. So, I welcome that commitment on your part to address the emerging threats and the terrorist threats that we have seen and already operate against us.

Dr. Chu, one of the more frequent reasons that have been given by service members for leaving the service is the large amount of time away from home that is currently being demanded. What new initiatives, if any, are you planning if confirmed, to manage this increased personnel tempo?

Dr. CHU. Thank you, Senator. I appreciate that this is often cited and, indeed, I think Congress has provided new legislation on this matter. If confirmed, I look forward to working on this as a priority issue to understand the optempo problem and what we might do best to confront it.

Senator LEVIN. It is been often said that the military recruits individuals, but retains families. Spouse employment is a significant issue when it comes to retaining families. I am wondering what initiatives you are going to take in order to try to improve the situation for spouses?

Dr. CHU. I agree with you, Senator, that the department can do a lot better on this front. I think there are two areas that we can look at more vigorously. One is whether the department could be of greater assistance, specifically regarding opportunities in the federal sector and with the Department of Defense itself. Second, can we harness new technologies available to provide better information and referral sources to these individuals?

Senator LEVIN. Let me ask all of our nominees for service secretary this question. There have been some discussions in the press that Secretary Rumsfeld intends to institute a board of directors-type of approach to manage the services and the services' major appropriations. I am wondering if each of you who have been nominated to a service secretary position would describe your understanding how that board of directors-approach is going to function?

For instance, is the board of directors going to manage major acquisition programs? Will the department, do you believe, be seeking changes in legislation that mandates a direct reporting change for major acquisition programs from the service acquisition executives to the Under Secretary of Defense for Acquisition? What do you understand to be meant by this board of directors approach and how would it apply to major acquisition programs? Why don't we start with you, Dr. Roche?

Dr. ROCHE. Senator, thank you. The secretaries talked about having a senior management committee which would consist of the three of us as you see, plus the Under Secretary of Defense for Acquisition, to be chaired by the Secretary himself and Mr. Wolfowitz. The point of this is to bring together the business part of the department, not the operational part. It is a chance for us to show jointness at the very top, Senator, to work together where we can work together.

There are times when we need to rationalize our research and development programs. By virtue of our backgrounds, we have cross knowledge of the other services. I will be looking to Gordon for his wisdom on things. He may even ask me a question now and then.

The point is we would be working together so that when we have a position, whether it is R&D or something else we go forward. I see no need for change in legislation. This is the executives of the department the Secretary is nominating to you and if we are con-

firmed, to give us a fixed process to improve the processes in the building. So for instance, we are looking at overhead costs of the defense agencies. Can we get that down? Can we find the best practice in reducing costs and be more efficient in our own service to have a share of that? Can we resolve difficulties between the services at our level? We see just lots of examples whereby the close relationship continuing that has been fostered by the way we have gone through Pentagon 101 together, that this is something that is very good. Yes, we will compete and I wish Senator Warner were here because there are times Gordon and I have competed against each other very heavily but we know there are times it is in the best interests of our country to be able to support each other to do the right thing.

Mr. ENGLAND. I think Dr. Roche articulated that very well. Hopefully with the senior management team we will be able to examine policies, procedures, and benefits at the top. We need to be wearing two hats, one as service secretary, one as part of the senior management council. In my own judgment, we do this a lot in the business world for the sake of efficiency and effectiveness. It should be effective as part of managing the Department of Defense and my view was this was necessary, frankly, at least for me to consider coming to this position so that we could indeed look at efficient practices within the Department of Defense. So again, I would echo what Dr. Roche said. This should be very effective. It should not require any change that we know of, at least at this time.

Senator LEVIN. Mr. White.

Mr. WHITE. I agree with what Mr. Roche and Mr. England have said. The concept is to have a small body that operates like the executive committee or the management committee of a corporation and dealing with things that are truly important, particularly from a business perspective for the department, and deal with them in an effective way because this committee will involve all of us on a personal basis without a great deal of staff or bureaucracy associated with it, so I am quite excited about the prospects of it and if confirmed, I look forward to participating in it.

Senator LEVIN. My time is up.

Senator INHOFE. Thank you.

Senator LEVIN. Senator Smith is next.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. I think we have arranged I will be next. As I said at the very beginning of this, Senator Smith and I are both on another committee. It happens to be a committee that I chair, the Transportation Committee, at the same time so I will try to get my questions in and I won't be able to return, if that is all right.

First of all, Dr. Roche, I'll say to all of you I appreciate the time you have given me and helping me in becoming familiar with you. It is the first time I can remember a team coming in, all of whom know each other and respect each other and will be working together and also working very closely with the uniformed services, so I am just real pleased that all of you are going to be here. We all understand the difficult issue of depot capability. You and I talked about this, Dr. Roche, in my office. I have never, I have always thought that a formula, 50/50, 60/40 is somewhat arbitrary

but nothing better has come along. I understand that while in my absence Senator Cleland asked if you would be willing to make some tours around to become familiar, and I want to make sure that Tinker Air Force base is in that tour.

Dr. ROCHE. Absolutely, Senator.

Senator INHOFE. With this problem, one of the problems we have in the ALCs is everyone agrees we have to keep a core capability in our ALCs and in shop. At the same time, we have not modernized them to the degree that we have to go. If we are to have competition, we would have to do modernization before that can take place. In our new modern platforms, they have been outsourced and those are the platforms that would be most dependent on if a war should come along and I'd like to have your remarks on the record as to your feelings about the future of the ALCs and how you see it.

Dr. ROCHE. As I said earlier, Senator, and I thank you for the question, I believe based on my experience that there will always have to be naval shipyards and ALCs. That the government has to have that. We build equipment now that lasts a very long time. There is a period in the time of life of a system when it has to be close to its contractor. You are making early changes. You are in a warranty period. There is a long period of time of sustained maintenance, sustained overhaul, upgrades, program improvements, et cetera, that typically have relied on the government facilities and I think always will. The key is that this is not us versus them.

My own experience working with Warner Robins and I know the experience of my firm working with Tinker on the B–2 program shows examples of where we both can work together for the betterment of the system. The ALCs will be the long-term institutions that will in fact be doing the maintenance.

You raised two points, sir, that are quite right. First, we have to find a way to modernize the capital equipment without punishing the particular program and loading the costs of that on to a particular program. I don't know the accounting processes that are used in the department, and I'll be learning them, but I think it will be wrong to worry about equipment becoming more expensive.

The second issue that the ALC faces is exactly what is faced by the scientific engineering and by people in the defense industry that we are soon to lose the people who have the corporate memory of how to do this exquisite work, and we are talking about very high-tech in a number of cases. We are going to lose those folks because they are nearing retirement. We have to find ways to attract young people both the defense industry and ALCs and to retain them and in the Air Force itself both civilians and military we have to find ways of having scientists and engineers who are there who can be part of this larger process working with the ALCs.

Senator INHOFE. I appreciate that very much. As Chairman of the Readiness and Management Support Subcommittee, I have been around and done a lot of hands-on work at the various installations around the world. I have come to the conclusion that everything is hemorrhaging, not just one or two things. I am talking about quality of life, modernization, force strength, all of the above, but the Chairman mentioned a couple of things in his questioning

that I had in mind that on some of these systems, there is this euphoric attitude that has always been out there that somehow, well, maybe we have problems in the military but what we have is better than anybody else has. Well, that is not true any more. I was very proud and wanted to get on record with you that General John Jumper, the first one to come up and admit that with the SU series coming out of Russia that some of the people in China at this time, have air-to-air capabilities that we don't have. So modernization is going to be necessary. General White certainly in the area of artillery and rapid fire, we are not number one and we are inferior in our systems. The system that I hear as I go around to the Army bases that is most needed and is the crown jewel right now and that would be the Crusader program. I'd like to have you share with us your feelings about Crusader.

Mr. WHITE. Senator, as you have mentioned, the Army in my history has been traditionally outgunned in indirect fire systems. We never adequately addressed that in the 1970s and 1980s. We have currently fielded a variety of a Howitzer that was first built in the early 1960s. To the extent that the strategic review relies upon land power as a critical component and those decisions have not been made by the Secretary, the ability to deliver long-range precision munitions from an effective modernized launcher to me is critical to the application of land power. So I intend to spend, if confirmed, a great deal of time examining the Crusader program. It is a program the Army has funded within its budget lines and made the sacrifices to do so and it would seem to me that it is fundamental not only to the existing force but the future of the transformed force as we go forward.

Senator INHOFE. Well, I appreciate that. I may be making the same request of you as I did to Dr. Roche to come out and see some things.

Mr. WHITE. I commit to you that I will personally visit Fort Sill and observe the side-by-side comparison as I think Senator Warner and yourself and other members of the committee have done, if confirmed.

Senator INHOFE. I have asked Chairman Warner if I can take a little bit longer since I will not be having a second round. I'll be chairing the other committee. Just real quickly if I could.

Senator LEVIN. Let me ask Senator Nelson. He was next.

Senator INHOFE. Just another couple minutes. First of all, rather than get a long answer here, we may want to ask the answer to be on the record, but, and that is the issue of encroachment. Just in this morning's *Los Angeles Times* it says after 7 years in the Marine Corps, Sergeant Johnny White of Newark, New Jersey has a new skill, tortoise spotting. White is among 30 noncommissioned officers certain to make sure that no desert tortoises are harmed. I have gone to Fort Bragg, to Camp LeJeune, and other places. It is a very serious problem. That is just one form of encroachment. All of your services will be facing this. The one I would single out, I'd like to get your, including you, Dr. Chu, your response to the encroachment problem, what you plan to do about it, including everything including spectrum.

But what I would like to have just from this meeting here and perhaps starting with you, Mr. England, one of the serious en-

croachment problems we have is in our live ranges around the world. They are disappearing, and the most critical one right now for east coast deployment is that of Vieques. We have looked to see and found that there is no alternative site for live fire to Vieques which means if we send our troops over they will be arriving into a battle environment without any live fire training. I would like to know your feeling about Vieques and then the others, if there isn't time, to do it on the record. Because this is not just a Navy issue. If we allow that to be closed because of public pressure, that is going to affect every Air Force range, every Army range, even in my State of Oklahoma, Fort Sill, so if you can respond in terms of the significance of the range of Vieques in your opinion?

Mr. ENGLAND. Senator, my background experience is that all teams scrimmage, whether it is a football team or basketball team. They all have to scrimmage and if you don't have a chance to scrimmage as part of practice, you don't do well when it comes to game time. The discriminator for the United States' Armed Forces is our training. Our training is superb compared to other countries so that is very important to us. The ability to scrimmage before we go into combat is very important, so the range issue is a critical one for all the services. Vieques is perhaps the first one that we have really faced in detail, but this will be an issue that we will have to address across the Department of Defense with my colleagues. It is one that we will have high on our agenda. Complex issues are going to have to be worked, but definitely high on our agenda. It is critical that we be able to train our forces. Vieques is very important because today is the only base we have for the United States Navy and Marine Corps to do combined training.

Senator INHOFE. My time has expired and I thank Senator Nelson for his patience here. I look forward to working with all five of you. I think this is a great unified group that is going to get us out of some of the problems we have right now. Thank you so much. Senator Nelson.

STATEMENT OF SENATOR BILL NELSON

Senator BILL NELSON. Where will we train if we don't train in Vieques?

Mr. ENGLAND. That is the issue, sir. We do indeed need facilities to train. I have not myself been able to look at any alternatives. My understanding is that that is a critical issue today because that is the only base we have to do combined training before our sailors and marines are deployed overseas.

Senator BILL NELSON. The United States has given its word with regard to a referendum. The United States being there, and politically working the ground on what is going to be the outcome of the November referendum. If the referendum goes against the United States, we are out, according to our agreement, so what do we do?

Mr. ENGLAND. Senator, I am going to have to defer until I have an opportunity to really get into this. I frankly only today have a perceptual view of this, but I will indeed put this on my agenda.

Senator BILL NELSON. That is fair. If you would share with me your thoughts when you draw that conclusion. I have asked that question of a lot of active duty United States Navy folks and I don't get a definitive answer at this point.

Mr. ENGLAND. Senator, I'll tell you, if and when confirmed, I will definitely work this with you. This is an important subject. Again, I have not had the opportunity to work as I have not been allowed to until confirmed, but if confirmed, I'll definitely get back with you, sir.

Senator BILL NELSON. Let me plant another seed. There is an issue of whether or not we will have a nuclear aircraft carrier stationed in Japan. That, of course, is a sensitive issue from the military standpoint. They would prefer to have a nuclear carrier. But if the decision of the administration is not to replace the carrier that is over there with a nuclear carrier, the likely conventional carrier is the U.S.S. *John F. Kennedy,* which is stationed at this time in Mayport, which is in the City of Jacksonville. My concern at that point, if it is the U.S.S. *Kennedy* that goes to Japan in 2008, that we not have a Navy policy on the east coast that there is only one port for carriers, as opposed to keeping the two ports that we have now. I'd like any of your thoughts on that.

Mr. ENGLAND. Senator, I am not at all familiar with this issue, having not heard this issue discussed, so again, I'll just have to take an action item for you, sir, and get back with you, if confirmed, sir.

Senator BILL NELSON. OK. Do you want to comment or do you want to get back later about the deferring of the procurement of the T–6 training aircraft?

Mr. ENGLAND. I definitely need to get back with you on that, sir.

Senator BILL NELSON. Let me ask all the three service nominees a question that you all can answer. All of you have very distinguished backgrounds, particularly in aerospace and defense. As you come to this position of responsibility leading this portion of the Defense Department, how do you protect against your conflicts of interest with your former employers? Why don't we just start with you, Mr. White.

Mr. WHITE. Well, I think first of all, Senator, we are obligated to follow both the letter and the spirit of the law in terms of potential conflicts. I totally intend to do that. Second, I am coming from an energy company, Enron Corporation, which has a very slight relationship with the Department of the Army and a very small one with the Defense Department. I will personally commit to you to avoid any, even appearance of conflict in terms of any future relationship that Enron might choose to have with the Department or attempt to have with the Department.

Mr. ENGLAND. Senator, my background is General Dynamics, and of course, I am very active in the defense business. I have agreed to divest myself of all of my holdings in General Dynamics, all defense companies, and all companies that do business with the Department of Defense in order to have a surety bond against my retirement. I have two retirements: General Dynamics and Lockheed Martin. Both of those would be bonded so I would have no reliance on those companies. Where there is a conflict of interest, I definitely would recuse myself.

However, General Dynamics is in a lot of businesses and businesses keep consolidating so over time, you move away from much of the knowledge regarding what many of those companies are doing. So where there is an obvious conflict, where there is an obvi-

ous problem, I will recuse myself. But hopefully, there are many situations where you can deal in the real world with these companies as time goes on because there are very few companies left that do defense business in the United States. So I do not believe you can completely recuse yourself from everything dealing with your former company. Certainly where there is an evident conflict, one would recuse oneself, and I would do that, sir, and sever all economic ties to my previous employers.

Dr. ROCHE. Senator, just as when I was the Democratic staff director of this illustrious committee, I severed all my ties with the Navy and there were naval officers that noticed that. We have a mandatory retirement of 65. I am 61. I am too old to return back to my company. I will have sold all stock, all interest, I will have severed all ties and I don't see a situation where I would have to recuse myself under those circumstances because I will abide by the law and I will do the job of the Secretary of the Air Force with Secretary Rumsfeld and under President Bush as ethically as you can imagine.

Senator LEVIN. Just to add one thing, you also are putting up a surety bond?

Dr. ROCHE. Absolutely. Yes.

Senator LEVIN. Relative to your retirement?

Dr. ROCHE. Yes, sir.

Senator LEVIN. Just to complete the record. Thank you.

Senator Carnahan is next. A number of Senators are going to run over and vote and try to get back in time, but Senator Carnahan, I think you have the time here.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. I would like to thank the distinguished panel here and thank you for the straightforward manner in which you have answered the questions that have been presented to you. Dr. Roche, I'd like to ask you this question. I am concerned about the age of our long-range bomber fleet. The B–52 program is halfway through its 80-year life span. The B–2 program is 30 years old. The average age of these aircrafts is 22 years. Can you tell the members of this committee about the Air Force's plan to sustain our long-range bombing fleet?

Dr. ROCHE. Senator, first of all, coming from Northrop Grumman, we are the builders of the B–2 bomber and my part of the company actually produces the radar for the B–1 bomber and the electronic warfare on the B–52. Up to this point and not presuming confirmation, I keep my day job. I don't know what the Air Force's plan is. I have made sure that they have not briefed me on anything that might be a competitive situation but, if I may offer a personal view, ma'am, one is that we use the word bomber these days really to mean large aircraft. Smaller aircraft are also bombers. We are talking about delivering weapons from the sky to the ground but a bomber, or any airplane that launches a standoff cruise missile, is also a bomber. The average age is between 22 and 25 years as has been briefed to me. I believe, given our desires for range and payload, that we are going to want to have this be a vibrant arm for the future. That consists of a number of things. It consists of appropriately putting the weapons on to provide a mul-

tiplier effect for those platforms, so for instance, there are some exciting proposals in the case of the B–2 bomber to make it an exquisite bomber dropping extraordinary precise weapons and carrying lots of them because we can be so precise, we can go to smaller tonnage.

Similarly, there are proposals to have our B–52s not penetrate but be just big trucks carrying standoff cruise missiles. In the long run, we should be starting, in my own personal opinion, research on an advanced bomber beyond that, one that can go at high speed, one that can go alone, and one that is appropriate for the strategy that will come out of Secretary of Defense Rumsfeld's review.

Senator CARNAHAN. Thank you. I was just wondering, too, how might our aircraft requirements change if the Department of Defense reassesses the current two major theater war strategy?

Dr. ROCHE. It depends on the outcome of the review, ma'am. It is unlikely that we will all of a sudden decide we don't need air power. Air power is there but I believe that one of the things that Secretary Rumsfeld is trying to get us to think through, is what is the basic business of our services, our departments with regard to the strategy. My own sense is the Air Force is the business of global reconnaissance and strike. Strike may be delivering Army troops, but the reconnaissance part is one that you have seen emphasized by Secretary Rumsfeld in the recent weeks by concentrating on space and making it the point that we need space for operations of the Air Force, Army, and Navy. It is at this level that I see change coming. It is a change in the emphasis and I think it is long overdue, ma'am.

Senator CARNAHAN. Mr. England, I understand that the Navy's F–14 program is over three decades old and the Navy is now procuring more F–18s to replace the older generation aircraft. Could you discuss with us your views on the importance of modernizing the Navy?

Mr. ENGLAND. Senator, I am not at all familiar with the plan of replacement. I have not had that insight into the Navy yet, but certainly support modernization for all of our weapons systems, surface, subsurface and air, so modernization is obviously important for the country, for our military. However, I am not familiar with the specifics of any given program.

Senator CARNAHAN. How do you feel that the joint strike fighter will complement the F–18?

Mr. ENGLAND. Senator, I just have not had the briefings to have that conversation. I would be happy to have it with you if confirmed, Senator.

Senator CARNAHAN. One final question, Mr. White. Historically the Army has not always been able to meet its military maintenance and repair requirements. This has caused diversions from base operations and training funds. Should you be confirmed, would you consider this issue as the Army draws up future budget plans?

Mr. WHITE. Senator, I think it is a critical issue to deal with and I will give it my attention.

Senator CARNAHAN. Thank you, Mr. Chairman.

Senator LEVIN. Thank you, Senator Carnahan. Mr. Rascon, on draft registration, do we need to do it any more or do our all-volun-

teer forces seem to be recruiting sufficiently? Our retention is getting better. Why should we maintain this registration process which is costly and doesn't serve any purpose?

Mr. RASCON. Probably the most important thing that we need, we need a deterrent that is going to be there in case something does come about. We end up talking about a situation right now in which this country may face a terrorist threat. It may not. In 1941, we weren't ready for a war. Korea came about. Vietnam came about. We ended up with the fact that we had to come back and get young men ready quickly into the military.

Senator LEVIN. Regardless of whether divestiture is required by law, it has been our policy. Total divestiture rather than recusal because we really want DOD officials to be free to manage the department.

Now, have each of you complied with that policy first of all, or are you going to comply with that policy?

Dr. ROCHE. Yes, sir. All 37,200 stocks, I will not own one of them. Certainly none of the defense stocks or anybody who does business with the Defense Department.

Mr. ENGLAND. Yes, sir.

Dr. CHU. Yes, sir.

Mr. WHITE. Yes, sir.

Senator LEVIN. Nobody who does business with the Defense Department?

Mr. WHITE. Regardless of how de minimis that relationship might be.

Dr. ROCHE. I will divest my Disney stock.

Senator LEVIN. You are going to have to figure out any company that does business with the Federal Government?

Dr. ROCHE. Yes, sir. It is on the Internet. They have been informed they will execute that, if I am confirmed.

Mr. WHITE. Makes you worry about a company that is not on the site.

Senator LEVIN. Makes me worry about the recusal, frankly, because if a company does business with the Defense Department, no matter how little, that isn't on that site, then apparently we are supposed to know about it even though it is not on the site.

Dr. ROCHE. The site is updated periodically and when a financial advisor or those of us who may choose to buy stock, we are required to check that site first.

Senator LEVIN. Is that then the end-all and be-all of that site? If it is not on that site, you are safe? Is that your understanding?

Dr. ROCHE. Yes. We are not going to do anything dumb.

Senator LEVIN. Is that a commitment?

Dr. ROCHE. That is a commitment.

Senator LEVIN. I think there has been some testimony this morning which is slightly different from what we just heard from Mr. England particularly. I think you suggested that you may be recusing yourself relative to matters that General Dynamics has ongoing with the Defense Department even though you totally divested yourself in General Dynamics. I would suggest the following—that this be clarified, that you get us the answers to that question, particularly you, Mr. England, given your answers are slightly different, I believe, than the other nominees. You talk to

your ethics officer in the Defense Department and see precisely what your policy is going to be on that and that you give us a written answer to that question within the next 24 hours, if you can. It shouldn't take you long. I think we do need some clarification from you on that issue because I think if you did disqualify yourself on any matter involving General Dynamics, that would then raise a question about the others who are going to continue or who are not going to disqualify themselves in matters involving their former companies because they totally divested themselves of any interest in those companies.

Mr. ENGLAND. Sir, I will be pleased to give you a written statement. First, let me clarify for you. I will divest myself. I have agreed to this, certainly from every company that does business with the Department of Defense. I have taken all the surety bonds. My only comment was since I recently left General Dynamics, matters that may have been under consideration, that I was involved with while still with the company, those I would recuse myself from because I could have a conflict in terms of knowledge.

Senator LEVIN. What's the conflict if you no longer have an interest in the matter? I don't want to disagree with you. I want you to get some advice from the ethics officer from the Department of Defense on that issue because that may be a different standard than others are applying and we are going to have different standards and that is not going to be helpful. This is an issue which seems to be done in a way which is consistent. There is a policy and I would suggest that you would consult your agency's ethics officer before you are confirmed to get exactly what your position is, and that you share this with your colleagues who are here this morning so that they know exactly what your position is going to be, and provide a written answer to the committee as to what your position is going to be on that.

[The information requested by the committee, as well as a subsequent letter clarifying the committee's position follows:]

10 MAY 2001

Honorable John W. Warner
Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Honorable Carl Levin
Committee on Armed Services
United States Senate
Washington, D.C. 20510-6050

Dear Senators Warner and Levin:

I received the attached letter from the Acting General Counsel at the Department of Defense outlining the actions to be taken by me to avoid potential conflicts of interest once I have been confirmed and appointed as Secretary of the Navy. It is my understanding that once I complete all actions required of me within 90 days of my appointment, I will be authorized to participate in all actions to be performed by the Secretary of the Navy including matters involving General Dynamics and Lockheed Martin. I will not be required to recuse myself from any matter as Secretary of the Navy.

Sincerely,

Gordon England

Attachment

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

MAY 1 0 2001

Mr. Gordon England
30 Windward Court
Fort Worth, TX 76132

Dear Mr. England:

This letter provides additional information to you, as the nominee to be the Secretary of the Navy, regarding potential conflicts of interest with General Dynamics Corporation and Lockheed Martin Corporation.

To avoid conflicts of interest, you have agreed to divest, or otherwise extinguish, all financial interests in those corporations, as well as all other entities that do business with the Department of Defense, within 90 days of your appointment. Until those financial interests are extinguished, you may not participate personally and substantially in any particular matter that would have a direct and predictable effect on the financial interests of those corporations. Afterwards, since you would no longer have a financial interest in those corporations, you would not be required by statute to recuse or disqualify yourself from taking official actions involving those corporations.

In addition to the conflicts of interest statute set out in section 208 of Title 18, United States Code, you will have a "covered relationship," as defined by §2635.502(b)(1)(iv) of title 5 of the Code of Federal Regulations, with the corporations listed above for a year starting from the date of your resignation from those corporations. Therefore, where circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality in a particular matter involving the above corporations or persons represented by them, you may not, for a period of 1 year from the date of your resignation, participate in such particular matters, unless in accordance with section 2635.502(d), it is determined that your participation in a particular matter outweighs the concern over an appearance of a loss of impartiality.

After you sever your affiliations with these entities, such a determination will be made with respect to the described covered relationships. The determination will state that the interest of the Government in your participation in all of the duties that must be performed by the Secretary of the Navy, which may involve particular matters in which the above mentioned entities are or represent specific parties, outweighs the concern that a reasonable person may question your impartiality in the matter. In carrying out your duties, you will be authorized to participate in all of the functions that may be performed by the Secretary of the Navy, notwithstanding that these corporations may be a specific party or represent a specific party to a matter.

In summary, after you sever your financial interests in the above corporations, you will not be required by statute or regulation to disqualify yourself from taking official action that involves either or both of the above corporations.

Sincerely,

Daniel J. Dell'Orto

Daniel J. Dell'Orto

JOHN WARNER, VIRGINIA, CHAIRMAN

STROM THURMOND, SOUTH CAROLINA
CHAIRMAN EMERITUS
JOHN McCAIN, ARIZONA
BOB SMITH, NEW HAMPSHIRE
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RICK SANTORUM, PENNSYLVANIA
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JEFF SESSIONS, ALABAMA
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BILL NELSON, FLORIDA
E. BENJAMIN NELSON, NEBRASKA
JEAN CARNAHAN, MISSOURI
MARK DAYTON, MINNESOTA

LES BROWNLEE, STAFF DIRECTOR
DAVID S. LYLES, STAFF DIRECTOR FOR THE MINORITY

United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510–6050

May 18, 2001

The Honorable Alberto Gonzales
Counsel to the President
The White House
Washington, D.C. 20502

Dear Judge Gonzales:

In the course of the Armed Services Committee's May 10, 2001, nomination hearing, a number of Senators raised questions and concerns regarding potential conflicts of interest, divestiture, and recusal by the President's nominees to serve as Secretaries of the military departments. We are writing to clarify the Committee's policy on these issues.

As a general matter, the policy of the Committee with respect to senior civilian positions within the Department of Defense is to prefer divestiture to recusal as a means of avoiding potential financial conflicts of interest. The reason for this approach is that excessive recusal may inhibit the official's ability to do the work of the position to which he or she has been appointed. For this reason, the Committee requires nominees for positions subject to Senate confirmation to divest all of their holdings in firms doing business with the Department of Defense and to purchase a surety or insurance policy to sever their reliance upon pensions, deferred compensation, and other interests that cannot be divested. These requirements are more stringent than those imposed by executive branch conflict of interest standards and result in the removal of all financial interest a nominee may have in a company doing business with the Department of Defense.

We are aware that Section 2635.502 of the Executive Branch Standards of Ethical Conduct prohibits an executive branch employee from participating for one year in certain matters regarding an entity with whom the employee has a "covered relationship", even if he or she has divested all financial interest in the entity and therefore has no conflict of interest. The General Counsel of the Department of Defense has waived this requirement on a blanket basis for nominees coming before this Committee based upon a determination, in accordance with the regulatory standard, that the interest of the Government in the nominee's participation in all of the duties of his or her office outweighs the concern that a reasonable person might question his or her impartiality.

We would like to clarify that the Committee does not insist that the recusal requirement in Section 2635.502 be waived for nominees, and that any determination to waive this requirement is the responsibility of the executive branch. If any waiver determination has been made by the Department of Defense regarding a currently pending nomination on the basis of an

understanding that the Committee would insist that such a waiver be granted, we believe that the Department should revisit the issue.

At the same time, we are concerned that the application of the one-year recusal requirement in Section 2635.502 on a "matter-by-matter" basis could be particularly problematic in the case of former officers, directors, or employees of major defense contractors, which contractors have a financial interest in hundreds, if not thousands, of matters coming before the Department. The process of identifying these matters and determining whether or not a recusal or a waiver should be required could be extremely time-consuming and complex.

We are also concerned by language in Section 2635.502 which states that a federal employee who receives a waiver from the recusal requirement "may not thereafter disqualify himself from participation in the matter on the basis of an appearance problem." This language appears to eliminate any possibility of a middle ground, under which an appointee could receive a blanket waiver covering routine matters, and still be recused from a particular case in extraordinary circumstances in which the appointee felt it appropriate to do so.

We believe that you should review the requirement of Section 2635.502 for federal employees to recuse themselves on the basis of "covered relationships" (in the absence of financial conflicts of interest), in consultation with the Office of Government Ethics, the Department of Defense, and other appropriate federal agencies. This review should ensure that the rule is written and applied in a manner that effectively evaluates a nominee's conflicts of interest and impartiality on matters relating to "covered relationships," but also ensures the integrity of federal programs and operations without imposing unreasonable limitations on the ability of these employees to do their jobs.

Thank you for your attention to this matter.

Sincerely,

Carl Levin
Ranking Member

John Warner
Chairman

cc: The Honorable Donald Rumsfeld
Secretary of Defense

Senator LEVIN. My question for each of you is the following. Will you consult with your agency's ethics officers, if confirmed, to determine what circumstances, if any, require you to recuse yourself from specific decisions of importance to either or any of your departments?

Mr. WHITE. I will, Senator.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. I already have, Senator, and there is only one.

Senator LEVIN. My question is will you?

Dr. ROCHE. Yes, sir.

Mr. RASCON. Yes, sir.

Dr. CHU. Yes, sir.

Senator LEVIN. In addition to that, we will need your statement after that consultation prior to confirmation. Share it with your colleagues here and give it to the committee so we can all be following a consistent policy here. My colleagues who were not able to make

it back after the vote, I know are on their way. We are going to recess for a few minutes until one of my colleagues gets back to continue the hearing. Congratulations, and again thank you, and thanks to your families.

[The committee stood in recess.]

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. The committee will come to order. I would note my meteoric rise from least senior member of this committee to the temporary chair. It gives me a great sense of power. I want to first welcome all of you here today and give you my personal thanks for your willingness to serve your country. I am particularly delighted to see my friend, Mr. Rascon, here today.

We first met last December on a trip with then Secretary of Defense Bill Cohen, when we were visiting the troops in Bosnia, Kosovo, Germany, and Macedonia. His telling of the story of how he came to be a Medal of Honor recipient so moved the young men and women who were serving in those very remote outposts. I know his family is very proud of him, and I am delighted that he has been nominated for this position. I also want to note that his son, Alan, is having his birthday today—so this is a very special day indeed.

Mr. England, I want to follow up on some of the comments made by the committee's chairman, Senator Warner. I believe that strong leadership is needed to address the declining naval shipbuilding rate and our shrinking industrial base. You and I had an opportunity to discuss this issue briefly in my office, but the numbers are truly very troubling. The Navy has shrunk from a fleet of 595 ships in 1987 to approximately 315 today, while during that same period, deployments have increased by more than 300 percent. Moreover, the regional CINCs have repeatedly warned that the fleet is stretched perilously thin and needs to be increased, by some estimates, to a 360-ship Navy to meet present mission requirements. Moreover, at the current low rate of production, the cost per ship is going to increase and the efficiency of our yards will go down. The numbers are just as clear as they can be. At the current rate of investment, our Navy is heading toward a 200-ship fleet, which by every study that I have seen is alarmingly inadequate. So I raise this issue publicly with you only to bring to attention to what I see as a critical need for rebuilding and recapitalizing the naval fleet. What are your thoughts on the current rates of production and what are your thoughts on what we need to do to rebuild the fleet?

Mr. ENGLAND. Senator, I know the rates are low in the industrial base. I also understand that is costly. I do know the number of ships is going down and I heard the number of 240 ships at our current rate. I do not know what the size of the fleet should be. I have heard the report that the CINCs have requested 260 ships or thereabouts. So I do not know the specific number. We will wait for the outcome of the strategic review, but shipbuilding is high on my agenda.

This is the United States Navy, so ships, of course, are the foundation of the Navy. I made the comment in your office, without ships it is like a football team without footballs, so we definitely

do need ships in the Navy. That number, I don't know the specific number, but it is high on my agenda. It is a priority. It is an area we will look at very carefully. We will work with Secretary Rumsfeld to define this but if indeed there is a need for ships, I will definitely make it a priority to go work this issue of added ships and working with this committee, with you, and the chairman to do that. So if confirmed, I will definitely work with this committee and on this issue.

Senator COLLINS. Thank you. You mentioned the strategic review that is currently under way. I have been very concerned by press reports which suggest that the DD–21 is being targeted by this review. This is puzzling to me, given that it incorporates the kinds of leap-ahead technologies that Secretary Rumsfeld and the President have embraced. I just want to alert you to the fact that today, along with the majority of the members of the Seapower Subcommittee, including the chair, Senator Sessions, and the ranking minority member, Senator Kennedy, and our majority leader, Senator Trent Lott, that I have sent a letter to Secretary Rumsfeld raising our concerns about press reports that the DD–21 is endangered and putting out what we believe are the very strong reasons for proceeding on schedule with this very important new weapons system. I know you have not had a chance to review this issue, but I did want to alert you to our concerns and to the very strong support that the DD–21 has in this committee and in this Congress and Senate. So I just want to put that on your radar screen as something that I hope you will get back to us on with a very positive response, very early in your tenure as an outstanding naval secretary.

Mr. ENGLAND. Definitely, I will definitely get back with you. I appreciate the effort, Senator. We will respond as quickly as possible.

Senator COLLINS. Let me switch to another issue, Mr. England. Currently, our P–3 aircraft is an integral part of our current war plans' patrol and reconnaissance programs, but the P–3 is getting old. The platform is roughly 25-years-old and while the aircraft avionics upgrades have kept the plane relevant and viable in today's threat environment, many believe the air frame itself is reaching the end of its useful service life. Now, I am aware that there is an ongoing service life assessment program that is studying air frame fatigue issues, and that currently there is an ongoing analysis of alternatives underway to look at a multi-mission aircraft (MMA) as a follow-on to the P–3 program. The CINCs rely on the P–3 to perform their roles and missions every day. I'd like to know what your thoughts are on the MMA program as a follow-on contender for the Navy patrol and reconnaissance missions.

Mr. ENGLAND. Senator, that is definitely an issue I have to look into, if confirmed, and get back with you. I will get back with you and confirm it.

Senator COLLINS. Thank you. Mr. White, all of the services are currently under review to transform and move the military force into the 21st century. I understand the transformation efforts, particularly the Army transformation, are already under way. But there are obviously still opportunities and challenges ahead. The Army, in particular, has been criticized that its current units and

systems are not nimble enough to respond to today's threats. In your judgment, will the current Army transformation plans yield the kinds of military forces and changes that we need to remain capable in the 21st century?

Mr. WHITE. Senator, from my brief review of the transformation plan as it is currently laid out, that is, the central focus of the plan is to produce at least equivalent survivability and revalidate with considerably less strategic weight so that we have a far more agile force. As we shift strategic emphasis from the European theater where it has been during the Cold War to the Pacific theater and the distances stretch and the geography changes, that it is strategic mobility that will be an essential challenge on the Army to outline a transformation program so that the Army can arrive at a first unit equipped in a reasonable time frame at an affordable price. If confirmed, I'll make that a central effort to be personally involved in.

Senator COLLINS. Thank you. I know that my time has expired and the chairman has returned so I will turn over the gavel. I do want to say, Dr. Chu, that I do have a question for you that I am going to submit for the record. It expresses my concern about reports that 50 percent of DOD's civilian acquisition work force is going to be eligible to retire in 2005, and that really concerns me as far as brain drain and loss of expertise to the Department. So for the record, I am submitting a question to you that I would appreciate your answering.

Chairman WARNER. That is a very important subject, and each of our nominees should be fully aware of that fact.

Senator COLLINS. Thank you, Mr. Chairman.

Chairman WARNER. Senator Smith.

STATEMENT OF SENATOR BOB SMITH

Senator SMITH. Thank you, Mr. Chairman. I must also apologize to the witnesses. A number of us have a simultaneous hearing going on in another committee with Secretary Mineta and we have also had a vote. Welcome to the Senate. Get used to it.

Dr. Chu, there was a report, I am not sure of the date, it may have been yesterday in the *Washington Times* about four recently-authorized or expanded peacekeeping missions in Africa that will account for a huge increase in peacekeeping missions. Officials estimate the final cost of peacekeeping for the 12-month period ending June 30 could rise as high as $22.6 billion, compared to the $1.7 billion a year earlier. There was great controversy in the last administration about these peacekeeping missions, specifically a lack of budgeting which ultimately consumed readiness. Are you prepared to deal with this shortcoming in a straightforward manner so that the military readiness programs will not suffer?

Dr. CHU. Yes, Senator. If I am confirmed to this position, I would look forward to exactly that.

Senator SMITH. How would you do that or recommend doing that? Would you do so via a supplemental budget for peacekeeping or budget for it in the defense budget or transfer the role of peacekeeping missions to the State Department?

Dr. CHU. Senator, as your question suggests, President Bush and the current Secretary of Defense have committed themselves to try-

ing to reduce these burdens, not increase them. That is obviously the first step. To the extent that the missions are foreseen, I think it is preferable to build them in the budget. I recognize the Department has tried from time to time to put forward the notion of a contingency fund against unforeseen circumstances of this kind. It has not always gotten a warm reception to that notion, and I think if a contingency line is not feasible, then I think the Department needs more promptly to ask for money in order to deal with it.

Senator SMITH. Gentlemen, there is debate about "peacekeeping" missions—whether or not they are a legitimate role for the military. I think this will be a continuing dialogue as we move forward in the budget process. Unfortunately, I didn't have the opportunity to sit down and speak with each of you. The wait accompanying your nominations has precluded time to talk privately prior to this hearing. With that in mind, it is not my intent to surprise anyone, but just get it on your radar screen.

Let me start with you, Mr. White. I have had a long-standing interest in the Kinetic Energy Anti-Satellite (KE–ASAT) program. KE–ASAT is a program that we have had under the Army for a number of years. Not to brag or take the blame, but I pretty much kept the program alive single-handedly. For the last 10 years it has been line-item vetoed and reprogrammed. I am concerned because there is another $40 or $50 million needed to get three kill vehicles tested. Unfortunately, there are still problems with that program and I want to bring it to your attention. General Shinseki has been very cooperative with me but there are still people in the program who don't believe in the program and people who do believe in the program who can't get into the program. That is not good for management of this program. I am concerned because I have thought about it and fought for it for so long that I am about ready to recommend a drastic change. I am ready to say if the Air Force is going to be the lead agency on space and that is the direction of reforms, then maybe it is time to move KE–ASAT out of the Army and put it in the Air Force where someone will believe in the program. I want you to understand my concern and frustration. It is the only program that I know of that can incapacitate a satellite. I know I will be proven right when these kill vehicles are tested. I feel so strongly about it and the way that it has been going that if the recommendations seem to fit and the Army is not going to be supportive of getting this program back on line, then I would suggest looking at the Air Force. I apologize for doing this publicly, but I feel so strongly about this issue.

Mr. WHITE. Senator, if confirmed, if you would give me a chance to examine the program before you took precipitous action, I would appreciate that.

Senator SMITH. I will do that. Again, I think what the Secretary was talking about in his press conference, and I don't want to put words in his mouth, but the idea was that somehow we need to try to collate things in terms of our space program. Their oversight is spread all over the Defense Department, as responsibility for the programs is spread all over different committees in Congress, but it is an example of a program that I think has been delayed because of actions prior to your tenure, obviously.

Mr. England, let me ask you one question. Military-to-military exchanges are a big controversy now. The Secretary addressed this issue the other day, briefly saying he was going to look at exchanges on a case-by-case basis. The information that I have had on these exchanges over the past several years has been that the military-to-military exchanges seem to benefit the Chinese more than they benefit us. They get to see more than we did. I would ask, when you are confirmed, to take a good, hard look at these military-to-military exchanges to see whether or not they are necessary to provide the Chinese with that kind of access. Given the latest things that have happened on Hainan Island, I would hope that you would look at that policy and whether or not they deserve access to our military installations when they are holding one of our aircraft hostage, if you will, in their country.

Mr. ENGLAND. Senator, I will get involved in this subject. Yes, sir.

Senator SMITH. I think it is one way to get their attention proving we don't tolerate this sort of thing. Could I ask one more question, Mr. Chairman?

Chairman WARNER. Absolutely.

Senator SMITH. I know my time has expired, and I apologize for that. Mr. England, I spoke to your predecessor, Secretary Danzig, briefly before he left office on the LCDR Michael Speicher case—the missing Navy pilot, first pilot shot down at the end of the Persian Gulf War. We can't go into a lot of detail here in an open session, but I just would ask you to receive an intelligence briefing on this and make sure that you are briefed thoroughly. There are some details that are quite astonishing. Secretary Danzig was so concerned about it that he recommended, and President Clinton approved, a change in the status of Commander Speicher from KIA to MIA. An unprecedented action, based on intelligence that had been revisited. I really believe that it is something you need to be briefed on. When you look at the number of issues you are going to have on your plate as you step in there, this could get lost. But, I believe it is a very important issue, and I urge you to look at it very carefully.

Mr. ENGLAND. I will make sure it does not get lost, sir.

Senator SMITH. Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Mr. Smith. I appreciate your coming down from your other hearing. We have been here for 2 consecutive hours. I think it might be advisable if we all stood for 2 or 3 minutes and as soon as I see you back in your seats, we will resume the hearing, which I hope will be 2 or 3 minutes. Thank you.

[The committee stood in recess.]

Chairman WARNER. The committee will come to order. I'll start with Mr. Rascon. I feel very strongly that not only has the President chosen wisely in your nomination, and indeed I think you had a chance to meet with Colonel Les Brownlee, Staff Director of the Armed Services Committee, and who was in that same engagement and wounded 3 days before you. He is a tower of strength on this committee. He has been here for many years. I hope he stays many more. But any way, the Selective Service System is essential. We always have to be reminded that the draft in World War II was ap-

proved by one vote from one single member, one vote that enabled that draft to be put in place just on the eve of Pearl Harbor. Anyway, the oceans have given us a certain amount of protection and time with which to prepare for engagements. We had it in World War II fortunately, but now with modern communication, modern transportation, spread of terrorism, we may not have the luxury of that time, so should a major crisis befall our Nation, we would have to turn immediately to the Selective Service System to provide men and women to come forward to serve in uniform. So, you have a very important function.

Mr. RASCON. Yes, sir.

Chairman WARNER. This committee takes seriously its oversight of your organization and we know that you will have access to me and members of our committee and our staff whenever you deem it necessary.

Mr. RASCON. Thank you very much.

Chairman WARNER. Now, you served as Inspector General of that system. Do you have some recommendations in your mind now that you are likely to bring about in the system, and also, would that require legislation?

Mr. RASCON. If confirmed, the best thing about becoming a director will be the fact that I have been there before. I served there for 5 years and I ended up making observations. It is an agency that is well-equipped to do what it has to do, but there is always room for improvement. I think the most critical thing we have right now is with young men who have to come back and register. We end up with an 88 percentile of individuals registered for the Selective Service. We would hope that we would have it up to at least 90 percent. We find that those individuals who do not register do it with good cause and sometimes we end up with young individuals that are not aware of the fact that that is mandatory for them to do, and once they find out hey, let's do it, and it is really simple. The sad thing about it is that most of the time, these young men are not aware of the fact that they have an obligation to register. I think it is going to be important for us to come back and look at where the weak points are or we have to come back and focus, what state, what county, and make sure that we get the word out to these young men that they have a mandate to register for the Selective Service. I think by doing that, we should be able to come back and facilitate the need to come back and have at least a 90 percentile of individuals registering for the Selective Service once again, sir.

Chairman WARNER. As these service secretaries will be able to advise you hopefully after they are confirmed in their jobs, their challenge to meet the special skills requirements of the respective services is one of the biggest problems they have. We have enjoyed, certainly up until 6 months ago, an extraordinary growth in high-tech industry. Hopefully, that will return because it is on the cutting edge of America. But we are short frequently because of the growth of the civilian sector of high-tech in our military services for individuals who were trained in high-tech. They are given a number of offers when they have to make that critical decision. Do they go on for another 4 years or do they go out with their families and believe me, let me tell you, the decision to stay in the military is

made around the dinner table at night. When I was in uniform sometimes a sergeant made the decision, but that is gone long ago. You may have to have congressional mandates for special skills. It is interesting, I love military history. My father served in World War I as a doctor in the trenches, wounded and highly decorated. I am just so highly proud of his service to the United States. But he was in the United States Army Reserve. The United States Army Reserve was created shortly after the turn of the century for one purpose, and that was to have a cadre of doctors to meet the requirements of this country we faced with a war. Indeed, it did happen in 1917. That is our situation in that war. So you have to be prepared. Have you given some thought to that? That is not going to be an easy one.

Mr. RASCON. I have, sir, personally, because I have worked at the Selective Service and have been exposed to the intelligence community where I was an Army officer, there is a viable threat sometimes that we might not be aware of. I think that is one of the things that is hitting us right now in the head is the fact that if something happens, we have to be ready for anything and any emergencies. We end up with individuals who might be drafted, but again they end up with one common skill. We have to be able to come back and mandate through Congress to have a specialty, such as doctors and nurses, ready to come and be on board in case of a national emergency. If it is mandated, that is something that we will be able to come back and have ready to go, but to me, I think it is very important.

Chairman WARNER. You will, subject to confirmation, shortly make public what you are going to do along those lines, because I think advanced knowledge to the young men and women that if there is a serious problem, because of their skills, they could be among the first to be drafted. Am I not correct?

Mr. RASCON. That's correct, sir. That is why it is important that we talk to each other as when I was in the infantry school: cooperate and graduate. I think that is very important.

Chairman WARNER. That still works.

Mr. RASCON. Yes, sir.

Chairman WARNER. Now Dr. Chu, in your written responses to the committee's questions, do you agree the Selective Service Board should review substantiated relevant information of an adverse nature which could affect the judgment of those having to make the decision on those very important boards and be a part of the deliberative process.

Dr. CHU. Yes, sir.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. Yes, sir.

Mr. RASCON. Yes, sir.

Chairman WARNER. The service secretary plays a very key role in the selection boards and there is nothing really—I wouldn't say nothing, but it is vital to the career of the professional military that those boards be viewed and in actual practice are conducted in a manner to give the maximum degree of objectivity and fairness. Because they, together with their families, that made commitments of periods of time of service, accepted the hardships associ-

ated with that service, indeed the risk associated with it, the separation from family, and there is nothing more exciting that comes along than a promotion this side of the ocean, so take that responsibility as one of your greatest and most important and bear in mind the need to have that fairness, objectivity, and that they have comfort in that.

Success in recruiting requires our most creative and bold thinking. What ideas do each of you have towards improving our recruiting? Dr. Chu.

Dr. CHU. Thank you, Mr. Chairman. My own take on it is that we in the department need to be in tune with what is appealing to the younger generation, which may not always be the same things that appeal to the older. Maintaining a close finger on that pulse is essential to having a successful campaign.

Chairman WARNER. Mr. White.

Mr. WHITE. Senator, the Army has launched a new campaign, the "An Army of One" campaign. I look forward, if confirmed, to getting into the details of that.

Chairman WARNER. I wouldn't accept it at this moment. I don't know where you are going with this testimony. But the other one worked pretty well. So I want you to do some top-to-bottom analysis in your department, if confirmed.

Mr. WHITE. Senator, I intend to. I was there when "Be All You Can Be" had tremendous success. The "An Army of One" has now kicked off, as you have seen. The message is what you call nontraditional. It leads from an older person's perspective.

Chairman WARNER. I wouldn't take that subject right now for yes, sir, brought up in my absence, we are ruling out any discussion on that.

Mr. WHITE. I will review it, Senator, in great detail because it is so important to the service.

Chairman WARNER. Good. I thank you.

Mr. ENGLAND. Senator, it is not just recruiting in the Navy and Marines. What we have is quality of service, which is quality of life and quality of workplace. It is recognizing the individual, the family, the optempo, all those things go together in making an enlisted career, officer career, or even a civilian career with the Navy or Marine Corps. It is going to be one of my very top goals, as I stated in a letter to you, sir. I think this is very important. The pilots are leaving at certain times and it is not just due to the airlines. I am not sure exactly what it is but it is happening in enlisted ranks as well, and it is of concern to me. I know it is of concern to the Chief of Naval Operations as well.

Chairman WARNER. Thank you very much. If you don't succeed, take a look at the man at the end of the table. You don't want to go to that unless it is absolutely essential.

Dr. ROCHE. Yes, sir.

Chairman WARNER. You see that.

Dr. ROCHE. Yes, sir. I have been thinking about your point about doctors.

Chairman WARNER. Yes, sir. We understand each other. Last week, Mr. England, this committee had a very good and thorough hearing on the subject of the V–22 program that was established by Secretary Cohen. That was a panel that came before this com-

mittee after the second fatal tragic mishap of a downed aircraft in an 8-month time span. The panel recommended the program be restructured but that it proceed. I can tell you at this point in time, I think we have to try and move in that way. Now further, what has to be done with Congress and indeed the Secretary of Defense and his staff. But at this time, speaking only for myself, I think it is essential that that program go forward.

That airplane is not only essential for the Marine Corps and for Special Operations Forces, but in my judgment, it is especially for the country in two aspects. I was a member of the committee that conducted the investigation on the efforts of our Nation to rescue the embassy hostages in Iran. That operation was carefully thought through and planned in many ways, but the nail of the shoe of the horse was lost, but the shoe of the horse became lame, and you know that old joke, don't you. Small technical things occurred, some unforeseen weather conditions occurred, but those old helicopters were all we had to go in there, and this aircraft can be used first as a deterrent, and then if necessary, as an action by our military and our enlisted rescue people who are deep inside hostile boundaries, that get in and get out, and again, in this troubled world which we lead and rising terrorism, it is an asset for the United States.

Second, there is a long history in our country of the United States military having forged their research and development on new types of aircraft that after they have become operational, those aircraft have been picked up and adapted by private civil areas, private sector, and developed into some of our major transport today, and other types of aircraft. If we can prove this technology to be safe and it can be utilized eventually by the civilian community, not only in this country, but there is no other technology quite like it in the world, then we have done not only a great service to our military and to our Nation's ability to perform rescue operations and other types of military operations, but we have enhanced the abilities of our civilian aviation perhaps to get a stronger position in the airplane market of a new type of dynamic aircraft, so this precision has many ramifications. Work has to be done.

I think it best at this point in time, not to press you. I just wondered if you might have views that coincide with mine. If not, you can wait until you are confirmed and then you will be back.

Mr. ENGLAND. Senator, just one comment, sir. My only background and experience, of course, is in military aviation, so here is an area where I believe I can bring my own expertise and management experience to bear and I will do that very quickly. When confirmed, I will definitely get involved in the program because I believe I can personally help the program and will do so and look forward to it, sir.

Chairman WARNER. Good. I thank you. Dr. Chu, again, in a wide range of subjects that I covered and two other Members of Congress who were with me in meeting with the Secretary this morning, he is gravely concerned, as he should be, about the Defense Health Program. It is underfunded in the current year by approximately $1.4 billion. We had a lengthy discussion about the 2001 supplemental budget and the Secretary is committed to that. The

President is now committed to it. You have to work with the OMB to move that forward expeditiously. But a part of that has to be adjusting the existing deficiencies in the military health system. If we don't, military health care services could be curtailed as early as late this summer. I just want to receive your acknowledgment that you are aware of that and that you will put your highest priority on addressing that issue very quickly.

Dr. CHU. Absolutely, Mr. Chairman.

Chairman WARNER. I thank you. Dr. Chu, in your advance policy questions you expressed your knowledge of and support for the Defense Health Program, but we have to also look at the important legislation that this committee put through last year with regard to the retirees, and in no sense should that legislation not be fully and timely implemented. Do I have your assurance, Dr. Chu?

Dr. CHU. Absolutely, sir.

Mr. WHITE. Yes, sir.

Mr. ENGLAND. Yes, sir.

Dr. ROCHE. You have my support, sir.

Chairman WARNER. I know you have an interest in two directions. We have to have a little levity in the system somewhere.

Mr. England, try to listen to me. This is a tough subject but particularly it hits your budget planning and that is in shipbuilding, we have a concept titled advanced appropriations. We have had throughout my career in your department and here in the Senate all kinds of things to apply to the effort to try and not have a full funding impact on the budget. For example, our carriers and our individuals. When you lay the carrier and suddenly your budget has to have that item and it is several billion dollars when we know full well that from keel to launch is a number of years. So Congress is working with the executive branch to see how we can alleviate some of these problems when it comes to budgeting, but not in any way getting around the fundamental reasons for the initial adoption and the full funding concept. So in a little bit of a garbled question, I am telling you that you have to work for this committee and the Appropriations Committee on innovative ideas as to how to fund these very significant programs and do it in a manner that gives them certainty the programs will be carried forward and that your respective departments, I say to each of you, fully recognize the obligation to carry those programs. Is that understood among you?

Mr. ENGLAND. Senator, if confirmed, I am generally committed to working with you.

Chairman WARNER. Dr. Chu is taking some notes because he will be working on that pretty closely. I think we have now covered those questions that I feel are important, for this committee, and eventually, the full Senate, to fully and carefully review these very important nominations. This extraordinary group of individuals that are before us today and their past accomplishments and their potential to serve their country today in these very important positions in these critical times and this world is regrettably becoming more and more a dangerous place. I wish you well. I sort of envy you. I have been asked many times of a 36-year career in public office what is the best job, and Mr. England, it is yours.

Mr. ENGLAND. I have some big footsteps to follow.

Chairman WARNER. During the most intense part of the Vietnam War, and I carry it with me to this day the memory of those periods, the happiness and the not so happiness. Good luck to you and your families.

Mr. ENGLAND. I am looking forward to it, thank you, sir.

Chairman WARNER. The committee stands adjourned.

[Whereupon, at 12:37 p.m., the hearing was adjourned.]

[Prepared questions submitted to Dr. David S.C. Chu by Chairman Warner prior to the hearing with answers supplied follow:]

May 4, 2001.

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

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

Sincerely,

DAVID S.C. CHU.

cc: The Hon. Carl Levin
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

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

Answer. Significant progress has been made, and I believe the Department has largely embraced the spirit of the act.

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

Answer. Reaffirmation and clarification of civilian control, and strengthening the role of the Commanders in Chief of the Unified Commands.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

DUTIES

Question. Section 136 of Title 10, United States Code, provides that the Under Secretary of Defense for Personnel and Readiness, subject to the authority, direction, and control of the Secretary of Defense, shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary and nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve components, and health affairs. As Under Secretary of Defense for Personnel and Readiness, you would be a top leader and manager within the Department of Defense.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. I would expect the Secretary of Defense to look to Personnel and Readiness for stewardship of the human resources of the Department, and to serve as a principal advisor on and advocate for readiness issues.

Question. In carrying out these duties, what would be your relationship with the Assistant Secretary of Defense for Force Management Policy, the Assistant Secretary of Defense for Health Affairs, and the Assistant Secretary of Defense for Reserve Affairs?

Answer. If confirmed, I would hope to work with these officers as a team, to carry out the responsibilities for which the Secretary might hold us responsible, each providing expertise and leadership in his or her area of responsibility.

Question. What would be your relationship with the Assistant Secretaries for Manpower and Reserve Affairs in the Army and Navy and the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment?

Answer. If confirmed, I would hope that I could look to these officers as my service partners in carrying out the human resource obligations of the Department at large, most especially ensuring that DOD attracts, motivates, and retains the quality people it needs.

OFFICER MANAGEMENT ISSUES

Question. As the Under Secretary of Defense for Personnel and Readiness, you would have significant responsibilities with regard to officer management policies, the promotion system, and recommending officers for nomination to positions of authority and responsibility.

Do you believe the current Department of Defense procedures and practices for reviewing the records of officers pending nomination by the President are sufficient to ensure the Secretary of Defense and the President can make informed decisions?

Answer. Yes. The Department of Defense views officer appointment actions as matters of the utmost importance. As a result, the procedures and practices regarding the review of officer nomination packages are designed to ensure that the Department thoroughly vets all officer records prior to forwarding their names for consideration by the President.

Question. Are these procedures and practices fair and just to the officers involved?

Answer. Yes. The Department's procedures and practices are designed to provide safeguards against unauthorized influence, ensure consistency of board practices, and provide for the active involvement of civilian officials in the process. There are numerous avenues available for redress if any officer feels that he or she has been treated unfairly by the promotion or nomination process.

SENIOR OFFICERS

Question. What is your opinion of the military's policy of rotating some of its three- and four-star general and flag officers out of joint duty assignments prior to the completion of 2 years, the general rule established in section 664 (a) of Title 10, United States Code?

Answer. As I understand it, the Department of Defense does not have a policy that forces rotation of three- and four-star general and flag officers prior to completion of 2 years in a joint assignment. I want to assure you that I am fully committed to supporting the fundamental tenets of the Goldwater-Nichols Act and to ensuring that our military career management policies and practices meet the requirements of law. If confirmed, I would be pleased to examine whether actual DOD practices diverge from either what Congress mandated or DOD's own policies.

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values. We are frequently asked to confirm the promotion of officers who have substantiated allegations of misconduct that have not been considered by the boards that selected these officers for promotion. At the same time, the services inform us that they have many highly-qualified officers for each available general and flag officer billet.

What steps will you take to ensure that only the most highly-qualified officers are nominated for promotion to general and flag officer rank?

Answer. I believe that DOD's processes should ensure most careful review of the nomination packages of all officers recommended for appointment to general and flag grades at the highest levels of the military and civilian leadership of the department. Nomination packages that include adverse or alleged adverse information should be intensely scrutinized to ensure the officer is qualified to assume the responsibilities of the highest grade and to perform the duties of the position he or she will fill.

At the same time, I believe we must simultaneously guard against the significant downside of being a "zero mistakes organization." Moreover, many of these men and women have already filled positions of significant responsibility in which they have been called upon to make unpopular decisions. We owe them protection from the effects of frivolous accusations. If confirmed, I will endeavor to ensure that the committee is apprised of adverse information, advise the committee when alleged adverse information becomes known, and ensure that processes enable our best qualified officers to be nominated to general and flag officer grades.

READINESS RESPONSIBILITIES

Question. Section 136 of Title 10, United States Code, gives the Under Secretary of Defense for Personnel and Readiness certain responsibilities for military readiness. However, some important issues that affect military readiness, such as logistics and materiel readiness, have been placed under the jurisdiction of the Under Secretary for Acquisition, Technology, and Logistics. Furthermore, the secretaries of the military services have the Title 10 responsibility for most readiness issues including training, supplying, and maintaining the military forces.

If confirmed, where would the readiness responsibilities of these other officials end, and where would your readiness responsibilities begin?

Answer. While Title 10, United States Code, is very clear regarding the responsibilities of the service secretaries for providing ready forces to our unified commanders in chief, it is equally as clear in defining the role of the Under Secretary for Personnel and Readiness. If I am confirmed as the principal advisor to the Secretary for readiness issues, it would be my job to maintain a comprehensive understanding of all of the components that define the readiness of the Department of Defense to execute any assigned mission, from stabilizing presence to high intensity conflict. I would use the products of our readiness assessment and reporting processes and my oversight responsibility over readiness issues in the budget development and execution processes to ensure our forces remain ready.

Question. What specific readiness issues would you and your subordinates be assigned?

Answer. If confirmed as the Under Secretary for Personnel and Readiness, I would be the principal advisor to the Secretary regarding the readiness of the Department of Defense and I would ensure that our senior civilian and military leaders not only remain apprised of the readiness issues confronting the Department, but also ensure that critical readiness and capabilities shortfalls continue to be addressed by the Department's budgeting and execution processes.

Question. Would you recommend any changes to the current organization to more effectively align some of these responsibilities?

Answer. While making such recommendations at this time would be premature, if confirmed, I would certainly consider recommending prudent refinements to the Department's readiness oversight and management processes as their necessity becomes clear.

CINC IDENTIFIED READINESS DEFICIENCIES

Question. Over the last several years, the Quarterly Readiness Reports that your office prepares for Congress have outlined a number of CINC-identified readiness-related deficiencies. Many of these are listed as Category I deficiencies which entail significant warfighting risk to execution of the National Military Strategy. Although these deficiencies have been reported for the past several years, they have not, as yet, been effectively addressed. This has raised concerns that the requirements of the warfighting CINCs are not being incorporated into the military services' budgets and the Department's acquisition process.

If confirmed, what actions would you take to ensure that the administration, and the military services in particular, provide the necessary resources to address CINC-identified readiness deficiencies?

Answer. Each Category I deficiency should be addressed in the building and review of the service programs, and in their execution plans. As I understand it, the Department is actively engaged in addressing both the long-term "capability shortfalls" as well as traditional service readiness issues.

If confirmed as the Under Secretary of Defense for Personnel and Readiness, I would ensure via the Senior Readiness Oversight Council that our senior civilian and military leaders not only remain apprised of the readiness issues confronting the Department, but also that critical readiness and capabilities shortfalls continue to be addressed by the Department's budgeting process. The Joint Monthly Readiness Review gives a continuing vehicle for assessing deficiencies. If confirmed, I will ensure that P&R remains firmly embedded in this deficiency review process.

READINESS OF ARMY UNITS IN THE BALKANS

Question. Twice in the past 2 years newspaper articles have alleged that Army divisions were "unprepared" or "unfit". All these cases involved divisions which had a brigade in the Balkans and the rest of the division back at their home station. In each case the troops in the Balkans were doing an excellent job at the tasks they were actually assigned to at the time, but the division as a whole would not have been able to get to a major theater war somewhere else as quickly as they otherwise would have.

When General Clark, the Commander-in-Chief who was using the forces in the Balkans, was asked about this issue at a hearing with this committee last year he said the two divisions reported lower readiness "because of the peculiarity of the Army reporting requirement . . . They were not ready to do something; they were already doing it." He went on to say that "this anomaly will be corrected." Since that time the Army has modified its deployment plans so that units engaged in real world missions in the Balkans will not be counted on so early in our war plans.

In your view, do these situations represent a readiness problem, a flaw in the readiness reporting system, or a communication problem?

Answer. In my judgment, the readiness reporting system should be structured to capture the ability of our forces to execute major theater war responsibilities. That could lead to the seemingly anomalous situation of a unit performing well in a smaller contingency at the same time that its ability to carry out elements of major war responsibilities is eroding. It may be necessary for DOD to review how it might better structure the readiness reporting system to capture this reality.

Question. Is it accurate to say a unit that is doing the job you told it to do and doing it well is not ready?

Answer. It may be accurate to say that each unit has been fully and properly trained, manned, and equipped to conduct its deployed missions—and that it has in fact conducted them superbly. At the same time it may also be accurate to say that the training proficiency of a unit for combat missions (e.g., deep attack operations, assault of an objective with fire, and maneuver) may be degraded by an inability to actively train in these tasks over an extended time.

Question. Should our readiness ratings reflect both a unit's capability to do the missions it is actually performing, in addition to its capability to perform the most demanding tasks it may be assigned under the National Military Strategy?

Answer. This may be the solution. I was pleased to learn that the Department established a readiness indicator for small-scale contingencies last year. As I understand it, this new readiness-reporting enhancement requires units to report on both their currently deployed mission as well as the missions that the unit was originally designed to undertake.

OPERATING TEMPO

Question. The services have been very concerned in recent years about the impact of the pace of operations, or "OPTEMPO," on the quality of life of our people in uniform and specifically on their willingness to reenlist.

What steps do you plan to take to address the services' optempo concerns?

Answer. I believe it is widely agreed that the high-tempo level of our service members is potentially detrimental to their quality of life and affects their retention decisions.

If confirmed, I would look forward to making this issue a priority concern, starting with the implementation of Congress' provision on the matter. I believe this will require improved, more timely reporting systems with which to track accurately the nature and extent of the problem. It may also require a better link to DOD's survey efforts, in order to improve our understanding of how optempo affects retention and other personnel behaviors.

IMPROVEMENTS TO READINESS REPORTING SYSTEM

Question. Do you believe the current readiness reporting systems can or should be modified to reflect a unit's ability to perform effectively with the other forces it may need to work with under a unified commander ("joint readiness"), or to predict its readiness ("future readiness") in addition to reflecting its current state of readiness?

Answer. Although I believe DOD's current system is an effective tool, improvements need to be made, of which these are excellent examples.

Question. What steps would you take to address concerns that our current readiness reporting system does not provide this information?

Answer. As I understand it, the congressionally-mandated independent study is expected to offer significant recommendations for improvement. If confirmed, I would look forward to reviewing these recommendations with a critical eye for making meaningful changes that will allow the Department to have a readiness system that reports on the capability of the armed forces to carry out the full range of requirements as indicated by the National Security Strategy. Such a review should pay particular attention to recommendations on improving sustainability reports and reporting by Mission Essential Tasks.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax to be the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA-approved vaccine.

If confirmed, and if additional FDA-approved vaccine becomes available, do you plan to reimplement and continue the Anthrax Vaccination Immunization Policy?

Answer. It is my understanding that, because of constrained supply, the Department has presently slowed the program. It is also my understanding that current plans call for a return to a phased implementation approach to the program once an adequate supply is again available. I have also been advised that Secretary Rumsfeld will receive a full briefing on the program and will make a decision on its continuation and execution at that time. If confirmed as the Under Secretary of Defense for Personnel and Readiness, I would keep myself apprised of the program so that I could provide the Secretary with an honest and forthright appraisal of the program's effect on personnel and readiness issues.

Question. How do you believe the Department should respond to service members who refuse to take the vaccine when required to do so?

Answer. Military personnel are required to take many vaccines. Some are given to all military personnel, while others are for certain occupational groups or geographic assignments. For the affected category of personnel at risk, none of these vaccines is optional or voluntary under current policy.

Service members who refuse to take the vaccine disobey a lawful order and are subject to administrative or disciplinary actions. In these instances, local military commanders apply the principles in the Uniform Code of Military Justice (UCMJ) and the guidance in the Manual for Courts-Martial and Service regulations that apply to other cases involving a refusal to obey a lawful order. This permits a local commander, with no influence from superior officers, to consider each case on its own merits. At the same time, I am sensitive to the widespread suspicion about this vaccine specifically, and about medical force protection generally. If confirmed, I would see it as an urgent task to regain the confidence of service members and their families that the administration of vaccines is in their own best interest.

HOMOSEXUAL CONDUCT POLICY

Question. The current Department of Defense Homosexual Conduct Policy went into effect in February 1994 after months of congressional hearings and debate resulting in the enactment of a federal statute. Although there have been some changes in how this policy has been implemented, the basic policy has not been changed.

Do you believe that the current policy is effective?

Answer. In general, yes.

Question. If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. Consistent with the Secretary's previous statement, and with what President Bush said during the campaign, I understand that there are no plans to recommend changes to either current law or policy.

Question. A DOD working group of senior military and civilian representatives from each of the military services recently proposed an action plan to address the problem of harassment based on perceived sexual orientation and other issues raised by the Inspector General. The review resulted in a 13-point action plan to eliminate all forms of harassment. The Department announced that it would issue a Department-wide directive on this subject.

Do you support the 13-point action plan issued by the Secretary's working group?

Answer. I have not yet had a chance to review the proposed plan but would look forward to doing so, if confirmed.

Question. Will you ensure that the Department issues and enforces an appropriate directive to implement and enforce the action plan?

Answer. Harassment in any form is inconsistent with military values and should be handled quickly and effectively by military leaders. If confirmed, I will review the working group's findings and recommend appropriate actions.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlement. Many of these soldiers, sailors, airmen, and marines say they would like to stay in the service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members would stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

If confirmed, will you give serious consideration to how the Department of Defense could use the transfer of unused GI Bill benefits to family members as a retention tool and provide your thoughts on how we best do this?

Answer. If confirmed, I will ensure that we fully explore MGIB transferability as a potential contributor to better retention and improved quality of life.

DEPARTMENT OF DEFENSE EDUCATIONAL ACTIVITY

Question. President Bush has acknowledged that "soldiers enlist, but families reenlist." The Department of Defense Education Activity (DODEA) schools are a key element of the quality of life for our service members and their families.

What role will the DODEA schools play in the administration's effort to improve quality of life for military families?

Answer. Indeed, children's education and success in school are a top priority for military families and for President Bush. If confirmed, I would look forward to examining how DODEA schools contribute to military quality of life.

Question. The current pay structure for DODEA teachers was established in 1959.

Will you review this pay structure to determine whether it is still adequate and propose changes determined appropriate by your review?

Answer. Yes. If confirmed, I would review the pay structure for DODEA teachers in both domestic and overseas schools and make appropriate recommendations to the Secretary of Defense.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individual's life in the military, is structured and defined differently by each service. Men training for direct ground combat positions in the Army and Marine Corps train in all-male units. Men and women training to serve in positions that are open to women in the Army, Navy, and Air Force train in gender-integrated units. Men and women in the Marine Corps are segregated at boot camp, then integrated during subsequent training.

Do you believe the current DOD policy of allowing each of the services to establish its own policy for gender integration in basic training is effective?

Answer. Each service develops and executes a basic training program to meet its unique mission requirements. In my judgment, service policies with respect to gender integrated training should reflect those requirements.

Question. If confirmed, will you propose changes to the DOD or service policies? If so, what changes will you propose?

Answer. The services conduct basic training for one purpose: to produce physically fit, trained, and disciplined soldiers, sailors, airmen, and marines. Changes would be needed if the services cannot meet that goal.

CONCURRENT RECEIPT

Question. Military retirees with disabilities incurred during their military service are eligible to receive military retired pay from the Department of Defense and veterans' disability compensation from the Department of Veterans' Affairs. However, current law requires that military retired pay be reduced by the amount of the veterans' benefits. Military retirement pay and disability compensation were earned and awarded for different purposes. Military retirees earned their retirement by dedicating 20 or more years of service to our Nation's defense. Disability compensation is awarded to compensate veterans for injuries incurred in the line of duty.

If confirmed, would you support a change in the law to permit disabled military retirees to receive their full retired pay as well as their disability compensation?

Answer. If confirmed I would look closely at that issue, if Congress has not already acted on it, and would look forward to working closely with the committee on this important topic.

CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS

Question. Whenever Defense organizations undergo staffing changes, a review is conducted to determine which positions are "military essential" and which positions can be converted to civilian positions. However, there is no systematic process to review positions in organizations not experiencing such a change to determine whether military positions should be converted to civilian positions. In 1997, GAO, using DOD and service guidance, determined that 14 percent of active duty officer positions were candidates for military to civilian conversion.

If confirmed, will you initiate a review of military positions to determine whether they are truly "military essential" and identify those that can be converted to civilian positions?

Answer. The Department of Defense has undergone a number of changes since the 1997 GAO review. My understanding is that the Department has conducted a Department-wide review of every military and civilian position with a goal of streamlining the workforce through competition. The Department is using that review as a tool to develop A–76 competition plans and to ensure that both military and civilian essentiality guidelines are applied uniformly throughout the components. If confirmed, I would continue to implement Department policy that mandates a review of military/civilian essentiality.

RETENTION

Question. Both Congress and the Department of Defense are fully committed to supporting initiatives that improve our military members' quality of life to influence them to stay in the military. The initiatives include increased compensation and improved housing for families and single personnel. Although these initiatives may increase overall retention, they may not affect retaining those individuals with high demand technical skills. This retention challenge will increase as we train our personnel to support the digitization and automation of our armed forces.

What additional initiatives, other than speciality pay, should the Department consider to increase retention of these highly trained personnel?

Answer. While pay and compensation are critical, retaining a service member and his or her family also depends on high job satisfaction, quality of family life, and quality of service conditions. Controlling personnel tempo, or time away from home, should remain a top priority.

Question. In your personal opinion, what is the greatest challenge that must be overcome in regard to retaining mid-grade noncommissioned officers and mid-grade officers?

Answer. DOD recruits a high quality force, provides first class education and training with associated hands-on experience, and places the challenges of leadership and accountability on its people at a very young age. These are talented and seasoned people and civilian employers, who offer high salaries and a more predictable family life, know this and aggressively recruit them.

I believe we can increase the likelihood of retaining these people in today's strong economy by enhancing job satisfaction—which includes the off-duty as well as the duty environment. High job satisfaction translates to compensation equity, concern for the welfare of families, increased confidence in skills and equipment, and sufficient resources to man and train a world class fighting force.

CIVILIAN PERSONNEL

Question. The aging of the DOD workforce, combined with constrained hiring during the past several years, has created a significant skill imbalance within the Department.

If additional funding to permit additional hiring is not available, what policies, in your view, must the Department implement to revitalize its workforce?

Answer. I believe this is a serious issue facing the Department and, if confirmed, I intend to conduct a review of all aspects of civilian workforce management. This should include the need for some flexibility in hiring and pay systems.

RESERVE COMPONENT DEPLOYMENT

Question. There is substantial anecdotal evidence that members of the Reserve and Guard are tiring of extended deployments, and meeting increased resistance to

such deployments from spouses and civilian employers. The Air Force has instituted a program to put some predictability into deployment cycles.

In your opinion, is this a serious problem?

Answer. I do not yet know enough to judge the seriousness of the problem, but if confirmed, I would welcome the opportunity to evaluate it.

Question. What initiatives would you propose to address employers' concerns?

Answer. If confirmed, I will meet with employers to better understand their concerns so that the Department can craft policies to address the concerns explicitly. I understand that the Federal Government is the largest single employer of guardsmen and reservists. Therefore, I would work with all Federal agencies to ensure that the Federal Government leads by example. The Deputy Secretary of Defense has taken the first step in this initiative by his recent approval of Defense implementation of an Office of Personnel Management policy encouraging all Federal agencies to pay the employee share of health premiums for Reserve component members serving in support of contingency operations.

Question. Do you believe the Air Force program has succeeded in its intent?

Answer. I understand the Air Force's Aerospace Expeditionary Force (AEF) program is potentially helpful, but it's too early to provide a definitive answer.

SENIOR EXECUTIVE SERVICE DEVELOPMENT AND TRAINING

Question. What are your personal views on the adequacy of training programs for members of the Senior Executive Service in the Department of Defense?

What initiatives would you propose to enhance this training?

Answer. Although I understand some training is provided, I believe DOD can substantially improve the training provided to its Senior Executives and those preparing themselves for the SES. If confirmed, I would look forward to reviewing existing training and see where improvements can be made.

MEDICAL BENEFIT AS COMPONENT OF COMPENSATION PACKAGE

Question. The military medical benefit has varied over time depending on geographic location, beneficiary category, and available funding. This has caused great confusion and concern for Department of Defense military beneficiaries. A medical benefit is a significant component of a total compensation package. As Under Secretary for Personnel and Readiness, responsibility for this vast program would be under your purview.

If confirmed, how do you envision approaching the totality of the compensation package and the specific medical benefit in that context?

Answer. Providing comprehensive health care benefits is an important part of any compensation package, whether it be for a military service member, or a Federal civilian employee, and health care has always been a critical component of quality of life for active duty families. With passage of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Congress extended the TRICARE benefit to our 65-and-over military beneficiaries. The Department's commitment is to provide or arrange for these benefits, demonstrating its long-term commitment to comprehensive health care benefits for all eligible beneficiaries. It is essential for the Department to honor this commitment if it is to compete successfully for the best talent in American society. Were I confirmed as Under Secretary for Personnel and Readiness, working with this committee, I would look forward to taking a results-based approach to both the medical benefit and the total compensation package.

DEFENSE HEALTH PROGRAM SHORTFALL

Question. As you are well aware from your previous tenure, the Defense medical budget has and continues to experience significant annual shortfalls. The combination of what had been a vague benefit for retirees, a declining medical infrastructure, advances in technology, and a growing retiree population all contributed to substantial difficulty in budgeting adequately for this program.

Now that Congress has clarified its intent with regard to older retirees' entitlement to health care, what steps do you plan to take to ensure appropriate funding levels for the Defense Health Program?

Answer. If confirmed, I am committed to advocating for appropriate funding of the health care program. I believe this starts with an improved ability to forecast future costs and carries all the way through to monitoring the actual execution of the program.

ORGANIZATION OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS

Question. Since at least the 1940s, there has been ongoing discussion of appropriate oversight of the military health care system. From time to time, proposals are evaluated which would consolidate the capabilities of the military departments' medical activities. In fact, in response to DOD review of medical support, funding, and oversight, the Defense Health Program was created in the early 1990s and subsequently a Defense Field Activity, the TRICARE Management Activity, was created to oversee, from a joint perspective, operations of the military health care system. Congress has directed review of a joint military medical command and is awaiting a Department report on such a proposal.

What are your views on an appropriate oversight structure for the military health care program?

Answer. RAND reviewed this issue for the Department in support of its response to Congress and recommended that reorganization of the current TRICARE regional structure and empowerment of the lead agent should be the first course of action. I tend to agree with this approach. If confirmed, I would look forward to examining what further steps might be productive, especially as DOD gains experience with Tricare for Life.

FUTURE OF MANAGED CARE SUPPORT CONTRACTS

Question. The TRICARE Management Activity manages the contracting process whereby the Department has contracted with five major health care suppliers to provide regional contract support to augment the capabilities of the military health care system. These are billion dollar contracts that have experienced significant growth due to a number of factors which include changing requirements from the Department of Defense and congressional direction. As these contracts come to their termination points, the Department is considering new approaches to acquisition of health care services.

What are your views on the future of purchased health care and what approach do you believe holds the most promise?

Answer. The Department is currently reviewing the options for developing the next generation of health care contracts. I understand that numerous studies have been undertaken and a number of outside consultants and experts have been used to identify various contract options. The health care industry has evolved significantly since the early 1990s when the current contract model was developed. If confirmed, I would look forward to helping develop a contract model that is responsive to local health care delivery requirements, recognizes the capability of empowered regional management, and takes advantage of current and emerging business practices for activities like claims processing. It may turn out DOD will need some additional statutory language to write effective contracts of this type, and, if confirmed, I would look forward to working with this committee on that issue should such prove to be the case.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Under Secretary of Defense for Personnel and Readiness?

Answer. Recruiting and retaining high quality men and women in the right skills to meet mission requirements and to ensure our Nation's military force is able to fulfill our national security requirements. Meeting the readiness challenges in transforming U.S. military forces to a 21st century model.

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

Answer. If confirmed, I would plan to focus on those factors with the greatest influence in producing needed results. I would hope to establish processes, in the best public administration tradition, that permit realizing the desired results as a routine, well-considered business practice, rather than as emergent, "crash" objectives. Among other elements, that may require stronger and more responsive information systems than now exist.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. In a recent press account, General Shelton said force quality must remain a top priority. He believes military pay is still 10 percent behind private sector wages and argues for a hefty increase soon. How would you rate the need for a significant pay increase, when compared to other competing priorities?

Dr. CHU. The Department is taking a hard look at the structure and levels of military pay in comparison with private sector pay for those with similar levels of education. Analysis conducted by the 9th Quadrennial Review of Military Compensation (QRMC) indicates that pay for mid-grade non-commissioned officers is clearly behind competing pay in the private sector, and targeted raises under consideration for January 2002 are appropriate to begin addressing this problem.

2. Senator THURMOND. There are many individuals in the Department of Defense who believe that the quickest way to achieve savings is to convert civilian-filled government positions to contractor-operated functions. In my judgment, these savings are in most instances illusionary.

What reporting system does the Department have to capture the data necessary to quantify these savings?

Dr. CHU. The system that tracks competition initiatives is the Department of Defense Commercial Activities Management Information System (CAMIS). The system tracks costs for each performance period bid. The Department is currently developing enhancements to this system.

3. Senator THURMOND. Based on your service in the Department of Defense during the 1980s as the Director of Program Analysis and Evaluation, what changes have you seen in the relationship between Congress and the Department of Defense in the last 10 years? How will these changes impact your relationship with this committee and Congress?

Dr. CHU. I, of course, am just beginning to develop my relationships with Congress in my new role as the Under Secretary of Defense for Personnel and Readiness. However, my initial impression is that Congress remains as interested and involved in the details of the budget and the implementation of the policies within the Department of Defense as I remember, but the Department is less cohesive in its responses. I look forward to improving our responses, and working closely with this committee, and the other oversight committees, to recognize the nobility of service to the Nation, to develop a new "social compact" with service members and their families, and to develop a human resources strategy that will provide objectives and guidelines for recruiting, training, motivating, and retaining the military and civilian workforce needed to meet the challenges of the 21st century.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

4. Senator COLLINS. The Acquisition 2005 Task Force Report, "Shaping the Civilian Acquisition Workforce of the Future," highlights that the Department is on the verge of a crisis of a retirement-driven brain drain. According to this report, more than 50 percent of DOD's civilian acquisition workforce will be eligible to retire by 2005, requiring a surge in recruiting at all levels. What plans do you have to ensure that we are recruiting and retaining new talent to step up into these senior leadership positions, as people retire in the near and mid-terms?

Dr. CHU. We share the Senator's concern and sense of urgency. We indeed project losses approaching 50 percent in some key acquisition occupations primarily due to

retirement over the next 5 to 6 years. Overall, we project that 39 percent of the September 1999 civilian acquisition workforce will not be in DOD in 2005.

The cornerstone of our efforts must be strategic workforce planning. Such planning will be a focus of the Quadrennial Defense Review and the process leading up to the submission of the President's Budget Request for Fiscal Year 2003.

We will also be looking at the ability of the civilian personnel system to recruit and appoint the numbers and quality of personnel we need.

At the same time, we will be exploring how best to use the authorities Congress has already given us, and what new authorities we might need. To assist us in the process, RAND developed a workforce projection model and a framework for Defense Components to create workforce shaping plans.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

5. Senator DAYTON. Presently, DODEA serves approximately 100,000 military students, and public schools serve approximately 500,000 military students. What do you see as the new Educational Opportunities Directorate's (EOD) role in serving these 500,000 students and do you support the EOD and its role?

Dr. CHU. The Educational Opportunities Directorate (EOD) was specifically formed to identify and address problems that military dependent students and their families experience when they relocate due to the reassignment of the military sponsor. Most military dependents, for instance, attend four or five different schools during their years of K–12 schooling. Through the new directorate, we expect to increase communication between public and DOD schools and among military families, military services, and community organizations. We will identify best practices, formulate model policies, and develop strategies to address issues. We will make State and district education leaders aware of the need to deal with issues that are not unique to military dependent students, but that affect many children in a society as mobile as ours has become.

Though the EOD was established to deal with the transition issues of K–12 military dependent students, the Directorate has become a body for dealing with many other educational issues and programs. These include off-duty voluntary education for military personnel, Impact Aid, Troops-to-Teachers, special needs and medically-related services, and transition of military personnel to civilian occupations.

6. Senator DAYTON. Federal funding from the Department of Education to support public schools serving military students is called Impact Aid. In the past, Congress has authorized and appropriated DOD funds to assist school systems receiving Impact Aid funds. From what I have learned from the superintendents of these schools, DOD funding has been critical in assisting them with building construction and renovations, computer purchases, etc. Can you assure this committee and Congress that DOD will continue to support our initiative to assist public schools educating our military's children?

Dr. CHU. The Department understands the issue of financially assisting public schools that enroll military dependent students. Of course, the Defense Department will expeditiously distribute any funds appropriated to it specifically for assisting public schools.

7. Senator DAYTON. I have been advised that when the Federal Government privatizes housing on Federal property, the payment to the contractor by the Federal Government appears on the leave earnings statement (LES) as a payment to the individual, despite the fact that payment is never reported on the individual's W–2 statement. School districts look at the LES for verification of eligibility for the Federal Free and Reduced Lunch program. School superintendents further advise me that, because of this, the children of a military family in privatized housing on Federal property would lose their Free and Reduced Lunch eligibility. Thus, this loss seems to me to be an unintended consequence of privatization. What do you see as the remedy to this?

Dr. CHU. This does appear to be an unintended consequence of our housing privatization efforts and the Department is looking into this issue, but it may require a change of the law to correct it.

8. Senator DAYTON. Currently, we have several incentive pay options that can benefit the service member who is deployed unaccompanied overseas. These include hardship tour, hazardous duty, and combat zone pay, among others. I have spoken to commanders in the field as well as CINCs appearing before this committee. Many of them are concerned that our service members are not being compensated well

enough, particularly for some hardship tours. What is your feeling about our commanders' concerns, and how would you recommend improving the overall compensation "packages" for our service members?

Dr. CHU. The Department is examining whether the current incentive package provided to members is adequate to attract needed volunteers for unaccompanied assignments or even some accompanied assignments overseas. This includes a multi-dimensional effort, comprising of a review by the Secretary's comprehensive study of Quality-of-Life, and by a joint working group co-chaired by P&R and the Joint Staff, to develop incentives to motivate volunteers for difficult-to-staff overseas locations. As required in the Fiscal Year 2001 National Defense Authorization Act, a report on incentives for overseas assignments, as well as affordable recommendations to resolve the problem, will be provided to Congress this fall.

9. Senator DAYTON. The impact of the pace of operations, or "OPTEMPO," on the quality of life of our service members is a major concern. Do you know if the services have established a credible system in "tracking and recording the number of days" a service member is deployed, and has the system caused some unnecessary burden with the CINCs?

Dr. CHU. In accordance with the Fiscal Year 2000 National Defense Authorization Act (Section 923), the services have developed systems to track and report deployed days information on service members. We conducted an independent verification and validation of the early implementation of these systems; our results revealed that the data collection was incomplete. We have relied extensively on our current data systems to capture and report data at a pace and a level of detail well beyond current systems' capabilities. We implemented the perstempo system within current staffing levels and budgets. Creating and supporting this system has proven to be labor-intensive and time-consuming.

With respect to the impact of the perstempo system on the CINCs, some report these additional tracking and reporting requirements are "burdensome" to the extent they must be met with existing budgets and staffing levels. In addition, we know that a number of units may need to deploy some of their members in excess of the 400-day threshold at which the services must start paying their members $100 per day.

[The nomination reference of Dr. David S.C. Chu follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2001.

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

Dr. David S.C. Chu, of the District of Columbia, to be Under Secretary of Defense for Personnel and Readiness, vice Bernard Daniel Rostker.

[The biographical sketch of Dr. David S.C. Chu, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. DAVID S.C. CHU

Dr. Chu is currently the Vice President responsible for RAND's Army Research Division and Director of the Arroyo Center. Previously, he was Director of RAND's Washington Office and Associate Chairman of RAND's Research Staff.

Dr. Chu is a member of the Army Science Board. He served in the Department of Defense as Assistant Secretary and Director for Program Analysis and Evaluation (1981–1993). Earlier, Dr. Chu was the Assistant Director of the Congressional Budget Office for National Security and International Affairs (1978–1981).

Dr. Chu was an economist with RAND from 1970 to 1978, and served in the U.S. Army from 1968–1970.

Dr. Chu was educated at Yale University, receiving his BA in Economics and Mathematics, and his Ph.D. in Economics. He has been awarded the Department of Defense Medal for Distinguished Public Service with Silver Palm and the National Public Service Award of the National Academy of Public Administration, of which he is a Fellow, and on whose Board he serves as Chairman.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
David S.C. Chu.

2. **Position to which nominated:**
Under Secretary of Defense for Personnel and Readiness.

3. **Date of nomination:**
April 30, 2001.

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

5. **Date and place of birth:**
May 28, 1944; New York City, NY.

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

7. **Names and ages of children:**
Carolyn, 16; Jonathan, 12.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
AB Davis High School, 1958–61, Diploma; Yale University, 1961–64, BA Economics and Mathematics, 1964; Yale University, 1964–68, MA, Economics, 1965; Yale University, M. Phil, Economics, 1967; Yale University, Ph.D., Economics, 1972.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Vice President, Army Research Div., RAND and Director, Arroyo Center, June 1998–Present.
Director, Washington Office, and Associate Chairman of the Research Staff, RAND, March 1996–June 1998.
Director, Washington Research Department, RAND, January 1994–March 1996.
Senior Fellow, RAND, January 1993–January 1994.
Assistant Secretary of Defense (Program Analysis and Evaluation) July 1988–January 1993, and Director, Program Analysis and Evaluation, Office of the Secretary of Defense, Department of Defense, May 1981–July 1988.

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

Member, Army Science Board.

Member, Task Force on Defense Reform.

Member, Defense Science Board Task on DOD Acquisition Policies and their Effect on the Health and Competitiveness of the U.S. Defense Industry.

Member, Defense Science Board Task Force on Military Personnel Information Management.

Member, Naval War College Advisory Board.

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

Vice President, Army Research Division, RAND.

Chairman, Board of Directors, National Academy of Public Administration.

Member, Board of Trustees, National Presbyterian School.

Member, Advisory Council, Defense Systems Management College Alumni Association.

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

Member, American Economic Association.

13. **Political affiliations and activities:**

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

None.

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

None.

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

Bush-Cheney Recount $100.00.

DC Republican Committee $125.00.

Bush for President $150.00.

Republican Senatorial Inner Circle $150.00.

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

Phi Beta Kappa.

Honorary Woodrow Wilson Fellow.

National Science Foundation Fellow.

Foreign Area Fellowship Program Fellow.

Army Commendation Medal, Bronze Star.

Elmer B. Staats Award, National Capital Area Chapter, American Society for Public Administration, 1986.

Department of Defense Medal for Distinguished Public Service, 1987; Bronze Palm, 1988; Silver Palm, 1993.

National Public Service Award, American Society of Public Administration, 1990.

Vance R. Wanner Memorial Award of the Military Operations Research Society, 1993.

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

2001 Taking Charge: a Bipartisan Report to the President-Elect on Foreign Policy and National Security , edited by Frank Carlucci, Robert Hunter and Zalmay Khalilzad, (Santa Monica: RAND,2001), MR1306/I-RC

2000 "Ensuring Quality People in Defense", with John P. White, Nurith Berstein and John Brown, Chapter 8 in Keeping the Edge: Managing Defense For The Future, Ashton B. Carter and John P. White, editors, (Cambridge, MA: Harvard, 2000)

"Preparing Hungary's Armed Forces for NATO Integration: A Final Report", with F. Stephen Larrabee (et al.) (Santa Monica: RAND, 2000), AB-241

1998 "Defense Budget: Competing for Limited Resources", in The Defense Industrial Base: Economic Realities of American's Evolving National Defense, Peter M. Taylor, Richard Fullerton and David L. Kovash, editors, (New York: McGraw Hill, 1998).

"Shaping The Structure of the American Defense Industry", with Mathew C. Waxman, Chapter 4 in The Defense Industry In The Post-Cold War Era: Corporate Strategies and Public Policy Perspectives, edited by Gerald I. Susman and Sean O'Keefe (Amsterdam: Pergammon, 1998)

"Smart Procurement: Report on Procurement Reform and Acquisition Reorganization in the United Kingdom", with Jonathan A.K. Cave, and Mark C. Lorell (Leiden: RAND, 1998), RE-98.016.

1997 "Making Defense Decisions: What Role Might a Statistical Perspective Play?", with Nancy L. Spruill, Chapter 3 in Statistics and Public Policy, Bruce D. Spencer, editor (Oxford: Oxford University Press 1997).

"What Can likely Defense Budgets Sustain?", Chapter Nine in Strategy and Defense Planning for the 21st Century, Zalmay M. Khalilzad and David A. Ochmanek, editors, (Santa Monica: RAND 1997), MR-826-AF

1996 "The American Military's Response to a Changing World Order: What Does It Imply for Manpower Requirements?", Chapter 14 in Professionals On The Front Line: Two Decades of the All-Volunteer Force, J. Eric Fredland, Curtis Gilroy, Roger D. Little and W.S. Sellman, editors. (Washington: Brassey's, 1996)

1994 "Refocusing The Roles and Missions Debate," *Marine Corps Gazette*, (Vol. 78, No. 11) November 1994

"Improved Management of Defense Resources," in Final Report on Better Use of European Defence Resources (Copenhagen: Danish Ministry of Defence, December 1986)

1983

"The Great Depression and Industrialization in Colombia," in Albert Berry, ed., Essays on Industrialization in Colombia (Tempe: Arizona State University, Center for Latin American Studies, 1983)

1978-81

Supervised the preparation of 26 reports on national security and international economic issues for the Congress, as Assistant Director for National Security and International Affairs, Congressional Budget Office.

1977*

WN-9422-ARPA/MRAL — "The Department of Defense Survey on Reenlistment Issues: Design and Plan for Analysis," with J. Michael Polich and Gus W. Haggstrom

WN-9968-AF — "The Quality of Air Force Outpatient Care: How Well Do Physician Assistants Perform?," with George A. Goldberg and Andrew F. Siegel

1976

R-1943-PBRP — "The Effect of Federal Biomedical Research Programs on Academic Medical Centers," with A. P. Williams, G. M. Carter, S. B. Coleman, A. P. Massell, C. R. Neu, R. L. Rasmussen, and W. H. Rogers, March 1976

WN-9527-PR — "Guidelines for an Experimental Organization of Air Force Outpatient Care," with David J. Armor and George A. Goldberg, December 1976

*Reference numbers for publications 1972-1977 are to Rand report numbers

401-ARPA/ A	"The Adjustment Mechanism for Military Pay: Present Policy and Alternative Approaches," with Richard V. L. Cooper and Robert Shishko, August 1976
1975	
WN-9247-PR	"The Organization of Air Force Outpatient Care: An Interim Report," with Virginia Ambrosini, George A. Goldberg, and Leola Cutler, in process
WN-9057-PR	"The Supply of Air Force Physicians: Response to the Bonus and Scholarship Programs," with W. H. Albright, April 1975 (also in process as R-1783)
WN-9045-1-MC	"Developing the Military Executive," with John P. White, April 1975
1974	
R-1347-ARPA/DDPA&E	"Physical Standards in an All-Volunteer Force," with Eva Norrblom, with the assistance of K. Brown and A. MacInnes, January 1974
R-1464-HEW	"Federal Manpower Legislation and the Academic Health Centers: An Interim Report," April 1974, with Grace Carter, John Koehler, Robert Slighton, and Albert Williams
WN-8585-ARPA/ ODPA&E	"Physical Standards in An All-Volunteer Force: A Summary," with E. Norrblom, with the assistance of K. Brown and A. MacInnes, January 1974
WN-8725-PR	"Air Force Health Delivery Services: First Progress Briefing," with W. H. Albright, June 1974
1972	
R-993-AID	"The Effect of Untied Development Loans on the U.S. Balance of Payments," with R. Slighton and R. Cooper, June 1972
R-975-AID	"The Respending Effects of Untying Aid," with R. Shishko June 1972
WN-7891-NIH/HEW	"Federal Programs and the Medical Schools: An Analytic Catalog," with G. Carter and P. McClure, July 1972
WN-7991-NIH/HEW	"Federal Programs and the Academic Health Centers: A Work Plan for Phase Two," with A. Williams and R. Slighton, October 1972

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

None (speeches delivered from outlines).

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

Yes.

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

SIGNATURE AND DATE

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

DR. DAVID S.C. CHU.

This 10th day of May, 2001.

[The nomination of Dr. David S.C. Chu was reported to the Senate by Senator John Warner on May 21, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 26, 2001.]

[Prepared questions submitted to Thomas E. White, Jr., by Chairman Warner prior to the hearing with answers supplied follow:]

May 9, 2001.

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

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

Sincerely,

THOMAS E. WHITE, JR.

cc: The Hon. Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the Department of Defense Reorganization Act of 1986 and related Special Operations initiatives for defense reform.

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

Answer. From what I have learned to date, these defense reforms have been implemented and have achieved the desired results. Having said that, I believe it is important, and consistent with the intent of the reform legislation, that the Army continues to assess and modify its operations and internal procedures to meet the challenges of a dynamic security environment.

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

Answer. The most important aspects of these reforms were strengthening civilian control, streamlining the operational chain of command, improving the efficiency in the use of defense resources, improving the military advice provided to the National Command Authorities, clarifying authority for combatant commanders, and enhancing the effectiveness of military operations.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I fully support the congressional goals reflected in the Department of Defense Reorganization Act of 1986 and other related defense reform legislation.

DUTIES

Question. Section 3013 of Title 10, United States Code, describes the duties of the Secretary of the Army.

Assuming you are confirmed, do you expect that Secretary Rumsfeld will prescribe additional duties for you?

Answer. I anticipate that the Secretary of Defense will prescribe specific duties for me that will support his responsibility to ensure that the Department of Defense successfully accomplishes the many demanding and varied missions entrusted to it. If confirmed, I will carry out these additional duties to the best of my ability.

Question. If so, what do you expect those additional duties will be?

Answer. If confirmed, I will communicate directly and openly with the Secretary of Defense regarding the Army's capabilities to accomplish those functions that are most appropriately delegated to it.

Question. What duties and responsibilities do you plan to assign to the Under Secretary of the Army?

Answer. If confirmed, I will review the current assignment of functions, responsibilities, and duties within the Army Secretariat and determine the capacities in which the Under Secretary can most appropriately support my efforts to ensure that the Department of the Army is efficiently administered in accordance with the policies promulgated by the Office of the Secretary of Defense.

Question. In carrying out your duties, how will you work with the Assistant Secretary of the Army for Manpower and Reserve Affairs; the Assistant Secretary of the Army for Installations and Environment; the Assistant Secretary of the Army for Financial Management; the Assistant Secretary of the Army for Acquisition, Logistics, and Technology; the Assistant Secretary of the Army for Civil Works; and the General Counsel?

Answer. If confirmed, I will establish and maintain close, professional relationships with each of the Assistant Secretaries and the General Counsel. I will encourage direct and open communication among these officials and will foster an environment of cooperative teamwork within the Secretariat and with the Army staff.

WEAPONS OF MASS DESTRUCTION—CIVIL SUPPORT TEAMS (WMD–CST)

Question. The January 31, 2001, Department of Defense Inspector General audit report titled *Management of National Guard Weapons of Mass Destruction—Civil Support Teams* is extremely critical of the management of the WMD–CST program.

If confirmed, do you intend to play an active role in getting that program back on course?

Answer. Yes. If confirmed, I am committed to ensuring that the teams are properly manned, equipped, trained, and prepared to accomplish all mission requirements.

QUALITY OF LIFE PROGRAM INITIATIVE

Question. The Army is planning on consolidating all of its "quality of life" programs under one single program. The service is making this change with the expectation that quality of life programs would become a more visible and integral part of the yearly funding request.

Do you believe that such a plan is important to the success of the Army's quality of life program?

Answer. Absolutely. First, we must ensure that we are maximizing the impact of available resources. Second, we need to do a better job of articulating the linkage between readiness and well-being as well as our resource requirements in this vital area.

READINESS

Question. Over the last few years we have seen increasing evidence that the readiness of the U.S. armed forces has begun to deteriorate as a result of the over-commitment of an under-resourced military. The Joint Chiefs have testified that the military services will require a $48 to $58 billion funding increase if the Department is to restore readiness and modernize for the future.

What do you view as the major readiness challenges that would have to be addressed and, if confirmed, how would you approach these issues?

Answer. If confirmed, I will review the requirements and available resources and to ensure that the Army is trained and ready to execute strategies for today and the future.

ENVIRONMENT

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, transfer of radio frequency spectrum from the Department of Defense to the wireless communications industry, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

In your opinion, how serious are these problems to the Army?

Answer. In my opinion, these problems are very serious. If confirmed, I will work with this committee, other services, and OSD to develop sound strategies for dealing with each of these problems.

Question. If confirmed, what actions would you propose to ensure these issues do not prevent your service from effectively training and operating both at home and abroad?

Answer. My strategy is to comply with environmental laws, work for measures to integrate range management with our defense mission and environmental obligations, and continue to seek a balanced application of environmental statutes affecting training.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Would you agree that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Yes, I agree. I will work to ensure that the Army remains committed to complying with Federal, State, and local regulations and laws.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. No. However, I believe we need a better dialog between Federal, State, and local law and rulemakers and the Army. Other than times of national emergency, the Army should have no special exemptions. What we do want is more opportunity to explain impacts on our mission before the Federal, State, or local law or regulations are enacted.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. Yes, I do. The American public expects the Department of Defense, the Army, and all federal agencies to meet the same standards as civilian facilities.

Question. The Department of Defense faces a bill for the clean-up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars, and could well be in the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. It is impossible to generalize regarding issues of public safety. If confirmed, I will ensure the Army complies with the law.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability and the time required to complete such clean-up?

Answer. If confirmed, I welcome the opportunity to look into this difficult and critical issue as well.

COMMERCIAL VERSUS MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. The Federal Government is currently conducting a series of studies to determine a band of frequencies that can be used for the operation of third generation wireless communications devices. As a part of this overall effort, the Department of Defense is conducting a study to determine the cost and operational impact that would result if the military services were to surrender the use of the 1755–1850 MHz band of frequencies on which they currently operate their equipment. As the Department of Defense's information requirements increase with the advances taking place in weapon system technology, the Department's requirements for frequency access will also increase. However, the commercial sector is also experienc-

ing increased requirements for frequency spectrum to meet the demands of the American consumers. Spectrum is a finite resource and we have to ensure it is utilized in the most efficient and beneficial manner possible.

If confirmed, what actions would you take to review your service's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. If confirmed, I will continue to support and encourage the research, development, and acquisition of systems that efficiently use the radio frequency spectrum in compliance with national spectrum policy.

Question. If confirmed, what actions would you take if the study currently being conducted within the Department of Defense determines that there will be a significant cost and operational impact if the military services surrender the 1755–1850 MHz band of frequencies?

Answer. If confirmed, I will familiarize myself with the results of the study and provide my assessment of its impact on Army warfighting capability to the office of the Secretary of Defense. I also look forward to working with the committee to address these challenges.

ACQUISITION REFORM

Question. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What are your thoughts on specific steps that can be taken to reduce the cycle time for major acquisition programs?

Answer. If confirmed, I will look at methods to reduce cycle time. I look forward to working with the committee on this issue.

Question. Do you see a need for any changes to the existing acquisition structure and/or acquisition chain of command?

Answer. The Army acquisition structure currently complies with the Goldwater-Nichols Act. If confirmed, I will carefully review this area, and recommend any changes that may be warranted.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has remained essentially constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on program management, and if so, how do you plan to address this problem?

Answer. Yes, I am concerned. If confirmed, I will look into this important issue.

Question. As the DOD continues to emphasize contracting out and competitive sourcing, the skills, training, and experience of the acquisition workforce will be critical in effectively managing these contracts. In addition, the Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge as 50 percent of the remaining acquisition workforce will be eligible to retire in the next 5 years.

Do you believe the current acquisition workforce has the quality and training to not only adapt to new acquisition reforms, but to the increased workload and responsibility from managing privatization efforts?

Answer. The acquisition workforce has done a phenomenal job of stepping up to the workload driven by increased outsourcing and privatization efforts. If confirmed, I will diligently work to get our people the training to ensure they are able to work smarter not just harder.

BASE REALIGNMENT AND CLOSURE

Question. Over the past several years, various departmental witnesses have testified that there is excess defense infrastructure and requested Congress to authorize another round of base closures.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. Yes. If confirmed, I will look for excess capacity and make recommendations to consolidate or combine functions.

SERVICE STOVEPIPES

Question. One of the principal criticisms of the Department of Defense is that the military services continue to pursue their individual systems—from logistics to data management—which increases costs and hinders interoperability. Although there have been efforts to remove these service stovepipes in the past, they continue to exist.

If confirmed, what actions would you take to eliminate service-unique systems where systems could be developed to serve all of the services?

Answer. If confirmed, I will fully support interoperability among the services.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Do you believe that outsourcing of non-core activities can yield substantial savings for the Department of Defense?

Answer. There are functions that can and should be performed by the private sector due to their expertise and technical capabilities.

Question. Do you agree that public-private competition is an essential precursor to any outsourcing effort in the Department of Defense?

Answer. Yes.

MILITARY FAMILY HOUSING

Question. In response to a continuing shortfall in funding for family housing construction and repair, the Department proposed the Military Housing Privatization Initiative as one part of their program to upgrade all military housing to standard by 2010. Although Congress enacted this authority in the National Defense Authorization Act for Fiscal Year 1996, the services have not made the anticipated progress in the privatization effort.

What are your views on the role of military family housing in recruiting and retention?

Answer. I think that adequate housing for soldiers and families is an important quality of life issue for soldiers. Maintaining and sustaining safe, attractive, and convenient housing for our soldiers and their families is one of the Army's continuing challenges.

Question. Do you support the goal of upgrading all military family housing in your service to established standards by 2010?

Answer. Yes.

ARMY MODERNIZATION

Question. Continued high operations tempo and inadequate modernization funding are taking a toll on the Army. Without sufficient modernization, the Nation could find itself putting soldiers in "harm's way" without the tools they need to perform their mission and ensure their own safety.

If confirmed, how would you go about establishing the level of procurement and R&D funding required to sufficiently modernize our legacy force, field and operate an interim force, and develop an objective force over the next 5 years?

Answer. If confirmed, I will support balanced modernization, seeking to develop and field combat-capable units through an appropriate mix of selective fielding of new equipment, rebuilding and upgrading existing equipment, and preserving needed elements of current equipment.

DEFENSE LABORATORIES

Question. Congress has authorized the Department to give laboratory directors direct hiring authority to enable them to compete for scientific and engineering talent. To date, the Department has been reluctant to use this authority.

Do you support giving the Department's laboratory directors the authority to make direct hires without having to go through an 18-month review process?

Answer. Yes. I don't know the details but, if confirmed, I will look into the process.

ARMY TRANSFORMATION

Question. This committee has commended General Shinseki for his bold initiative to fundamentally change the Army to be better able to respond to future threats. While there is widespread support for the long-term transformation of the Army, there are significant concerns about the near-term initiative to field an interim force designed to meet what are described as "critical" operational shortfalls. Despite assertions that Interim Brigade Combat Teams are a "full spectrum" force, to many

these forces appear to be largely designed for peacekeeping activities and Army descriptions confirm that these forces are "optimized" for peacekeeping. A recent Army information paper notes, "Funding for transformation, while greatly increased, remains far short of validated requirements. Achieving Secretary of Defense guidance for the Army transformation while maintaining readiness and sustaining people programs cannot be accomplished without additional resources." Finally, "without new funds, the Army cannot maintain readiness and achieve the transformation."

How can the Army justify a proposed multi-billion dollar investment in an "interim" force with such looming modernization challenges for both the legacy force and future objective force?

Answer. It is my understanding that the interim force fills a near-term capabilities gap that the Army must address in order to maintain readiness.

Question. How would you prioritize funding requirements between legacy force shortfalls (necessary to meet the national military strategy today), objective force requirements, and interim force requirements?

Answer. All three legs of the transformation are important and interdependent. However, if we are to transform, we must first maintain our focus on the S&T necessary to develop the objective force. The legacy force guarantees our near-term readiness and gives us the luxury of being able to transform. Finally, the interim force enables us to bridge a capabilities gap that exists today and has existed for the past decade.

Question. Do you see any options for achieving an interim operational capability less expensively through organizational, doctrinal, or tactical changes?

Answer. No, the operational gap we face stems from having two types of forces: light infantry that is deployable but not survivable enough, and heavy forces that are lethal and survivable but not deployable enough. We need this interim force to bridge the gap in operational capabilities, and that means providing lethal, survivable, and deployable platforms to our lighter forces.

Question. Do you agree with the assessment of the previous Secretary of the Army that Army transformation cannot be achieved without increasing the Army's share of the defense budget?

Answer. Secretary Rumsfeld is currently in the process of conducting strategic defense reviews. I wholeheartedly support his efforts and I look forward to assisting him in this process. That will shape the national security and military strategies and desired military capabilities.

Question. Do you believe that the Army has shortchanged future readiness to fund near-term readiness requirements?

Answer. One of the main benefits of Secretary Rumsfeld's reviews will be to address the trade-offs between current operations and long-term investments to ensure we do not jeopardize our future defense capabilities.

Question. Section 113 of the National Defense Authorization Act for Fiscal Year 2001 requires the Secretary of the Army to conduct a comparative evaluation of interim armored vehicles selected for the fielding of interim brigade combat teams with equipment already in the Army inventory.

Will you comply with the spirit and intent of this law to carry out a side-by-side comparative operational evaluation of units similarly organized, trained, and equipped, other than for the differences in medium armored vehicles?

Answer. Yes.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions would you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will ensure that Army personnel fully understand the scope and application of the Whistleblower Act. Educating senior leaders on the need to protect service members from reprisal is one of my top priorities. I will uti-

lize my Inspectors General to conduct teaching and training, thus preventing acts of reprisal. I will ensure that the Army workforce is educated on the law.

OFFICER PROMOTION SYSTEM

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values. We are frequently asked to confirm the promotion of officers who have substantiated allegations of misconduct that have not been considered by the boards that selected these officers for promotion. At the same time, the services inform us that they have many highly qualified officers for each available general and flag officer billet.

What steps would you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. I understand, and share, your concern. If confirmed, I will continue to ensure that the Army nominates only those officers who display the highest values and warrant promotion to the general officer ranks.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

Based on your private sector experience, do you believe the Department of the Army is investing enough in its infrastructure?

Answer. Based on the existing condition of the Army's aging facilities, it is apparent that not enough is invested in its infrastructure. Facilities continue to degrade each year and without additional real property maintenance resources there is the need to replace major components rather that repair existing ones and this will be more expensive.

Question. How does the Army's investment in its infrastructure compare to what you are used to in the private sector?

Answer. The private sector is driven by a profit incentive and a return on investment to its corporate shareholders for publicly traded companies. While the momentum may differ, there are analogies and common techniques that can be applied.

Question. What steps would you plan to take to address this issue?

Answer. If confirmed, I support RPM as one of the top priorities for additional funding, continuing to reduce the Army's RPM requirement by demolishing excess facilities, and privatizing utility systems, and continuing to explore opportunities for partnerships with the private sector.

CIVILIAN CONTROL OF THE MILITARY

Question. Press reports indicate that increasing civilian control of the military services will be a priority of this administration.

What changes would you recommend to Secretary Rumsfeld to make in your duties and responsibilities or those of the Under Secretary or Assistant Secretaries in your department?

Answer. If confirmed, I will look at duties and responsibilities and make any recommendations which may be warranted.

Question. Section 3014(c) of Title 10 requires that the Office of the Secretary of the Army have sole responsibility for Acquisition, Auditing, Comptroller (including Financial Management), Information Management, Inspector General, Legislative Affairs, and Public Affairs.

If confirmed, would you review each of these functional areas to ensure that the Army is in compliance with the statutory requirement?

Answer. Yes.

Question. The services have traditionally had a uniformed flag rank officer rather than the Assistant Secretary for Financial Management supervise their budget office. Do you intend to follow this arrangement or do you plan to increase civilian control over your service's budget decisions?

Answer. If confirmed, I intend to retain a general officer to supervise the budget office, and I will continue to exercise civilian control through the Assistant Secretary for Financial Management and Comptroller. I believe civilian control of the Army is well-understood and acknowledged, and I value the blend of experience and skills in an organization with both military and civilian professionals.

Question. The service secretaries have traditionally delegated management of readiness to the uniformed services. What role do you intend to play in readiness issues?

Answer. I believe the Secretary of the Army has a very real and active role in providing for the readiness across the service. I am very aware of the wide range of issues affecting readiness in the Army to include unit readiness status, infrastructure requirements, strategic mobility, the ongoing transformation effort, quality of life issues for our soldiers and families, and the impacts of funding levels. I anticipate working closely with the uniformed leadership to address these challenges in the current political and economic environment, particularly as changes in our national military strategy may evolve and impact the Army.

CIVILIAN WORKFORCE

Question. What steps would you plan to take to bring new people with the desired skills into our civilian workforce as more and more of the current workforce is becoming retirement eligible?

Answer. If confirmed, I will examine all civilian workforce planning and shaping initiatives to help us cope with an aging workforce and tight labor markets.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Secretary of the Army?

Answer. I believe the major challenge the next Secretary of the Army will face is change. The challenges the Army faces are similar to those of the other services as we collectively readjust our organizations to the threats our country faces. I see the next Secretary of the Army's charge as one to manage and maintain the momentum of changes that will assure our Army's preeminence in the 21st century to deter threats and defend our national security interest and do it within the joint community.

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

Answer. If confirmed, I think the Army must attract, develop, and retain America's best and brightest, while providing for their quality of life and well-being. The Army must assure readiness, while transforming itself into an Army capable of dominance along the full spectrum of military operations in the 21st century.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

EXCESS FACILITIES

1. Senator THURMOND. Although the four previous base closure rounds have closed or realigned over 90 major and 200 minor military installations, the Department indicates that there is still excess capacity. The immediate reaction to this excess is that we must have additional base closures to eliminate the excess. I am not convinced that base closure is the only solution. I believe we should use this capac-

ity to our advantage. We can work with the private sector to use this property on a dual-use basis and at the same time retain the facility for future surge capacity.

What are your views on the potential of leasing excess facilities to the private sector?

Mr. WHITE. I believe that, under the right economic circumstances, there is a great potential for the dual-use of some of our excess capacity. It depends largely on the attractiveness of the individual military properties for private sector use and the willingness of the private sector to invest in those properties. We are aggressively pursuing new opportunities under the guidance of the oversight committees. Our goal is to reduce maintenance and repair requirements while retaining long-term access to our properties.

However, dual-use cannot solve the Army's excess capacity problem. In addition to leasing, excess capacity offers an opportunity to achieve economies in installation operations and in improved business processes through realignment of activities. To realize the benefits of significant realignment actions requires Base Realignment and Closure (BRAC) authorization. BRAC provides a practical means for significant restructuring and restationing of Army forces not possible otherwise. Past BRAC consolidation created new synergies in training such as the Maneuver Support Center at Fort Leonard Wood, Missouri. BRAC also allows for recapitalization of Army assets by making possible the construction of state-of-the-art facilities at gaining installations and enhancing the synergy achieved through consolidation of training, research and development, cross-service activities, etc.

AC/RC RELATIONSHIP

2. Senator THURMOND. Although the relationship between the active Army and its Reserve components has improved, it is still a strained relationship. Unfortunately, in the past the civilian leadership of the Army has not taken a proactive role in resolving this festering problem. If confirmed as the Secretary of the Army, what actions will you take toward improving the relationship between the active and Reserve components of our Army?

Mr. WHITE. I am strongly committed to the full integration of the Active and Reserve components. General Shinseki and I will make full use of such vehicles as the Army Reserve Forces Policy Committee and the Reserve Component Coordination Council to identify and eliminate existing or potential barriers to integration. We will also continue to develop initiatives to solidify the separate components.

I look forward to working with you and Congress to put programs and policies in place that will further meld the unique strengths of the Army's Active and Reserve components.

JOB SATISFACTION

3. Senator THURMOND. Last summer a report based on polling and focus groups with more than 3,000 commissioned Army officers revealed deep frustration with their senior leaders and peacekeeping assignments. More than two-thirds of the officers in a survey sample agreed with the statement, "I see no possibility for continued job satisfaction in the Army."

Although the Chief of Staff, General Shinseki, has taken action to resolve some issues, there is a continuing concern within the ranks.

As a former troop commander, are you concerned about the results of this survey? How do you plan to address the issue, if confirmed?

Mr. WHITE. I am deeply concerned about the morale and job satisfaction of our officers. Over the past year, the Army has intensively studied the causes behind increased attrition. A task force completed work on the issue last year and developed several recommendations. The following initiatives are intended to directly address junior officer attrition and morale:

1. Improve strategic communications with the field through the use of universal email accounts and a central website for officer business;
2. Implement a system to measure and track personnel tempo (perstempo) and consider perstempo when making assignment decisions;
3. Expand assignment options following the Captains Career Course (CCC);
4. Develop increased opportunities for advanced education; and
5. For CCC graduates being assigned to short-tour areas, guarantee follow-on assignments to tactical units where they can satisfy branch qualification requirements.

The good news is that captain retention has improved and the continuation rate appears to have normalized somewhat over the preceding 2 years. However, we still need to retain 350 more captains of the approximately 2,100 that separate annually. The Army has made progress this year, with 184 fewer losses to date than projected. Clearly, it is too early to declare success, but the attrition situation indicates we are making progress in improving the standing of the Army in comparison to other employment opportunities.

The Army will remain focused on this important issue and seek to maintain the positive momentum achieved thus far.

SUSTAINMENT, RESTORATION, AND MODERNIZATION

4. Senator THURMOND. According to the General Accounting Office, by 1992 the military had accumulated an estimated $8.9 billion in deferred maintenance. By 1998 that had grown to $14.6 billion. It now exceeds $16.0 billion and is growing. Last year in his testimony before Congress, the GAO's Neil Curtain said, "There really is a risk of losing the value of those (military) facilities. Real property maintenance is in disarray." I would like your views on the priority you will be placing on installation readiness and eliminating this backlog in maintenance and repair.

Mr. WHITE. The Army's $17.8 billion sustainment, restoration, and modernization (SRM) backlog is a top challenge, and we are treating it as such. The backlog will continue to grow if SRM sustainment funding is less than 100 percent of the requirement. However, to improve SRM funding requires 10 years of a top-line increase to overall Army funding because of the interplay between funding for operational tempo and SRM. We have restricted migration from optempo to pay other bills, and so we are seeking to improve SRM funding over the Future Years Defense Plan. Additional funding would be used to fund annual sustainment at 100 percent, begin restoration of failing facilities that will reduce existing backlog, and modernize facilities to meet the new standards. This is one of the Army's highest priorities.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

LANDPOWER

5. Senator SANTORUM. Recent press reports about the ongoing strategic reviews in the Department of Defense initiated by Secretary Rumsfeld have suggested that the Army will not play the prominent role it played as a component of our national military strategy in the past. In fact, some reports have suggested that a significant reduction in land forces will result after the results of these reviews are made public.

What are your views of the role of landpower for future national security challenges? Do you believe we can afford to significantly reduce our ground forces and still be able to respond to the wide range of defense challenges facing our Nation? What role do you intend to play in overseeing change within the Department for the Nation's premier land force?

Mr. WHITE. Let me first begin by saying that it is critical that our security strategy remain grounded in the pursuit of our enduring global national interests and responsibilities. To protect and advance those interests, and fulfill our responsibilities, the armed forces must be able to deter potential challengers, reassure friends and allies, compel adversaries who seek to do us harm, and support civil authorities at home and abroad. While we must be selective and focused in how and where we employ our armed forces, we should expect the National Command Authorities will employ force, particularly the Army, in a manner consistent with the interests at stake.

Our global interests and responsibilities, as well as two centuries of experience, show a clear need for land forces to remain at the core of future joint operations. To protect and advance those interests, land forces provide a broad array of capabilities for meeting the diverse security challenges our Nation now faces. Their flexibility and adaptability provide the National Command Authorities with a wide range of military options to meet these diverse challenges. By their very presence, land forces communicate the strongest signal of America's strategic intentions and commitments. Through peacetime military engagement, security assistance, and combined exercises with foreign security forces, U.S. land forces cement alliances, coalitions, and strategic partnerships. The ability of land forces to conduct forcible entry—by air and sea—coupled with their unique capability to sustain ground campaigns are central aspects in the deterrent value of the joint force. When deterrence fails, landpower is the decisive component of conventional forces. The nature of con-

flict and war is enduring. Land forces compel adversaries to cease hostile or destabilizing action. While dominance of sea, air, space, and the electro-magnetic spectrum are key enablers, land dominance alone brings hostilities to a decisive conclusion by establishing and maintaining favorable security conditions that allow for more comprehensive and enduring solutions to complex crises. Furthermore, land forces provide the broad range of capabilities required to support civil authorities at home and abroad, whether responding to natural disaster, providing missile defense, or mitigating the consequences of an attack on the homeland. Finally, in addition to the obvious direct role in our national security, land forces contribute to our national well-being and that of our friends and allies by providing a secure and stable environment that is essential for economic growth and prosperity. Given our national interests, the range of defense challenges we face now and could realistically face in the coming decades, I do not believe we can afford to significantly reduce our ground strength; however, we can transform it to better meet these challenges.

The Army is nearly 2 years into a comprehensive transformation to become more agile and responsive across the full spectrum of military operations. This transformation is driven by both changes in the strategic and operational environments, as well as the promise afforded by advanced technology. I intend to make sure that Army transformation fully supports our national military strategy and gets the share of the Defense resources needed to ensure the U.S. Army remains the best in the world. This will be my top priority.

MODERNIZATION FINANCING

6. Senator SANTORUM. Your credentials for the position are impressive and we have high hopes for you as the next Secretary of the Army. Your success as a former Army general officer and your most recent success in the business world put you in a unique position to contribute toward our national defense. This committee has had a number of concerns about Army modernization over the last couple of years due to inadequate resources for force modernization which has resulted in inadequate modernization plans.

In business, I would assume that you would not tolerate a business plan that could not possibly be supported by the best case projections of revenues. Additionally, if a subordinate came to you with an inadequately resourced business plan and told you that he was going to pursue two additional goals that would also require extensive resources, I suspect you would send him back to the drawing board to restructure the plan to more adequately reflect available, or projected, resources. We appear to have a similar situation with the Army today.

How do you intend to address the clear imbalances between resources and modernization plans in the Army today?

Mr. WHITE. Over the past 2 years, the Army's investment strategy reflects a paradigm shift from resourcing legacy capabilities to resourcing the transformation to the objective force. The Army has already made tradeoffs, killing or restructuring 18 programs in the last 16 months, and investing over $9 billion in interim and objective force capabilities. In collaboration with the Defense Advanced Research Projects Agency, the Army is aggressively funding the science and technology efforts leading to the design and development of our Future Combat System. We have also funded the system design and development of more mature systems, such as Comanche. Additionally, we have focused our enhancements of the legacy force by identifying and prioritizing those systems that have applicability to the objective force, such as tactical unmanned aerial vehicles.

Ultimately, Army transformation is about capabilities, not resources. For those systems that are crucial to today's readiness, but will not transition to the objective force, we will only invest the amount necessary to modernize and selectively upgrade. For example, in our ground maneuver systems, we will only upgrade the number of Abrams tanks and Bradley fighting vehicles that are needed for the Counterattack Corps. The remainder of the force will have less modernized systems, depending on priorities. The same logic has been applied to our aviation fleet. We will upgrade fewer Apaches to the AH–64D Longbow model, while the remainder of the fleet will retain recapitalized AH–64As with reliability improvements. The Army has adopted this strategy of selective recapitalization to generate the investment capital necessary to field objective force formations beginning in fiscal year 2010, while retaining the ability to fight and win on any battlefield, against any adversary, throughout the period of transformation.

GRIZZLY REQUIREMENT

7. Senator SANTORUM. Is the requirement for an in-stride, complex-obstacle breaching capability still valid, even though the Army failed to fund the Grizzly program last year? Without Grizzly how will the requirement for the counter offensive force be met?

Mr. WHITE. Yes, the requirement for an in-stride, complex obstacle breaching capability as offered by the Grizzly is still valid. However, due to funding constraints associated with transformation, the Grizzly program remains unfunded and is one of our unfunded priorities for legacy systems. Without Grizzly, the Army will be forced to continue its current time-consuming breaching technique that requires a coordinated operation of equipment and soldiers exposed to hostile fire.

8. Senator SANTORUM. Last year Congress approved $15 million for the continued development of the Grizzly program. We understand this money has not yet been released to the Army and, therefore, not available for the Grizzly program. The Army is currently considering related transformation and budgetary prioritization issues. In recognition of last year's highly successful test results, would you agree this fiscal year 2001 Grizzly money should be obtained so the development of this program can continue until a final decision has been made?

Mr. WHITE. Despite last year's successful tests, the Army decided to terminate the program based on an assessment of affordability and acceptance of operational risk against higher transformation priorities. Because the Army will not fund Grizzly to support transformation, it would not be useful to obtain the $15 million in fiscal year 2001 to support the program. In addition, the $15 million would pay less than 40 percent of the requirement for fiscal year 2001. The unfinanced requirement for Grizzly this year is $40 million.

It should be noted, however, that the Army still has a valid requirement for a breacher with in-stride, complex obstacle breaching capability.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

CHEMICAL DEMILITARIZATION PROGRAM

9. Senator ALLARD. The Army is busy cleaning up the Rocky Mountain Arsenal in Colorado. An example of their efforts was the great job of disposing of Sarin gas bomblets they came across during the clean-up. Unfortunately, the Army expects to find more bomblets.

Will you ensure that the Army continues to take the steps necessary to ensure they find and dispose of all these munitions? What technologies is the Army researching and developing for the destruction of unexploded ordinances such as those at the Arsenal?

Mr. WHITE. The Army has prepared a plan for clearing the debris pile at Rocky Mountain Arsenal, which the State of Colorado has approved. The Army is currently executing this plan and expects to complete this work by mid-July 2001. The Army is continuing to test the Explosive Destruction System (EDS) and has temporarily returned it to Aberdeen Proving Ground, Maryland, to complete operational testing, which is scheduled to end in mid-July 2001. The EDS will remain available for the disposal of future bomblet finds at Rocky Mountain Arsenal. While refining the EDS, the Army is also researching several other technologies for the destruction of unexploded ordnance including plasma arc, gas phase chemical reduction, super critical water oxidation, a cerium intermediary process, wet air oxidation, persulfate oxidation, catalytic transfer hydrogenation, and a variety of blast chamber technologies.

10. Senator ALLARD. Will you continue to support all efforts to properly and quickly dispose of the chemical weapons at the Pueblo Army Depot?

Mr. WHITE. Yes. The Army's efforts will continue to focus on disposing of the stockpile at Pueblo Army Depot as quickly as possible, while ensuring that all safety and environmental compliance requirements are fully met. I believe that we have an obligation to eliminate the public risk caused by the continued storage of the chemical weapons as quickly as possible at Pueblo Army Depot and the other stockpile storage sites. The way to accomplish this is to ensure adequate funding, utilize the most effective and proven technologies available today, and move forward with all preparations in an aggressive and systematic manner.

11. Senator ALLARD. What are the consequences of not achieving the 2007 Chemical Weapons Convention (CWC) deadline, both internationally and programmatically?

Mr. WHITE. First, let me state that I will in no way pursue a treaty deadline if the pursuit of that deadline means putting people at a higher risk. That said, the Army remains deeply committed to fulfilling the requirements outlined by the CWC to destroy the chemical stockpile by April 29, 2007. In fact, the U.S. is well ahead in complying with the next intermediate deadline—destruction of 20 percent of the agent tonnage at entry into force of the treaty, by April 29, 2002. This milestone should be reached within the next 2 months.

As the Department has indicated in the past, the longer the stockpile remains in storage, the greater the risk of a catastrophic event (tornado, earthquake, aircraft crashing into an igloo, etc.) occurring at any given site. So, from a programmatic perspective, destruction of the chemical stockpile as early as possible has been, and continues to be, a major thrust of the chemical demilitarization effort, CWC timetables notwithstanding.

With regard to international consequences, Article XIII of the CWC states that the Conference of States Parties has the authority to take necessary measures to ensure compliance with this convention and to redress and remedy any situation, which contravenes the provisions of this convention. These measures include sanctions consistent with international law. It should be noted that there are provisions for a CWC signatory to seek a 5-year extension to the April 2007 deadline. The Department will continue to strive to meet its requirements in a manner compliant with international agreements while ensuring safety to the demilitarization workers, the communities near the disposal facilities, and the environment.

CAVALRY REGIMENTS

12. Senator ALLARD. Armored cavalry regiments are a highly important and capable part of our force structure, particularly as the Army transforms to a more lighter and lethal force. Can you give me your thoughts on the need to maintain cavalry regiments, such as the 3rd Armored Cavalry Regiment at Fort Carson?

Mr. WHITE. Cavalry regiments play a critical role in fulfilling the Army's current and future ability to execute the national military strategy and meeting Commander in Chief (CINC) requirements.

Armored cavalry regiments (ACRs), both Active and Reserve component, are among a select few Army forces which are dual-apportioned for regional contingency planning for both major theater wars, a function of their importance to the CINCs.

The ACR is specifically designed, with regard to force structure and capabilities, to perform certain doctrinal tasks that are not typically assigned to a heavy division maneuver brigade. Doctrinally, the ACR operates as part of a joint task force or corps to which it is assigned. It is the corps commander's "eyes and ears."

Currently there are four corps in the Army, but only three deployable cavalry regiments to support them. The 2nd Light Cavalry Regiment is aligned with XVIII Corps, the 3rd Armored Cavalry Regiment is aligned with III Corps (the Counter Attack Corps), and the 278th Armored Cavalry Regiment, Tennessee Army National Guard, may operate with both I Corps and V Corps.

As part of the Army's transformation, the U.S. Army Training and Doctrine Command is examining the ability of interim forces to perform traditional cavalry missions as well as requirements for an interim cavalry regiment within the transforming Army.

SPACE COMMISSION RECOMMENDATIONS

13. Senator ALLARD. Secretary Rumsfeld announced his recommendations regarding our military space organization as encouraged by the Space and National Reconnaissance Office Commissions. Please comment on the importance of outer space and space activities to the national security and economic well-being of the United States, as well as our allies and friends. Do you foresee any need for legislative changes to accomplish these recommendations? Please comment on the Secretary's recommendations specifically as it relates to your service.

Mr. WHITE. As the Secretary of Defense outlined in his press conference on May 8, 2001, the Nation's operations in space have made us both dependent and vulnerable. The Space Commission was undertaken to ensure that the management and organization of our national security space program reflects the importance of space to the Nation. The focus of the Space Commission recommendations centers on the organization and management of space activities, which affect the Air Force. The

Air Force and the National Reconnaissance Office have established approximately 14 integrated product teams (IPT) to examine the major topics outlined in the Space Commission Report. These include executive agency, space acquisition executive, requirements, technology, major force program, and the realignment of Air Force headquarters and field commands. Although these efforts are in the initial phase, the Army is an active member of the IPTs to ensure that the Army's equities are adequately addressed. The Army believes that space is an inherently joint environment in which Army space operations will significantly improve its ability to conduct decisive and sustained ground operations in support of national security strategy objectives. As we continue our examinations, we will be better able to determine specific impacts to the Army.

QUESTIONS SUBMITTED BY SENATOR JIM BUNNING

CHEMICAL DEMILITARIZATION PROGRAM

14. Senator BUNNING. At a recent Senate Defense Appropriations Subcommittee hearing which reviewed the Chemical Demilitarization Program, testimony was given which called into question the Army's ability to meet cost and schedule goals. This begs the question of whether they are having equal difficulty meeting important safety requirements.

Are you prepared to use the influence of your office to ensure that this program is run in the safest and most transparent manner possible?

Mr. WHITE. I agree that the Army has experienced challenges in meeting its cost and schedule goals; however, the portion of this growth has come from the commitment to meeting important safety and environmental protection requirements. Since the start of this program, the Army has seen a number of changes in both safety and environmental protection regulations and laws. The commitment has been and will always be to meet all safety and environmental regulations and laws. This commitment continues to create pressure on costs and schedules.

I recognize the importance of eliminating public risk caused by continued storage as quickly as possible by destroying the stockpile. I believe the Army is utilizing the most effective and proven methods to destroy the stockpile and our goal is to continue to destroy the stockpile in a way that is safe and protective of the public, the workers, and the environment as quickly as possible. I will ensure that all decisions to be made that impact the local communities are clearly and openly communicated, and that public input is consistently sought.

15. Senator BUNNING. What steps would you take if you became aware that officials from the Chemical Demilitarization Program were intentionally providing misleading information to Congress and the public?

Mr. WHITE. First, let me say that I will not tolerate such behavior from any of the staff under my direction. If evidence of intentional misleading were brought to my attention, I would take the appropriate legal action consistent with Army and Department of Defense policy.

16. Senator BUNNING. I am deeply concerned for the safety of the 55,000 people who live near the chemical weapons stockpile in the Blue Grass Army Depot. Their lives would be seriously endangered if anything went wrong during this destruction process.

If confirmed, what steps will you take to ensure that this program is run in the safest manner possible?

Mr. WHITE. I recognize and understand your concern. Safety will continue to be our highest priority in performing this mission. There are three measures I will take to ensure that the destruction process is operated as safely as possible. First, I will insist that any facility built at Blue Grass be of the highest quality of design and construction. Second, the facility will be fully tested and the workers will be trained to the highest standards before any operations begin. Finally, after the first two steps are accomplished, I will ensure that the operations of the facility are continuously reviewed to ensure safety and environmental standards are met for the life of the facility.

17. Senator BUNNING. Do you consider incineration to be the most modern technology available for the destruction of chemical weapons?

Mr. WHITE. I believe that there are a number of ways to destroy the chemical weapons; however, I also believe that we need to utilize technologies that are proven and safe, can handle the diversity of munitions in our stockpile, and can do it in

a timely manner. Presently, incineration has been shown that it can meet these requirements. Utilizing incineration, the Army has destroyed over 14,238,000 pounds of chemical agent, which equates to over 22.6 percent of the United States stockpile destroyed. Incineration is also extremely effective in destroying chemical agents at better than a 99.999 percent destruction and removal efficiency. The Army will continue to evaluate alternative technologies, but continues to support incineration as the safest and most effective way to destroy the full spectrum of munitions and agents at our stockpiles that have multiple munition types. If and when other technology solutions are developed that are shown to be as safe and can be implemented at the same or lower cost as incineration, the Army will definitely consider the use of alternative technologies.

18. Senator BUNNING. What are your alternate plans if the community near Blue Grass objects to incineration as the method to destroy the chemical weapons?

Mr. WHITE. The public has several opportunities to become involved at Blue Grass during the technology selection process. Currently, an environmental impact statement (EIS) is being prepared. This EIS will look at the impact to the environment caused by the disposal technologies, including incineration. A public meeting was held in January with the purpose of gathering comments from the general public. Before the EIS is completed in May 2002, the public will have two more opportunities to provide comments and concerns. The preliminary draft is due to be competed this fall and will be available for public review and comment at that time. The public will be able to review and comment on the final draft that is due this coming winter.

In addition, the Resource Conservation and Recovery Act requires that the Army submit a permit application. Prior to submitting the application, the Army will hold a public meeting. The permit application details the process and will be available for public review and comment. The Clean Air Act also requires a permit application that the public can review and comment upon. In addition, the Army operates an extensive public outreach and information program within the community.

All of these public involvement avenues will be used to support the selection of the most appropriate technology for Blue Grass. No matter which technology is chosen, I will ensure that the Army continues to work with the local community to address their concerns and inform and involve them meaningfully in the disposal program.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

CRUSADER TECHNOLOGIES

19. Senator DAYTON. As I see it, the Army has made a significant investment in state-of-the-art, 21st century technologies in the Crusader program. Those technologies, when demonstrated in Crusader, will place the Army well on its way to achieving its transformation goals and realizing its future combat platform, the Future Combat System. If you don't complete Crusader, how will the Army attempt to mature those technologies, demonstrate their combat utility, and maintain your aggressive transformation time line?

Mr. WHITE. Crusader is a vital technology carrier for our transformation and future combat systems. In fact, it is the only system currently in development with over two dozen new technologies being integrated onboard a single ground combat platform for the first time. As the Army moves toward fielding Crusader, we will continue to develop, refine, and validate the doctrine and tactics that rely on cockpit automation, robotics, and information exploitation, in lieu of soldier-performed tasks that will also be applied in our future combat systems. In addition to developing the integrated crew cockpit, robotic munitions handling, projectile tracking radar, advanced composites, light metal fabrication techniques, and various protection and susceptibility reduction technologies, Crusader will prove out many of the sophisticated modeling, simulation, design, and integration processes that will provide the foundation for these future combat systems.

Absent Crusader, many of the advanced technologies and processes currently being developed by Crusader with application to our future combat systems will have to be developed by the individual systems or supported in the technology base. This defers the risks and transfers the burden for maturation of these technologies and processes from Crusader to the technology base and future systems. Additionally, this increases the resources required by the technology base and future combat systems to meet our transformation timeline.

20. Senator DAYTON. It would appear that the Army has narrowly characterized Crusader as a legacy force system, destined to support your one remaining mechanized corps. Yet, when we look at what the Army is proposing in its transformation, I see that the dependence upon long-range, precision strike capabilities growing, not diminishing for your interim brigade combat teams and your objective force. Your light, mobile platforms will want to avoid direct fire exchanges and destroy enemy systems long before they engage. Isn't that what Crusader is designed to do? With its improved strategic deployability, wouldn't the Army want to augment these new formations with small numbers of rapidly deployable Crusaders? So why isn't Crusader identified among your transformation systems, like Comanche?

Mr. WHITE. Crusader is specifically designed to meet the requirements of our transforming Army. Crusader is the cannon artillery that our legacy force's counterattack corps requires to accomplish its mission during the transformation. When added to the Abrams M1A2 System Enhancement Program tank, Bradley A3 fighting vehicle, M270A1 missile launcher, and Apache Longbow, Crusader completes the array of combat systems required for the counterattack corps to gain and maintain combat overmatch against potential foes during the transformation. Crusader's long-range precision fires, survivability, and lethality make it a candidate for augmenting our interim force based on mission requirements. Additionally, while Crusader is not a part of our objective force, it could potentially fight with or in support of this future force from the initial fielding of the future combat systems in 2008 through approximately 2030 according to our current projections. As the Army begins to field the objective force, the Crusaders will cascade and replace the Paladin howitzers and field artillery ammunition support vehicles, fielded today in the corps artillery units.

[The nomination reference of Thomas E. White, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 1, 2001.

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

Thomas E. White, Jr., of Texas, to be Secretary of the Army, vice Louis Caldera.

[The biographical sketch of Thomas E. White, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF THOMAS E. WHITE, JR.

Thomas E. White, Jr., is Vice Chairman of Enron Energy Services, the Enron Corp. subsidiary responsible for providing energy outsource solutions to commercial and industrial customers throughout the United States. He is also a member of Enron's Executive Committee.

Mr. White is responsible for the delivery component of energy management services, which include commodity management; purchasing, maintaining, and operating energy assets; developing and implementing energy information services; capital management; and facilities management. Enron is one of the world's leading electricity, natural gas, and communications companies. With revenues of $101 billion in 2000, Enron markets electricity and natural gas, delivers physical commodities, and financial and risk management services to customers around the world. *Fortune* magazine has named Enron "America's Most Innovative Company" for 6 consecutive years.

Mr. White joined Enron Corp. in 1990 as Vice President of Operations for Enron Power Corp., a subsidiary of Enron, after a 23-year career in the United States Army. In 1991 he was named Chairman and CEO of Enron Power Corp. During his tenure, Enron Power Corp. completed the world's largest natural gas fired co-generation plant at Teesside in the United Kingdom in 1993.

From 1993 to 1998, Mr. White was Chairman and CEO of Enron Operations Corp. Mr. White's duties included the operation of some 44,000 miles of natural gas pipelines, including the largest integrated system in the United States. In addition, he had management responsibility for the operation of 26 plants, including 18 in the United States and 8 in foreign countries stretching from Argentina to the Phil-

ippines. Mr. White also was responsible for Enron Engineering and Construction Company, which managed an extensive construction portfolio with domestic and international projects.

Mr. White retired as a Brigadier General from the United States Army in July 1990. Highlights of his military service include:

- Two years of service in combat operations in Vietnam.
- Extensive command experience, culminating in command of the 11th Armored Cavalry Regiment of V Corps in U.S. Army Europe, which included responsibility for 6,000 soldiers, 10,000 family members, and four different major installations.
- High-level staff assignments included service on several special task forces chartered by the Chief of Staff of the United States Army. Those task forces addressed critical defense issues including development of the M1 Abrams Tank, formulation of operational doctrine for large units, and the development of an Armor/Anti-Armor program budgeted at $2 billion per year.
- Served as Executive Assistant to the Chairman of the Joint Chiefs of Staff.
- Military decorations and awards include the Distinguished Service Medal, Silver Star, and Legion of Merit (with 3 Oak Leaf Clusters).

Mr. White holds a bachelor's degree in engineering from the United States Military Academy and a master's degree in operations research from the Naval Post Graduate School in Monterey, California.

Mr. White has been married to his wife Susan for 31 years. They have two sons and a daughter. Mr. White was born in Detroit, Michigan, on December 14, 1943.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Thomas Eugene White, Jr.

2. **Position to which nominated:**
Secretary of the Army.

3. **Date of nomination:**
May 1, 2001.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 14, 1943; Detroit, Michigan.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Susan Elizabeth Adams White.

7. **Names and ages of children:**
Thomas E. White III, 30; Charles F. White, 26; Kathleen H. White, 24.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
High School: Cass Technical High School, Detroit, Michigan, 1957–1961; graduated with diploma, June 1961.
College: Wayne State University, Detroit, Michigan, 1961–1963; No degree.
United States Military Academy, West Point, NY, 1963–1967; BS/Engineering, June 1967.
Graduate: United States Naval Postgraduate School, Monterey, CA, 1973–1974; MS/Operations Research 1974.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
March 1991–June 1993—Chairman/CEO Enron Power Corp., Houston, TX.
June 1993–Dec. 1996—Chairman/CEO Enron Operations Corp., Houston, TX.
Jan. 1997–Apr. 1998—Chairman/CEO Enron Ventures Corp., Houston, TX.
Apr. 1998–present—Vice Chairman/CEO Enron Energy Services, Houston, TX.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Enron Energy Services and other Enron subsidiaries—Vice Chairman, Officer, Director.
Catalytica Energy Systems, Inc.—Director.
Greater Houston Area Chapter American Red Cross—Vice Chairman.
T.E. White Family Limited Partnership—General Partner.
DLJ Private Equity Partners Fund II—Limited Partner.
WSW 1996 Exchange Fund, LP—Limited Partner.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Jewish-Institute for National Security Affairs—Member.
Business Executives for National Security—Member.
Greater Houston Area Chapter American Red Cross—Vice Chairman.
Association of the United States Army—Member.
Blackhorse Association—Member.
11th Armored Cavalry Regiment Veterans of Vietnam and Cambodia—Member.
Association of Graduates United States Military Academy—Member.
Woodlands, Texas Country Club—Member.
Naples National Golf Club, Naples, FL—Member.
Maroon Creek Country Club, Aspen, CO—Member.
Aspen Mountain Club, Aspen, CO—Member.
Caribou Club, Aspen, CO—Member.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
Member—Republican Party.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
1996—Enron Political Action Committee—$1,800
1996—Bob Dole for President Campaign—$2,000
1997—Enron Political Action Committee—$1,800

1998—Enron Political Action Committee—$1,800
1999—Enron Political Action Committee—$2,000
2000—George W. Bush for President Campaign—$2,000
2000—Enron Political Action Committee—$2,000

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

Military Medals (Army)
Army Distingnished Service Medal
Grand Merit Cross of the Federal Republic of Germany
Silver Star
Legon of Merit (4)
Distinguished Flying Cross
Bronze Star w/"V" Device (4)
Meritorious Service Medal
Air Medals w/"V" Device
Army Commendation Medal w/"V" Device (3)
Army Achievement Medal

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

THOMAS E. WHITE, JR.

This 21st day of March, 2001.

[The nomination of Thomas E. White, Jr., was reported to the Senate by Senator John Warner on May 21, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 24, 2001.]

[Prepared questions submitted to Gordon R. England by Chairman Warner prior to the hearing with answers supplied follow:]

May 9, 2001.

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

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

Sincerely,

GORDON R. ENGLAND.

cc: The Hon. Carl Levin
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. I am committed to the complete and effective implementation of these reforms.

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

Answer. I believe these reforms have been accepted and implemented and that they have clarified the responsibilities and authorities of the Secretary of Defense, the secretaries of the military departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs. The effectiveness of our joint warfighting forces has improved as a result of these reforms.

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

Answer. In my view, the most significant value of these reforms has been to strengthen joint warfighting. Our military is stronger and more lethal because our services can work better together. If confirmed, I will maintain and extend the Navy's commitment to the principles of joint warfare including interoperability and joint doctrine.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

DUTIES

Question. Section 5013 of Title 10, United States Code, describes the duties of the Secretary of the Navy.

Assuming you are confirmed, do you expect that Secretary Rumsfeld will prescribe additional duties for you?

Answer. The Secretary's Management Committee consisting of the Deputy Secretary of Defense, three service secretaries, and Under Secretary of Defense for Acquisition, Technology, and Logistics has been discussed as an operating model for the Department of Defense. If implemented by the Secretary of Defense, this would constitute new assignment for the service secretaries. As of this point in time, I am not aware of any other additional duties.

Question. If so, what do you expect those additional duties will be?

Answer. I am not aware of any such additional duties, except for the Secretary's Management Committee.

Question. What duties and responsibilities do you plan to assign to the Under Secretary of the Navy?

Answer. The Under Secretary of the Navy is to keep the Department on track and focused on the stated top priorities, keeping me informed of any impediments to success. I expect the Under Secretary of the Navy to monitor and maintain the priorities I have set for the Department and take the lead on any item in need of special attention.

Question. In carrying out your duties, how will you work with the Assistant Secretary of the Navy for Manpower and Reserve Affairs; the Assistant Secretary of the Navy for Installations and Environment; the Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy; the Assistant Secretary of the Navy for Research, Development, and Acquisition; and the General Counsel?

Answer. If confirmed, I intend to work closely and directly with the Assistant Secretaries of the Navy and the General Counsel to ensure the Department maintains a clear focus on the priorities set forth by the Secretary of Defense and myself consistent with the appropriate laws and Title 10 of the U.S. Code. My plan is to encourage teamwork within the Department of the Navy; therefore we will have a

number of integrated product teams, both within civilian leadership and between civilian leadership and their military counterparts.

SCIENCE AND TECHNOLOGY

Question. The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 established the goal of increasing the budget for the Defense Science and Technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. This goal was not met in the fiscal year 2000 nor in the fiscal year 2001 budget requests. In President-Elect Bush's speech at the Citadel he spoke of his support for a strong and stable technology base.

Do you believe that a substantial increase in the Department's S&T budget is needed?

Answer. Science and technology is important. If confirmed, I will review to ensure the Department and nation's needs are met.

Question. The defense laboratories are facing a future of continued reductions in research and support personnel. This trend, if unchecked, could result in a loss of "critical mass" in research efforts across a number of areas critical to future programs. This situation is further complicated by the fact that in the current economy, the Department is vying with industry for the best and the brightest high tech personnel, but is unable to compete on salary and quality of work. Finally, the process for hiring can take up to 18 months as opposed to direct hiring in industry.

If confirmed, how would you intend to attract and retain scientists and engineers for your laboratories?

Answer. This is a matter that requires my review and attention.

Question. Congress has authorized the Department to give laboratory directors direct hiring authority to enable them to compete for scientific and engineering talent. To date, the Department has been reluctant to use this authority.

Do you support giving the Department's laboratory directors the authority to make direct hires without having to go through an 18-month review process?

Answer. The Department is in the process of developing a waiver process to implement the authority for direct hiring that Congress provided under Section 245 of the Fiscal Year 2000 Defense Authorization Act. I support this authority and believe it will improve the workforce and the efficiency of DOD laboratories. At the same time, we need to examine the total laboratory structure within the DON, DOD, and DOE to maximize efficiency and effectiveness of these resources.

ACQUISITION REFORM

Question. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What are your thoughts on specific steps that can be taken to reduce the cycle time for major acquisition programs?

Answer. I would implement "spiral acquisition." By doing so, we can employ technology faster, at less risk, and less cost than current acquisition approaches.

Question. Do you see a need for any changes to the existing acquisition structure and/or acquisition chain of command?

Answer. Based on the long timelines and costs of current acquisitions, it would certainly appear that changes to the current acquisition structure may be necessary. If confirmed, I will become familiar with the current acquisition structure and the chain of command, and propose changes if appropriate.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has remained essentially constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on program management, and if so, how do you plan to address this problem?

Answer. Perhaps. While on the surface this appears to be a growing problem, this may not be as severe if we modify our acquisition processes. This subject will be examined as acquisition reforms are implemented in DOD.

Question. As the DOD continues to emphasize contracting out and competitive sourcing, the skills, training, and experience of the acquisition workforce will be

critical in effectively managing these contracts. In addition, the Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge as 50 percent of the remaining acquisition workforce will be eligible to retire in the next 5 years.

Do you believe the current acquisition workforce has the quality and training to not only adapt to new acquisition reforms, but to the increased workload and responsibility from managing privatization efforts?

Answer. While the current acquisition workforce is made up of high quality and well-trained personnel, the Department will need to continue to examine needs in this area. If confirmed, I will seek to increase the emphasis on creating a continuous learning environment for the acquisition workforce, to seek out and introduce best commercial practices, and to streamline our recruiting and hiring practices in order to be competitive with industry in attracting new talent.

READINESS

Question. Over the last few years we have seen increasing evidence that the readiness of the U.S. armed forces has begun to deteriorate as a result of the over-commitment of an under-resourced military. The Joint Chiefs have testified that the military services will require a $48 to $58 billion funding increase if the Department is to restore readiness and modernize for the future. The former Secretary of the Air Force recently stated that an increase of $100 billion would be required each year.

What do you view as the major readiness challenges that will have to be addressed and, if confirmed, how will you approach these issues?

Answer. If confirmed, the priority of this office will be to increase the combat capability which includes readiness of the Navy and Marine Corps and the interoperability of this capability with the other services and allies. I will work with the Chief of Naval Operations and Commandant of the Marine Corps to understand their perspective and efforts in providing sailors and marines with the tools necessary to accomplish their mission.

CINC-IDENTIFIED READINESS DEFICIENCIES

Question. The latest Quarterly Readiness Report to Congress identified numerous CINC-identified readiness-related deficiencies. Many of these are listed as Category I deficiencies which entail significant warfighting risk to execution of the national military strategy. Most of the specific deficiencies have been reported for the past several years and have not as yet been effectively addressed.

If confirmed, what actions will you take to ensure that the Navy provides the necessary resources to address these CINC-identified readiness deficiencies?

Answer. Navy has worked to mitigate CINC readiness deficiencies. If confirmed, I would continue that effort.

ENVIRONMENT

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, transfer of radio frequency spectrum from the Department of Defense to the wireless communications industry, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

In your opinion, how serious are these problems for the Navy?

Answer. Encroachment is a problem that grows more serious each day. The commanders have been trying to accommodate encroachment pressures by altering their training plans and procedures. While many of these individual accommodations may not appear serious, the cumulative effect could diminish readiness in the form of a fighting force less prepared than it should be. The effects of encroachment are most often seen as decreased days for training, restrictions on the location and timing for training, and limitations on the types of training.

Question. If confirmed, what actions will you propose to ensure that these issues do not prevent your service from effectively training and operating both at home and abroad?

Answer. The Department of Defense and the military services are working with other federal agencies to identify and resolve as many encroachment issues as possible. If confirmed, I will continue this effort.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and

subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Would you agree that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Yes, in many respects, the Department of the Navy is just like any other big business and must give priority to complying with environmental legal requirements. It is vital that the Navy and Marine Corps comply with environmental protection requirements and budget appropriately. If confirmed, I also will look for opportunities to be proactive rather than reactive. For example, achieving compliance through pollution prevention is the preferred method of business.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. In general, no. Most of the activities of the Navy and Marine Corps, particularly those associated with operating installations, can and must comply with environmental laws like the private sector. However, application of some environmental laws and regulations to militarily unique training actions should be examined and may require some regulatory accommodations to ensure national security.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. In general, I support the principle that DOD facilities should be subject to the same standards as comparably situated civilian facilities. However, there are circumstances where environmental regulations must be tailored to accommodate the unique military mission or special circumstances related to military training while still protecting the environment. A good example is the Military Munitions Rule whereby excess military munitions were recognized as a special type of waste that should not be regulated like civilian wastes under the Resource Conservation and Recovery Act.

Question. The Department of Defense faces a bill for the clean-up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars, and could well be in the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. If confirmed, I will work with the other services and the Secretary of Defense, in consultation with Congress, to solve this critical question.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such clean-up)?

Answer. If confirmed, I welcome the opportunity to look into this difficult and critical issue as well.

Question. How would you address the prospect of reducing the cost to the Department of environmental compliance?

Answer. As private industry and the Department of Defense have found, the preferred method for cost reduction is through pollution prevention. If confirmed, I will examine various ways to ensure environmental compliance while reducing costs.

Question. Maritime resource protection laws, executive orders, and interpretations of Federal and State environmental regulations have affected the conduct of maritime operations, and Navy test and training activities.

If confirmed as Secretary of the Navy, what measures would you take to preserve fleet operations and training exercises under the current regulatory and statutory framework?

Answer. I am not yet familiar with the various laws and regulations involving environmental compliance. If confirmed, I will acquaint myself with these laws and take action as appropriate.

VIEQUES

Question. Over the past 2 years, naval forces deploying from the East Coast of the United States have been prevented from conducting live-fire training on the Navy's training range on Vieques, Puerto Rico, which has had a degraded impact on the readiness of these forces to execute their wartime missions. An agreement was reached in 2000, and legislation passed to implement that agreement, that provided for the return of the western portion of the island, economic aid, and a restoration of live-fire training. Unfortunately, the current Governor of Puerto Rico

does not appear to be abiding by the terms of this agreement and has stated that she wants the Navy to cease operations immediately.

Do you agree with the Chief of Naval Operations and the Commandant of the Marine Corps that Vieques is essential to the readiness of East Coast naval forces?

Answer. Yes. The Island of Vieques provides an unequalled environment for training and evaluation of Navy and Marine Corps personnel and equipment in land, sea, air, and amphibious warfare. This combined arms training and evaluation is an essential step in attaining sufficient pre-deployment levels of readiness.

Question. If confirmed, what actions would you take to ensure that the Navy and Marine Corps receive necessary live-fire training on Vieques?

Answer. Under the terms of the Fiscal Year 2001 National Defense Authorization Act, the Department of the Navy will only resume live-fire training on Vieques if a majority of the registered voters in Vieques endorse our continued use of the range at a referendum scheduled for 6 November 2001. Until then, I support the continued training at Vieques with non-explosive ordnance in accordance with the Act and the agreement reached in January 2000 between the President and the Governor of Puerto Rico.

Question. Do you support the agreement the Navy reached with Governor Rossello regarding Vieques?

Answer. It is my understanding the Navy supports the agreement. I personally have not had sufficient briefings to have a position.

Question. If confirmed, do you intend to continue to comply with that agreement or will you seek to negotiate a new agreement or pursue a different course of action?

Answer. If confirmed, resolution of this issue will be a high priority. I will obtain additional information in order to understand all aspects of this situation.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Over the past several years the Department of Defense has increased its reliance upon the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort, believing that outsourcing will yield significant savings that can be used to modernize the military.

Do you believe that the military services need to retain a core capability to perform certain activities such as equipment maintenance, and what approach would you take to allocate workloads between the public and private sector?

Answer. If confirmed, I will strive to ensure that military core capabilities are retained, as necessary, to achieve the proper balance between public and private sector support.

Question. Do you believe that outsourcing can yield substantial savings for the Department of Defense?

Answer. If confirmed, I will work with my staff and welcome the opportunity to work with this committee to evaluate the effectiveness of this outsourcing.

Question. Do you agree that public-private competition is an essential precursor to any outsourcing effort in the Department of Defense?

Answer. If confirmed, I welcome the opportunity to work with my staff and the committee to evaluate the issue of public-private competition and whether it generates significantly greater savings.

COMMERCIAL VS. MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. The Federal Government is currently conducting a series of studies to determine a band of frequencies that can be used for the operation of third generation wireless communications devices. As a part of this overall effort, the Department of Defense is conducting a study to determine the cost and operational impact that would result if the military services were to surrender the use of the 1755–1850 MHz band of frequencies on which they currently operate their equipment. As the Department of Defense's information requirements increase with the advances taking place in weapon system technology, the Department's requirements for frequency access will also increase. However, the commercial sector is also experiencing increased requirements for frequency spectrum to meet the demands of the American consumers. Spectrum is a finite resource and we have to ensure it is utilized in the most efficient and beneficial manner possible.

If confirmed, what actions would you take to review your service's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. It is evident that the military does have bona fide requirements for spectrum utilization. Without unique military bandwidth, the whole effort for integrated command, control, and intelligence across the services will be jeopardized. If confirmed, I will work with the other services and DOD to address this issues.

Question. If confirmed, what actions would you take if the study currently being conducted within the Department of Defense determines that there will be a significant cost and operational impact if the military services surrender the 1755–1850 MHz band of frequencies?

Answer. If confirmed, I will need to be thoroughly briefed on the study to fully appreciate its findings.

BASE REALIGNMENT AND CLOSURE

Question. Over the past several years, various departmental officials have testified that there is excess defense infrastructure and have requested Congress to authorize another round of base closure.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. Any discussion of where there may be excess capacity must await the completion of the Secretary of Defense Strategic Review, which will identify a vision of how we must reshape the Department of Defense to best meet the threats of today and tomorrow to our Nation. Implementing this new defense vision will likely involve a shift in the focus and priorities of the military departments, including its supporting shore establishment.

SERVICE STOVEPIPES

Question. One of the principal criticisms of the Department of Defense is that the military services continue to pursue their individual systems—from logistics to data management—which increases costs and hinders interoperability. Although there have been efforts to remove these service stovepipes in the past, they continue to exist.

If confirmed, what actions will you take to eliminate service unique systems where systems could be developed to serve all of the services?

Answer. If confirmed, I will work with the other service secretaries to ensure a high degree of interoperability between our systems.

MILITARY FAMILY HOUSING

Question. In response to a continuing shortfall in funding for family housing construction and repair, the Department proposed the Military Housing Privatization Initiative as one part of their program to upgrade all military housing to standard by 2010. Although Congress enacted this authority in the National Defense Authorization Act for Fiscal Year 1996, the services have not made the anticipated progress in the privatization effort.

What role, if any, do you believe military family housing has in recruiting and retention?

Answer. Our sailors and marines need to know that their families are safely and comfortably housed while they are deployed and serving our Nation. As such, to the extent that we can improve the quality of life of our members, such improvements should contribute to overall satisfaction and, ultimately, positively affect recruiting and retention.

Question. Do you support the goal for upgrading all military family housing in your service to established standards by 2010?

Answer. Yes.

Question. Would you support providing the necessary resources to achieve this goal?

Answer. Yes

MODERNIZATION

Question. Do you believe that the Navy and the Marine Corps have been provided sufficient resources to maintain current readiness, recapitalize, and modernize to the level needed?

Answer. I have not had an opportunity to review the resources, and, if confirmed, I will provide more firm input after I have had time to better understand the issues.

Question. If not, what would be the effect of continuing current funding levels and what steps do you plan to take to avoid these problems?

Answer. If confirmed, I will work closely within Department of the Navy, and with SECDEF staff and Congress, to better determine and fund current and future requirements. At the same time, I expect to improve the efficiency of business practices within DON to free up additional funds for modernization and maintenance.

CAPABILITIES DELIVERED AT FLEET INTRODUCTION

Question. The Navy's newest tactical aircraft, the F/A–18E/F, may be scheduled for its first deployment in advance of receiving some of the subsystems that were originally scheduled to be a part of the aircraft package.

Do you believe that it is appropriate to send new systems to deploying forces, where the systems' capabilities fall short of what had been planned for delivery at the time of initial operational capability?

Answer. Although not familiar with the specifics of the F/A–18E/F, the concept is consistent with a "spiral development" approach, where systems are deployed to the field that provide significant benefit over existing systems but continue to evolve to meet final operational capability.

JOINT STRIKE FIGHTER

Question. The Navy's first stealthy, carrier-launched tactical aircraft will be the Joint Strike Fighter.

Do you believe that the Navy will be able to afford this program on the current schedule in light of the many other needs for recapitalization?

Answer. The naval service has a stated requirement for the Joint Strike Fighter. My understanding is that JSF research, development, test, and evaluation is fully funded throughout the FYDP, however, the outcome of this program may be influenced by the outcome of the Secretary of Defense strategic reviews.

MARINE CORPS ENLISTED RETENTION

Question. The retention of quality young privates and sergeants is important to the Marine Corps. This service has exceeded its retention goals so far this year.

What will your direction be to the Marine Corps to ensure that this positive trend continues?

Answer. If confirmed, I will encourage the Marine Corps to build upon success. Young marines thrive on challenge and a sense of adventure. Retaining quality marines is critical to the Corps' readiness. If confirmed, I will encourage the Marine Corps to pursue those quality of life issues and the challenging training regimen that has been so successful.

NAVAL GUN FIRE SUPPORT

Question. Do you concur with the Navy and Marine Corps operational requirement for the Navy to provide fire support from the sea to the Marine Corps, the Army, or other expeditionary forces?

Answer. Yes, I do concur. From both the Navy and Marine Corps perspectives, Operational Maneuver From the Sea (OMFTS) concepts have placed an increasing emphasis on the need for capable Naval Surface Fire Support (NSFS) assets. I realize that sea-based NSFS will be required to support joint operations, and integrate with expeditionary forces (whether Marine, Army, or other) operating over an extended littoral battlespace.

NAVY SUPPORT OF MARINE CORPS REQUIREMENTS

Question. The Commandant of the Marine Corps and the Chief of Naval Operations sometimes have differing views on how to implement key operational concepts, such as logistics from the sea. For instance, the Commandant may want to minimize his footprint ashore, which would require additional ships. Concurrently, the CNO may be struggling to find the resources to operate and recapitalize the present force structure and may not have the resources to support the Commandant's path to operating in the future.

How would you intend to arbitrate such differences of opinion between the Navy and the Marine Corps?

Answer. I am of the opinion that the Navy and Marine Corps form a unique operational team, serving a vital role in the defense of the nation and our interests. If confirmed, I intend to have both the Chief of Naval Operations and the Commandant of the Marine Corps as partners with me in demonstrating that we are "One team, one fight." I will encourage coordination and teamwork, ensuring that we work together at all levels.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communica-

tions to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions would you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will be vigilant in ensuring that military members whose actions are protected by the Act are not subject to illegal reprisals or retaliation. I also understand that the current Department of the Navy practice is to brief the requirements of the Act to all prospective commanding officers and executive officers, and address the requirements of the Act in the curriculum of eight separate courses of instruction for Navy and Marine Corps personnel. If confirmed, I will ensure that this emphasis on the Act in formal Navy training courses will continue.

OFFICER PROMOTION SYSTEM

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values. We are frequently asked to confirm the promotion of officers who have substantiated allegations of misconduct that have not been considered by the boards that selected these officers for promotion. At the same time, the services inform us that they have many highly qualified officers for each available general and flag officer billet.

What steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. The strength of our Navy rests on the moral and ethical foundation of its leaders. If confirmed, I will place great value and emphasis on integrity as I instruct selection boards in their duties.

I will expect and require high integrity and true commitment to Navy core values of honor, courage, and commitment. While some errors in performance are experiences that can be learned from and contribute to the strength and growth of an officer, faults relating to lack of integrity will be of great concern and will be intensely scrutinized in determining if that officer is qualified for promotion.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

Based on your private sector experience, do you believe the Department of the Navy is investing enough in its infrastructure?

Answer. I recognize that it has been a difficult challenge for the Department of the Navy to sufficiently invest in its infrastructure. My understanding is that independent studies have shown that the Department of the Navy's infrastructure investment is below industry levels. One approach to ensuring sufficient investment in infrastructure is to be sure that the Department has no excess infrastructure to be maintained.

Question. How does the Navy's investment in its infrastructure compare to what you are used to in the private sector?

Answer. The private sector depreciates its assets based on useful life. This would appear to be reasonable criteria for the Department of the Navy. As such, the investment account should equal the depreciation for each year unless more efficient processes are implemented.

Question. What steps would you plan to take to address this issue?

Answer. Upon completion of the strategic review, if confirmed, I will work with the Secretary of Defense to resource the required infrastructure to support the new national military strategy. The Department will need to apply commercial methods and industry practices to match facility requirements with our Navy and Marine Corps "product lines" and resource our infrastructure accordingly.

CIVILIAN CONTROL OF THE MILITARY

Question. Press reports indicate that increasing civilian control of the military services will be a priority of this administration.

What changes would you recommend to Secretary Rumsfeld to make in your duties and responsibilities or those of the Under Secretary or assistant secretaries in your department?

Answer. None at this time.

Question. Section 5014(c) of Title 10 requires that the Office of the Secretary of the Navy have sole responsibility for Acquisition, Auditing, Comptroller (including Financial Management), Information Management, Inspector General, Legislative Affairs, and Public Affairs.

If confirmed, would you review each of these functional areas to ensure that the Navy is in compliance with the statutory requirement?

Answer. Yes.

Question. The services have traditionally had a uniformed flag rank officer rather than the Assistant Secretary for Financial Management supervise their budget office.

Do you intend to follow this arrangement or do you plan to increase civilian control over your service's budget decisions?

Answer. The Assistant Secretary of the Navy for Financial Management has the authority and responsibility for budget matters for the Department of the Navy.

Question. The service secretaries have traditionally delegated management of readiness to the uniformed services.

What role do you intend to play in readiness issues?

Answer. I intend to play an active role, closely working with the naval services on this vitally important issue.

CIVILIAN WORKFORCE

Question. What steps would you plan to take to bring new people with the desired skills into our civilian workforce as more and more of the current workforce is becoming retirement eligible?

Answer. I believe renewal of the civilian workforce must be a primary objective if we are to meet future readiness requirements across the total force. If confirmed, I will support current initiatives to standardize and professionalize the recruitment efforts of Navy and Marine Corps commands; work with DOD on legislative and regulatory changes to streamline the employment and workforce restructuring processes; and support efforts to build strong career program alliances across the Department.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Secretary of the Navy?

Answer. I believe that the greatest challenges currently facing the Department are:

- Combat Capability—The primary purpose of the Navy and Marine Corps is to deter, train for, and when necessary, fight and win our Nation's battles and wars. To remain faithful to this charge, combat capability, which includes readiness, must be our primary emphasis. If necessary, resources will be shifted to meet this objective.
- People—Our most valuable resource. I will emphasize "quality of service"—achieving a quality workplace as well as a quality of life for our sailors, marines, civilians, and their families. Our thrust will be to create an environment of excellence.
- Technology and Interoperability—Application of advanced technology is the foundation of our Nation's military strength. Unfortunately, the application of technology has almost always lagged the availability of technology, sometimes by several generations.
- Efficiency—Application of more effective management techniques to systematically improve the efficiency of the Department.

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

Answer. My written statement to the committee includes my initial steps to address these challenges. If confirmed, these steps will be promptly initiated.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. According to the General Accounting Office, by 1992 the military had accumulated an estimated $8.9 billion in deferred maintenance. By 1998 that had grown to $14.6 billion. It now exceeds $16.0 billion and is growing. Last year in his testimony before Congress, the GAO's Neil Curtain said, "there really is a risk of losing the value of those (military) facilities. Real property maintenance is in disarray."

I would like your views on the priority you will be placing on installation readiness and eliminating this backlog in maintenance and repair.

Mr. ENGLAND. I agree with the recent DOD Inspector General assessment that the backlog of maintenance and repair is one of the top ten management challenges facing the Department of Defense. It is imperative that we fully sustain our facility inventory and halt the slide in installation readiness.

2. Senator THURMOND. According to your biography, as a member of the Defense Science Board, you were a principal contributor to the section 912c Report to Congress with broad recommendations for defense reform.

Based on that experience, what management reforms do you consider the most important to improve the operation of the Department of Defense?

Mr. ENGLAND. As noted in the Section 912c Report to Congress, there are significant cost and personnel savings to be realized through acquisition reform. Better integration of our research and development organizations with industry, and the use of innovative performance-based contracting practices and outsourcing initiatives offer the potential for increased efficiencies in streamlining both cost burdens and workforce requirements. I believe that we may benefit from further review and use of these methods and processes in other areas of our operations, such as medical activities and personnel activities.

3. Senator THURMOND. For a number of years, the prevailing ethic in the military has been that you better not make a mistake because a single error of any significance can blight your career. Your predecessor, Secretary Danzig, said that, "this is really hurting us and we have to stop doing this."

How do you feel about the "zero defect mentality?"

Mr. ENGLAND. The zero defect mentality not only is an impediment to the effective and accurate flow of communication to all levels of a command, it also perpetuates an atmosphere of micromanagement that is detrimental to retention. It is all too human to make mistakes as one develops in any profession. The leadership challenge is to be sure that individuals and commands learn from the mistake and take responsibility for their actions. It is important, however, to clearly distinguish between poor judgment or recklessness and an honest mistake. Accountability of persons in leadership positions for actions taken, or not taken, must be enforced and where necessary, disciplinary actions taken. Yet when honest mistakes or decisions with less than optimal information were made, the result need be examined in a

non-emotional setting. This serves to not only clearly determine what happened and why, but also ultimately to educate others.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

4. Senator SANTORUM. The Joint Strike Fighter is approaching a major decision point, with a source selection and entry into engineering and manufacturing development (EMD). Do you feel the program can receive the stable funding required for it to meet its goals in light of other programs competing for limited resources, e.g. F–22 in the case of the Air Force and FA–18E/F in the case of the Navy?

Mr. ENGLAND. The Secretary of Defense is currently conducting a comprehensive strategic review of the Department's near- and long-term requirements. The results from that review will be incorporated into the Quadrennial Defense Review to provide the appropriate prioritization of our programs to meet those requirements. The allocation of Department resources will be based on that prioritization.

5. Senator SANTORUM. A constituent company, Erie Forge & Steel, Inc., plays an important role in producing propeller shafts for the U.S. Navy. Figures provided by the Navy note that Erie Forge & Steel delivered approximately 80 percent of the finished propulsion shafts used by the Navy. Erie Forge and Steel is one of only two manufacturers in the United States capable of totally manufacturing (cradle to grave) shafts for Trident submarines.

The Navy notes that while some contractors can produce rough forging and others can perform the machining, only Erie Forge & Steel, on the east coast, and Jorgensen Forge, on the west coast, are capable of performing the total work package. The Navy notes that the most critical process for shaft section production is the finish machining process, which accounts for 60 percent of the work required to manufacture a shaft section.

Regrettably, Erie Forge & Steel is not immune from the dislocation and economic pressures that are impacting our domestic steel producing industry. Erie Forge & Steel has applied for a loan as part of the Emergency Steel Loan Guarantee Act of 1999, in response to unfair dumping of foreign steel. Clearly, it would not be in the best national security interests of this country if the Navy were to lose the capabilities provided by Erie Forge & Steel.

Do I have your assurance that you will look into the situation that is impacting Erie Forge & Steel and report back to me on how the Navy might work with the company to get through this period of financial difficulty?

Mr. ENGLAND. The Navy will be conducting an in-depth analysis this year regarding the capacities and capabilities of Erie Forge, Lehigh Heavy Forge, Jorgensen, and other companies to gain a better understanding of the impact on the industrial base due to the possible loss of Erie Forge & Steel capacity for Navy propulsion shafting. The Navy's findings will be forwarded to you as they become available.

6. Senator SANTORUM. A new Pentagon report to Congress on the state of the U.S. naval ship propeller industry says that while the U.S. Navy's future requirement for ship propellers could be met by a government-owned foundry, not enough Navy work would remain to support the private-sector industrial base.

Naval shipbuilding projections confirm the government cannot provide enough work to sustain the two U.S. facilities capable of casting large ship and submarine propellers, indicating the domestic propeller industrial base is too fragile to risk losing Navy procurement dollars to overseas competitors.

The report defines the U.S. ship propeller industrial base as comprised of two firms: the Naval Foundry and Propeller Center, Philadelphia, a Navy-owned facility capable of meeting the Navy propeller requirement during the next 6 years; and Rolls-Royce Naval Marine Inc., Walpole, Massachusetts, which has a foundry in Pascagoula, Mississippi.

Do you agree with me that the Naval Foundry and Propeller Center at Philadelphia is a national asset? What steps or actions do you believe must be taken by the Navy to ensure the viability of our American ship propeller industrial base, particularly the Naval Foundry and Propeller Center in Philadelphia?

Mr. ENGLAND. Naval Foundry and Propeller Center is an important asset to the Navy's shipbuilding program. The Navy can continue to direct sufficient work to the Center to maintain their minimum sustaining rate. Although they are primarily a submarine propulsor manufacturer, the Navy is prepared to direct surface ship work to the Center as done with AOE 6 propellers in the early 1990s. The viability of the American ship propeller base is primarily affected by ship construction build

rates. An increased build rate will provide stabilizing influences on the propeller industrial base.

QUESTION SUBMITTED BY SENATOR WAYNE ALLARD

7. Senator ALLARD. Secretary Rumsfeld announced his recommendations regarding our military space organization as encouraged by the Space and NRO Commissions. Please comment on the Secretary's recommendations specifically as it relates to your service.

Mr. ENGLAND. The Department of the Navy concurs with the Space Commission conclusions and Secretary Rumsfeld's recommendations. We look forward to continuing our active role in implementing those recommendations to better enable joint land, air, and maritime warfighting use of space and space assets. The Navy, like our sister services, relies heavily upon the use of space for combat operations. Naval combat operations are critically dependent upon space for precise navigation; satellite communications; time critical intelligence, surveillance and reconnaissance, targeting and weaponeering; and meteorology and oceanography. Therefore, for the naval service, the final measure of the new national security space organization's worth will be its ability to balance and fulfill our warfighting requirements properly.

We intend to work closely with all of the stakeholders and the Office of the Secretary of Defense to clearly define the new organization's policy, requirements, and acquisition processes. We see significant opportunities in this new organization to improve the use of space and space assets. We are fully committed and ready to participate by providing the necessary Navy and Marine Corps expertise.

QUESTION SUBMITTED BY SENATOR JEFF SESSIONS

8. Senator SESSIONS. Secretary Rumsfeld has indicated that he is interested in using advanced technologies (already on the shelf) to dramatically increase the capability and performance of existing weapons systems like Harpoon.

It is my understanding that the Navy has supported the development of a Harpoon upgrade for export. It seems to me that this kind of technology upgrade might make sense for the Navy. Do you have any views on this matter? If not, would you look into this matter, and then get back to me?

Mr. ENGLAND. The Navy entered into an innovative cooperative agreement with Boeing to oversee and support development and test of the Harpoon upgrades. Foreign military sales of the Harpoon upgrades will commence this year. The decision to retrofit U.S. Navy Harpoon systems with these upgrades will be contingent upon prioritized operational requirements and availability of resources to meet those priorities.

[The nomination reference of Gordon R. England follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2001.

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

Gordon R. England, of Texas, to be Secretary of the Navy, vice Richard Danzig.

[The biographical sketch of Gordon R. England, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GORDON R. ENGLAND

Mr. England served as Executive Vice President of General Dynamics Corporation from 1997 until 2001 and was responsible for two major sectors of the corporation: Information Systems and International. Previously he had served as Executive Vice President of the Combat Systems Group, President of General Dynamics Fort Worth Aircraft Company and before that he served as President of General Dynamics Land Systems Company producing land combat vehicles.

Mr. England began his career with Honeywell Corporation working as an engineer on the Gemini space program before joining General Dynamics in 1966 as an avionics design engineer in the Fort Worth aircraft division. He also worked as a program manager with Litton Industries on the Navy's E–2C Hawkeye aircraft.

Following various engineering and management positions with GD Fort Worth, Mr. England became President of GD Land Systems company. Shortly afterwards he returned to Fort Worth as President of that division and as Executive Vice President of the corporation in 1991. He served in these roles until 1993 when Lockheed Martin purchased the Fort Worth division, after which he continued to serve as President of Lockheed's aircraft company from 1993 to 1995.

Mr. England established a mergers and acquisitions consulting firm following his retirement from Lockheed Martin in 1995 and operated that business until his selection as Executive Vice President of General Dynamics in 1997.

A native of Baltimore, he graduated from the University of Maryland in 1961 with a bachelor's degree in electrical engineering. In 1975 he earned a master's degree in business administration from the M.J. Neeley School of Business at Texas Christian University. He is a member of the following honorary societies: Beta Gamma Sigma (business), Omicron Delta Kappa (leadership), and Eta Kappa Nu (Engineering).

Mr. England has served as a member of the Defense Science Board and as Vice Chairman of the National Research Council Committee on the Future of the U.S. Aerospace Industry. He has also been actively involved in a variety of civic and charitable organizations, including Goodwill International where he served as Vice Chairman of the Board of Directors, the USO's board of governors, and as a member of the board of visitors at TCU and other universities.

He has received numerous professional and service awards from many organizations, including the Boy Scouts of America, National Defense Industrial Association, and the National Management Association. He was selected as an IEEE Centennial awardee and is a member of the Aviation Heritage Hall of Fame.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Gordon Richard England.

2. **Position to which nominated:**
Secretary of the Navy.

3. **Date of nomination:**
May 1, 2001.

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

5. **Date and place of birth:**
September 15, 1937; Baltimore, Maryland.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Dorothy Hennlein England.

7. **Names and ages of children:**
Gordon England, Jr., 38; Margaret K. Rankin, 35; Marisa C. Walpert, 28.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Mount St. Joseph High School, Baltimore, Maryland, Diploma—June 1955.
University of Maryland, College Park, Maryland, BSEE (Electrical Engineering)—June 1961.
Texas Christian University, Fort Worth, Texas, MBA—May 1975.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Vice President, R&D, General Dynamics Land Systems, Sterling Heights, Michigan, July 1986 to December 1990.
President and General Manager, General Dynamics Land Systems, Sterling Heights, Michigan, January 1991 to July 1991.
President and General Manager, General Dynamics Fort Worth Company, July 1991 to March 1993.
President, Lockheed Fort Worth Company, March 1993 to March 1995.
Self employed, GRE Consultants, Inc., Fort Worth, Texas, March 1995 to March 1997.
Executive Vice President, General Dynamics Corporation, Falls Church, Virginia, March 1997 to March 2001.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Benbrook Texas City Council and mayor pro tem, 1982–1986, no party affiliation.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
General Dynamics Corporation, Officer & Executive Vice President.
GMM Investments, Ltd. (family partnership), General Partner.
Boeing Company, Consultant.
Texas Christian University, Member of Board of Visitors, Neeley School of Business.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
United Service Organization (USO), Member of Board.
National Defense Industrial Association, Member of Board.
Goodwill Industries of Fort Worth, Member of Board.
National Research Council, Vice Chairman of Study on the Future of U.S. Aerospace Infrastructure.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
GD PAC contributions (withheld from paycheck)
1997—$2,600
1998—$2,600
1999—$2,600

2000—$2,600
2001—$1,000

Personal Contributions
2000—Johnson for Congress 2000—$1,000
2000—Texas Freedom Fund—$1,000
2000—Friends of Max Cleland—$1,000
2000—Tiahrt for Congress—$1,000
2000—Re-election Campaign of Cong. Chet Edwards—$1,000
2000—Common Sense, Common Solutions PAC—$500
2000—Lazio 2000—$2,000
2000—RNC Victory 2000—$2,000
2000—Texas Freedom Fund PAC, Inc.—$1,000
2000—Kay Granger Campaign Fund—$1,000
2000—Kay Granger Campaign Fund—$1,000 (by Dorothy H. England)
1999—Texas Freedom Pac—$1,000
1999—Murtha for Congress—$1,000
1999—Kay Granger for Congress—$1,000
1999—Joe Barton for Congress—$1,000
1999—Kay Granger Campaign Fund—$500
1999—Re-election Campaign of Cong. Todd Tiahrt—$1,000
1998—Snowe for U.S. Senate—$1,000
1998—Leahy for U.S. Senate—$1,000
1998—Carol Keaton Rylander Campaign (Texas)—$500
1998—Leahy for U.S. Senate—$1,000
1998—Governor Bush Committee—$500
1998—Murtha for Congress—$500
1998—6th District Republican Association—$1,000
1998—National Republic Congressional Committee Operation Breakout—$10,000
1997—Shelby for U.S. Senate—$1,000
1997—Kennedy for U.S. Senate—$500
1997—Governor Bush Committee—$1,000
1997—Joe Barton for Congress—$2,000
1997—Kay Granger for Congress—$2,000
1997—Kay Granger Campaign—$2,000
1996—Friends of Ed Harrison—$1,000
1996—Re-Elect Sheriff Williams—$250
1996—RNC—Victory 1996—$1,000
1996—Republican National Committee—$1,000
1996—Gramm 1996 Senate Re-Election Campaign—$1,000
1996—Kay Bailey Hutchison for Senate Committee—$4,000
1996—Norman Robbins for School Board—$500
1996—Kay Granger for Congress—$1,000
1996—Campaign to Elect Elaine Klos—$100
1996—Democratic National Party—$500
1996—Kay Granger for Congress—$1,000
1996—Wendy Davis for City Council—$500
1996—Norman Robbins for School Board—$500
1996—Joe Barton for Congress—$1,000
1996—Joe Barton for Congress—$1,000
1996—David Williams for Sheriff—$250

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

Silver Knight of Management Award, National Management Association.
Silver Beaver Award, Boy Scouts of America.
Silver Award, National Defense Industrial Association.
Selected to Aviation Heritage Hall of Fame.
Institute of Electrical and Electronics Engineering Centennial Awardee.
Member, Beta Gamma Sigma (business).
Member, Omicron Delta Kappa (leadership).
Member, Eta Kappa Nu (engineering).

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

GORDON R. ENGLAND.

This 30th day of April, 2001.

[The nomination of Gordon R. England was reported to the Senate by Senator John Warner on May 21, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 22, 2001.]

[Prepared questions submitted to Dr. James G. Roche by Chairman Warner prior to hearing with answers supplied follow:]

May 9, 2001.

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

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

Sincerely,

JAMES G. ROCHE.

cc: The Hon. Carl Levin
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

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

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

The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support full implementation of the Goldwater-Nichols reforms and agree with its goals. The enactment of Goldwater-Nichols significantly improved the

organization of the Department of Defense, focused our joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense, and increased the integration of service capabilities.

DUTIES

Question. Section 8013 of Title 10, United States Code, outlines the duties of the Secretary of the Air Force, subject to the authority, direction, and control of the Secretary of Defense.

Assuming you are confirmed, what duties do you expect that Secretary Rumsfeld will prescribe for you?

Answer. Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force, pursuant to 10 U.S.C. Section 8013, is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. These functions include organizing, supplying, equipping, training, maintaining, and administering. If confirmed as Secretary of the Air Force, I would expect the Secretary of Defense to assign me duties consistent with these responsibilities.

Question. What duties and responsibilities do you plan to assign to the Under Secretary of the Air Force?

Answer. As stated above, the Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. If confirmed, the Under Secretary will partner with me to execute these responsibilities. Beyond a focus on space activities as has been designated by the Secretary of Defense, the duties of the Under Secretary are expected to evolve to maximize the capabilities of the leadership team. If confirmed, I will be pleased to keep you informed in this area.

Question. In carrying out your duties, how will you work with the Assistant Secretary of Air Force for Manpower, Reserve Affairs, Installations, and Environment; the Assistant Secretary of the Air Force for Financial Management and Comptroller; the Assistant Secretary of the Air Force for Acquisition; the Assistant Secretary of the Air Force for Space; and the General Counsel?

Answer. If confirmed, Under Secretary of the Air Force, the General Counsel, the Assistant Secretaries of the Air Force, along with the Air Force Chief of Staff, will form the nucleus of my leadership team. I will foster a close working relationship with them on matters within their areas of responsibility in order to more effectively manage the Department of the Air Force.

SCIENCE AND TECHNOLOGY

Question. The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 established the goal of increasing the budget for the Department of Defense Science and Technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. The Air Force has been criticized for shrinking its science and technology program, rather than expanding it. In President-Elect Bush's speech at the Citadel, he spoke of his support for a strong and stable technology base.

Do you believe that a substantial increase in the Air Force's science and technology budget is needed?

Answer. There is always more that can be done to exploit the rapid advance of technology to enable our forces to more effectively and safely conduct operations. However, as with all investments, the S&T program needs must be balanced with the systems acquisition requirements and the operational and maintenance demands within the Air Force topline funding allocation. This process of balancing priorities is a continuing effort among the Air Force senior leadership.

Question. Congress has authorized the Department to give laboratory directors direct hiring authority to enable them to compete for scientific and engineering talent. To date, the Department has been reluctant to use this authority.

Do you support giving the Department's laboratory directors the authority to make direct hires without having to go through an 18-month review process?

Answer. I support flexibility in both hiring and compensation that will allow the Department of Defense to attract and retain highly skilled scientists and engineers who can meet the dynamic technological challenges of the 21st century. Such flexibility is needed to help level the playing field with private industry. Although I have not had the opportunity to look at specific hiring authorities in detail, if confirmed, I will certainly focus on the challenges the Air Force faces.

PRIVATIZATION

Question. With the encouragement of Congress, the Department of Defense is fully engaged in the privatization of many of its support functions. Among the most significant privatization efforts are military family housing and utility systems, although there are hundreds of other examples.

What in your judgment are the risks and benefits of the privatization initiatives?

Answer. Clearly our objective should be to provide quality housing for our hard working men and women in uniform and their families. Quality of life is important to all of our airmen and is an essential element required to maintain the high caliber of personnel needed to operate our high tech Air Force. If confirmed, I will welcome the opportunity to look at this to ensure we provide quality housing for our men and women in uniform and their families.

Question. In your judgment, is there a point when privatization will affect readiness?

Answer. If confirmed, I will make this particular issue a priority. I certainly welcome the opportunity to work with the committee to maintain an open dialogue to address this issue.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Do you believe that outsourcing of non-core activities can yield substantial savings for the Department of Defense?

Answer. I understand there are numerous studies on the effectiveness of outsourcing. If confirmed, I will work with my staff and welcome the opportunity to work with this committee to evaluate the effectiveness of outsourcing.

Question. Do you agree that public-private competition is an essential precursor to any outsourcing effort in the Department of Defense?

Answer. If confirmed, I welcome the opportunity to work with my staff and this committee to evaluate the issue of public-private competition and whether it does generate significantly greater savings.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Most definitely, I wholeheartedly support prohibiting any such actions.

Question. If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will ensure that the Air Force Inspector General, who works directly for the Secretary of the Air Force, continues to personally brief every Air Force course for new general officers, new wing commanders, and new group commanders, emphasizing the need for these leadership groups to constantly and consistently enforce the Whistleblowers' Protection Act, a key tenet in the department's inspector general process.

OFFICER PROMOTION SYSTEM

Question. In the previous decade, the Air Force had serious problems with its officer promotion system, some of which are the subject of ongoing litigation.

Are you familiar with these problems? Do you believe any changes are needed in the Air Force officer promotion system?

Answer. No, I have no detailed understanding of these particular issues. However, if confirmed, I will work with my staff and this committee to review the existing promotion processes and make improvements, when required.

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values. We are frequently asked to confirm the promotion of officers who have substantiated allegation of misconduct that have not been considered by the boards that selected these officers for promotion. At the same time, the services inform us that they have many highly qualified officers for each available general and flag officer billet.

What steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. If confirmed, I will work this particular issue hard. I will ensure my staff maintains an open dialogue with this committee on these critical general officers matters.

MODERNIZATION

Question. Operational support costs for existing aircraft platforms continue to rise as mission capable rates have declined. As this has happened, funds have been moved from research and development and new procurement to operation and maintenance to meet current readiness requirements.

Absent changes in the force structure, unless there is an infusion of funding above what is expected, how can the Air Force afford its planned tactical aircraft modernization program?

Answer. The Secretary of Defense has an ongoing strategic review of key modernization programs within the Department. If confirmed, I welcome the opportunity to work with this committee to discuss the results of the review and its impact on the existing Air Force tactical aircraft programs.

PRECISION WEAPONS

Question. There has been an increasing dependence on standoff precision weaponry over the past decade. Operation Allied Force caused us to expend sizeable portions of the inventories of some of these weapons.

Do you think the Air Force has an executable, affordable plan to acquire the weaponry required to support the national military strategy?

Answer. I understand the Air Force does. However, if I am confirmed, the current Air Force plan will be reviewed in light of the Secretary of Defense's strategic review.

SPACE

Question. If the Air Force becomes the Executive Agent for the Department of Defense for Space, how will you ensure that each of the military services' unique requirements are met, in addition to shared requirements?

Answer. As DOD's Executive Agent for Space, the Air Force will continue to work closely with our sister services and Joint Staff to ensure unique and shared requirements are addressed. I believe consolidating management of the Department's overall space program will facilitate an improved response to requirements and affordability.

Question. Do you believe the Air Force should have veto or approval authority over the space budget of a sister service?

Answer. I don't expect the Air Force to have or exercise that kind of authority over another service's space budget. However, a key intent of the Space Commission's recommendation to consolidate space organization and management is to bring greater accountability and transparency to military space programs. In that regard, if confirmed, I and the Under Secretary of the Air Force will work closely with the Department and our service counterparts to ensure space acquisition planning, programming and budgeting activities are closely linked.

Question. Do you support creation of an Under Secretary of the Air Force for Space?

Answer. I support the Secretary of Defense's announcement that the Under Secretary of the Air Force be dual-hatted as the Air Force Acquisition Executive for Space and as the Director of the NRO.

STRATEGIC SYSTEMS

Question. Do you support the prompt retirement of the peacekeeper ICBM?

Answer. Commensurate with the outcome of the Secretary of Defense's strategic review, if confirmed, I look forward to working with the committee as well as the Department on this issue.

Question. What are your views on the Air Force requirement for long-range bombers?

Answer. The Air Force is committed to sustaining and modernizing our long-range strike capabilities to meet our current and future wartime commitments. Bombers have inherent strengths of range, payload (standoff, precision and non-precision), flexibility, and responsiveness that bring vital capabilities required in virtually all combat environments. Subject to the outcome of the ongoing strategic review, and if confirmed, I commit to a thorough analysis of this mission area.

INTELLIGENCE SYSTEMS

Question. Will you ensure that the Air Force works closely with the intelligence community and the United States Strategic Command to ensure that intelligence sensors, such as the V-sensor on GPS and SABRS on SBIRS, are included on Air Force satellites?

Answer. The Air Force's close and continuing cooperation with the Intelligence Community and U.S. Strategic Command is essential. If confirmed, I will work with these mission partners, and others as appropriate, to balance performance, cost, and schedule factors when evaluating Air Force satellites as hosts for intelligence sensors.

ACQUISITION REFORM

Question. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What are your thoughts on specific steps that can be taken to reduce the cycle time for major acquisition programs?

Answer. It is my understanding the Air Force is currently implementing recommendations resulting from the Air Force Cycle Time Reduction Program. Key among the focus areas is the ability to rapidly select and approve development and fielding of demonstrated technologies.

Question. Do you see a need for any changes to the existing acquisition structure and/or acquisition chain of command?

Answer. If confirmed, I will closely work with my service secretary's colleagues and the Under Secretary of Defense for Acquisition to address the variety of issues that impact our acquisition structure and acquisition chain of command.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has remained essentially constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on program management, and if so, how do you plan to address this problem?

Answer. It is my understanding the Air Force is proactively working, in conjunction with OSD, to minimize the impact of the reductions on our acquisition mission. If confirmed, I'll conduct a complete bottom-up review of the Air Force acquisition workforce to identify the right skills and employee mix (active duty military, civilian, Air National Guard, Reserve, and contractor) required to meet the needs of the warfighters.

Question. As the DOD continues to emphasize contracting out and competitive sourcing, the skills, training, and experience of the acquisition workforce will be critical in effectively managing these contracts. In addition, the Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge, as 50 percent of the remaining acquisition workforce will be eligible to retire in the next 5 years.

Do you believe the current acquisition workforce has the quality and training to not only adapt to new acquisition reforms, but also respond successfully to the increased workload and responsibility from managing privatization efforts?

Answer. The acquisition workforce has done a phenomenal job of stepping up to the workload driven by increased outsourcing and privatization efforts. If confirmed, I will diligently work to get our people the training to ensure they are able to work smarter, not just harder.

SERVICE STOVEPIPE

Question. One of the principal criticisms of the Department of Defense is that the military services continue to pursue their individual systems—from logistics to data management—which increases costs and hinders interoperability. Although there have been efforts to remove these service stovepipes in the past, they continue to exist.

If confirmed, what actions will you take to eliminate service unique systems where systems could be developed to serve all of the services?

Answer. Pending the outcome of the Secretary of Defense's strategic review and if confirmed, I will enthusiastically work with my service secretary colleagues, the Under Secretary of Defense for Acquisition, as well as the Department and this committee to address this critical issue and enhance and maximize interoperability.

AIR FORCE RETENTION

Question. Last year, the Air Force experienced retention problems. It was the only service that missed its enlisted retention goals in the 1st, 2nd, and 3rd term retention categories.

What do you consider to be the most critical factor causing Air Force retention problems?

Answer. I strongly believe that the great men and women of the United States Air Force are our most valuable resource. If confirmed, I pledge to the committee that this will be one of my highest priorities. There are many reasons our people choose to leave the service. I commit to making the Air Force an even better place to work and live so we may retain the people who want to serve our Nation. I look forward to working with this committee on this issue.

Question. If confirmed, what would you do to ensure that fiscal year 2001 retention goals are attained?

Answer. The approach to the retention problem has to be balanced, since the issue is not driven by one factor. I understand that while service to the Nation is the primary reason people join the Air Force and the primary reason they stay, there are many factors that affect their decisions to leave. Once again, if confirmed, I pledge to this committee that one of my highest priorities will be the magnificent men and women of the United States Air Force.

END STRENGTH

Question. In the National Defense Authorization Act for Fiscal Year 2001, the end strength of the Air Force was established at 357,000. The committee has since learned that the Air Force may have little chance of achieving this end strength.

If confirmed, what steps will you take to ensure that the Air Force achieves its fiscal year 2001 end strength?

Answer. I understand the Air Force has implemented many initiatives to address recruiting and retention. Included in these are more recruiters, paid advertising, increased and targeted bonuses, etc. I'm aware this committee has been very helpful in addressing solutions to aid the end strength issue and, if confirmed, I look forward to working with this committee in finding further answers to this problem.

ENVIRONMENT

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, transfer of radio frequency spectrum from the Department of Defense to the wireless communications industry, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

In your opinion, how serious are these problems to the Air Force?

Answer. I understand base, training range, and spectrum encroachment issues are a serious challenge to sustaining mission readiness. I expect there are increasing challenges not only with our current level of operations, but also with the beddown of new weapon systems or realignments. If confirmed, I will make this a priority in working within the Department and with this committee to ensure required access.

Question. If confirmed, what actions would you propose to ensure these issues do not prevent your service from effectively training and operating both at home and abroad?

Answer. I believe there must be a balance between test, training, and readiness requirements and responsible stewardship. If confirmed, I will foster the development and maintenance of partnerships with our sister services, civilian government agencies, tribal governments, and other stakeholders that serve to address areas of mutual interest in order to sustain our required access to ranges and airspace.

Question. Commercial air traffic is expected to increase 6 percent annually and military airspace use will also increase with the next generation of high performance weapon systems. As a result of the pressures associated with commercial air traffic congestion, noise, and environmental concerns, the acquisition and use of spe-

cial use airspace has evolved into a challenging endeavor for all of the military departments.

How would you meet such challenges to ensure the acquisition and use of critical airspace for military training?

Answer. I understand that the senior members of the DOD Policy Board on Federal Aviation along with the Department of Transportation/FAA are currently determining a plan for effective joint FAA–DOD interaction. If confirmed, I will ensure this open dialogue continues.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Would you agree that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Yes, I believe we need to maintain positive, productive relationships and comply with current agreements.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. No.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that Federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. Yes.

Question. The Department of Defense faces a bill for the clean-up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars, and could be well be in to the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. If confirmed, I will work within the Department and with the Air Force Major Commands to address this critical issue.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such cleanup)?

Answer. If confirmed, I welcome the opportunity to look into this difficult and critical issue.

COMMERCIAL VERSUS MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. The Federal Government is currently conducting a series of studies to determine a band of frequencies that can be used for the operation of third generation wireless communications devices. As a part of this overall effort, the Department of Defense is conducting a study to determine the cost and operational impact that would result if the military services were to surrender the use of the 1755–1850 MHz band of frequencies on which they currently operate their equipment. As the Department of Defense's information requirements increase with the advances taking place in weapon system technology, the Department's requirement for frequency access will also increase. However, the commercial sector is also experiencing increased requirements for frequency spectrum to meet the demands of the American consumers. Spectrum is a finite resource and we have to ensure it is utilized in the most efficient and beneficial manner possible.

If confirmed, what actions would you take to review your service's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. If confirmed, I will encourage the research, development, and acquisition of systems that efficiently use the radio frequency spectrum in support of national security. I will work within the Department to address national spectrum use standards for both government and private industry.

Question. If confirmed, what actions would you take if the study currently being conducted within the Department of Defense determines that there will be a significant cost and operational impact if the military services surrender the 1755–1850 MHz band of frequencies?

Answer. If confirmed, I will familiarize myself with the results of the study and provide my assessment of its impact on Air Force warfighting capability to the office

of the Secretary of Defense. I also look forward to working with the committee to address these challenges.

BASE REALIGNMENT AND CLOSURE

Question. Over the past several years, various departmental witnesses have testified that there is excess defense infrastructure and requested Congress to authorize another round of base closure.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. If confirmed, I look forward to working within the Department and with this committee to address the recommendations of the Secretary of Defense's strategic review as they relate to force sizing and force beddown options.

INVESTMENT IN INFRASTRUCTURE

Question. Witnesses appearing before the committee in recent years have testified that the military services under-invest in their facilities compared to private industry standards. Decades of under-investment in our installations have led to increasing backlogs of facility maintenance needs, created substandard living and working conditions, and made it harder to take advantage of new technologies that could increase productivity.

Based on your private sector experience, do you believe the Department of the Air Force is investing enough in its infrastructure? How does the Air Force's investments in its infrastructure compare to what you are used to in the private sector? What steps would you plan to take to address this issue?

Answer. I believe it will be necessary to re-evaluate our funding levels once the Secretary of Defense's strategic review is complete and we understand our force structure needs and the basing network required. If confirmed, I welcome the opportunity to address this issue.

CIVILIAN CONTROL OF THE MILITARY

Question. Press reports indicate that increasing civilian control of the military services will be a priority of this administration.

What changes do you and Secretary Rumsfeld plan to make in your duties and responsibilities or those of the Under Secretary or assistant secretaries in your department?

Answer. If confirmed, I expect to meet with Secretary Rumsfeld to discuss his expectations for my participation as a member of his management team. Based on this guidance, I will make changes in the duties and responsibilities of the Under Secretary and assistant secretaries, if needed.

Question. Section 8014(c) of Title 10 requires that the Office of the Secretary of the Air Force have sole responsibility for Acquisition, Auditing, Comptroller (including Financial Management), Information Management, Inspector General, Legislative Affairs, and Public Affairs.

If confirmed, will you review each of these functional areas to ensure that the Air Force is in compliance with the statutory requirement?

Answer. Yes.

Question. The services have traditionally had a uniformed flag rank officer rather than the Assistant Secretary of Financial Management run their budget office. Do you intend to follow this arrangement or do you plan to increase civilian control over your service's budget decisions?

Answer. If confirmed, I will carefully review the current arrangement and its effectiveness.

Question. The service secretaries have traditionally delegated management of readiness to the uniformed services. What role do you intend to play in readiness issues?

Answer. If confirmed, I will work closely with the Air Force Chief of Staff and the Air Force Major Commands to review the readiness of our forces. I would expect to be fully involved in any readiness issues faced by the Air Force.

CIVILIAN WORKFORCE

Question. What steps would you plan to take to bring new people with the desired skills into our civilian workforce as more and more of the current workforce is becoming retirement eligible?

Answer. If confirmed, I will support initiatives to address this critical issue. I particularly welcome any and all suggestions on how to provide needed responsiveness

and agility in managing our civilian workforce. I also look forward to working with Congress on these challenges.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Secretary of the Air Force?

Answer. If confirmed as the next Secretary of the Air Force, I have four major priorities. First, in accordance with Secretary Rumsfeld's security review, the Air Force needs to evaluate and build the most appropriate aerospace strategy for today's national security environment. Second, the Air Force must do better at retaining Air Force people, both uniformed and civilian. Third, the Air Force must find better ways to organize, while improving the effectiveness and efficiency of its processes. This includes bringing the best practices found within both the government and industry to bear in its own business dealings. Finally, the Air Force must pay special attention to the shrinking military-industrial base and evaluate ways to improve its current acquisition processes to ensure innovative future capabilities for the Nation.

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

Answer. If confirmed, I plan on working closely with Congress, Secretary Rumsfeld, and the other service secretaries to comprehensively address these challenges, develop definitive goals, and measure our progress towards solving them.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that the committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

AFFORDABLE RE-CAPITALIZATION

1. Senator THURMOND. According to a January 2001 article, the Air Force wants to spend an additional $8 billion per year for 11 years to rebuild its rapidly aging fleet of fighters, tankers, airlifters, and reconnaissance/intelligence-gathering aircraft at a rate of 150–170 per year. Do you believe $8 billion per year for aircraft is affordable, when the Air Force, as well as the other services, has critical shortfalls in real property maintenance and training funds?

Dr. ROCHE. It is my understanding that many of the Air Force's readiness concerns are attributed to the aging aircraft fleet. It seems reasonable that the costs of maintaining older aircraft will continue to increase. At some point, it may be cheaper to replace the aging aircraft than to modernize them. If confirmed, evaluating the proper balance between all the competing priorities in a constrained budget will be one of my top priorities.

ROLE OF UNMANNED COMBAT AIR VEHICLES

2. Senator THURMOND. As the Air Force is looking into the future and the replacement of its aging aircraft fleet, what role do you see for "unmanned combat air vehicles?"

Dr. ROCHE. I agree with the President's point that we must look to new and future technologies, and leverage their capabilities. Our recent warfare successes in Kosovo and Iraq are building an expectation of minimizing both friendly and adversary casualties in warfare. Unmanned combat air vehicles with precision strike capability would seem to be the technological response to meet these two requirements. However, I think we must also consider new capabilities and technologies against historical precedence. If I am confirmed, I will carefully evaluate how the unmanned combat air vehicle fits into the Air Force and our national security strategy.

REFORMING OPERATIONS OF DEPARTMENT OF DEFENSE

3. Senator THURMOND. According to press accounts, the panels appointed by Secretary Rumsfeld to review our national security strategy and the operations of the Department of Defense are developing a wealth of recommendations. Based upon your long association with the Department of Defense, what in your personal view is the highest priority reform you would propose to improve the operation of the Department of Defense?

Dr. ROCHE. If confirmed as the next Secretary of the Air Force, I believe the most important reformation of the Department of Defense is to work jointly with the Secretary of Defense and the other service secretaries on all issues important to our national interests. Joint operations are a critical facet of our military structure, for history confirms that military action requires both strategic and operational unity of effort. To me this means unity of operations in air, space, and information warfare—as well as on land and in the sea. As the Secretary of the Air Force, I also believe it is my charge to represent the best interests of the Air Force in all decision matters, but wholeheartedly support the final decisions made by the President and Secretary of Defense.

LEASING OF EXCESS FACILITIES

4. Senator THURMOND. Although the four previous base closure rounds have closed or realigned over 90 major and 200 minor military installations, the Department indicates that there is still excess capacity. The immediate reaction to this excess is that we must have additional base closures to eliminate the excess. I am not convinced that base closure is the only solution. I believe we should use this capacity to our advantage. We can work with the private sector to use this property on a dual-use basis and at the same time retain the facility for future surge capacity.

What are your views on the potential of leasing excess facilities to the private sector?

Dr. ROCHE. I am concerned that excess infrastructure and facilities take crucial dollars away from people, readiness, and modernization programs. In business, we normally divest capital that does not contribute to the goals and profit of our operation. With this in mind, if I am confirmed, I will look toward balancing the need to preserve facilities for future requirements with all the costs and options to accomplish this.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

F–22 TESTING PROGRESS

5. Senator SANTORUM. Last year, Congress allowed a 1½ percent "cushion" above the F–22 cap for engineering, manufacturing, and development, if it was required to ensure adequate test content in the program. The committee has received a letter from the former Director of Operational Test and Evaluation stating that these additional funds would be required for testing of the F–22.

What is your impression of the progress being made by the F–22 in testing? Specifically, is testing proceeding at a rate adequate to ensure the aircraft will be adequately tested, while coming in under the caps?

Dr. ROCHE. I believe the F–22 attributes of speed, stealth, super-cruise, and precision targeting provide a generational leap in military capability, and the procurement of this platform will remain unrivaled for many years to come. However, cost overruns and test inefficiencies concern me greatly. If confirmed as Secretary of the Air Force, one of my major priorities, working with the Under Secretary of Defense for Acquisition and the other service secretaries, will be to improve the effectiveness and efficiency of the acquisition and test processes.

JOINT STRIKE FIGHTER FUNDING

6. Senator SANTORUM. The Joint Strike Fighter is approaching a major decision point, with a source selection and entry into engineering and manufacturing development (EMD). Do you feel the program can receive the stable funding required for it to meet its goals in light of other programs competing for limited resources, e.g. F–22 in the case of the Air Force and FA–18E/F in the case of the Navy?

Dr. ROCHE. If confirmed, I will diligently evaluate how to balance the modernization needs of the Air Force with its other budgetary requirements in order to meet the resulting guidance from the Secretary of Defense's strategic review.

NATIONAL EDUCATION CENTER FOR WOMEN IN BUSINESS

7. Senator SANTORUM. Congress appropriated $4 million in fiscal year 2000, and another $4 million in fiscal year 2001, for the Air Force's Manufacturing Technical Assistance Pilot Program (MTAPP), whereby $2 million each year was to fund MTAPP work at the National Education Center for Women in Business (NECWB) at Seton Hill College. To date, only 5 percent of the $4 million that Congress, by law, directed to fund the NECWB's important work has actually reached this center. What steps will you take to ensure that these dollars fund the NECWB in a timely and efficient manner?

Dr. ROCHE. In fiscal year 2000, the Air Force spent over $1.2 million in Pennsylvania to comply with the express intent of Congress that $2 million be utilized to expand the MTAPP in that State. The entire amount was not obligated in fiscal year 2000 due to the late arrival of program funding, which shortened the performance period, and significant delays involving the prime contractor's effort to match Seton Hill College's capabilities as a subcontractor to the contract statement of work.

Fiscal year 2002 funds were received even later than previous years and this is the final execution year of the pilot program contract; therefore, period of performance for fiscal year 2002 funds is extremely truncated. However, we are hopeful that Seton Hill College will be able to make a valuable contribution to the MTAPP program. An on-line training reference guide was to be offered to Seton Hill as a subcontract through the MTAPP prime contractor, Mid.Tec., in fiscal year 2002. We are hopeful that Seton Hill will submit a cost-effective proposal on the subcontract effort.

QUESTION SUBMITTED BY SENATOR WAYNE ALLARD

MILITARY SPACE ORGANIZATION

8. Senator ALLARD. Secretary Rumsfeld announced his recommendations regarding our military space organization as encouraged by the Space and NRO Commissions.

Please comment on the importance of outer space and space activities to our national security and economic well-being of the United States, as well as our allies and friends. Do you foresee any need for legislative changes to accomplish these recommendations?

Dr. ROCHE. I want to thank this esteemed committee for all of their support to this Nation's military space programs—they have become, in my mind, one of the foundational aspects of the aerospace superiority our Nation enjoys. I have reviewed the Space and NRO Commissions' recommendations and I agree that the future of our aerospace superiority depends in large part on how well we can respond to and implement those recommendations. If confirmed, I will work to implement those recommendations that pertain to the Air Force.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

BUDGET PRIORITIES

9. Senator COLLINS. I think many Members of this committee are struggling with trying to understand not only the details, but also the broad outline of the defense strategy that is being developed in the Pentagon under Secretary Rumsfeld as part of this ongoing strategic review. Obviously, the broad strategy will eventually include some details on individual systems. It seems, however, that the top priorities for Secretary Rumsfeld are generally intelligence gathering, space, and missile defense.

This concerns me very much. While those may be correct and valuable, I am concerned that focusing on too narrow a picture will allow other, equally important and equally broad priorities to get left behind. If you are confirmed, what do you envision your budget priorities for the Air Force to be—not Secretary Rumsfeld's—but yours? How do you intend to voice those priorities in an administration where important budget decisions are being made right now?

Dr. ROCHE. If I am confirmed as Secretary of the Air Force, one of my first priorities will be to delve deeply into and participate in the defense review processes begun by Secretary Rumsfeld. It goes without saying that the world environment has changed dramatically in the last 12 years, and the entire defense establishment has yet to appropriately respond and adapt to this new environment. I look forward to the opportunity to help shape our Nation's defense strategy for the future.

MODERNIZATION—BUDGET PRIORITIES

10. Senator COLLINS. I am especially concerned for the modernization of our tactical air fleets and strategic airlift programs—programs like the F–22, the Joint Strike Fighter, and the C–17. What is your view of these programs as budget priorities in this new defense strategy?

Dr. ROCHE. The outcome of Secretary Rumsfeld's defense reviews and their corresponding new strategy may affect the roles, responsibilities, and requirements of our Nation's Air Force. If confirmed as Secretary of the Air Force, I will work with Secretary Rumsfeld to achieve the best balance between the competing priorities necessary to fulfill the new defense strategy.

[The nomination reference of Dr. James G. Roche follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 7, 2001.

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

Dr. James G. Roche, of Maryland, to be Secretary of the Air Force, vice F. Whitten Peters.

[The biographical sketch of Dr. James G. Roche, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. JAMES G. ROCHE

Dr. James G. Roche has served as Corporate Vice President and President, Electronic Sensors and Systems Sector of Northrop Grumman Corporation from 1996 to present. He was the Corporate Vice President and General Manager of the Electronics Sensors and Systems Division (the former Westinghouse Electronics Systems Group) from March 1996. The current sector, established in 1998, combines all the electronics businesses of the Northrop Grumman Corporation.

Dr. Roche has previously served as the Corporate Vice President and Chief Advanced Development, Planning, and Public Affairs Officer responsible for the company's Advanced Technology and Development Center, Business Strategy Group, the Washington Analysis Center, State Relations and Public Affairs Department. He led the transition team responsible for merging the Northrop, Grumman, and Vought Corporations, as well as the integration of the Westinghouse defense business. Formerly, he was the Assistant to the Chairman, President, and Chief Executive Officer. Before July 1989, he was the Vice President and Director of the Northrop Analysis Center in Washington DC.

He served 23 years in the U.S. Navy, retiring in the rank of captain in 1983. While in the Navy, he held several positions, to include Principal Deputy Director of the State Department's Policy Planning Staff; Senior Professional Staff Member of the U.S. Senate Select Committee on Intelligence; and Assistant Director for the Defense Department's Office of Net Assessment. He commanded the U.S.S. *Buchanan,* a guided missile destroyer, and is a winner of the Arleigh Burke Fleet Tro-

phy for the most improved combat unit in the Pacific. Before joining Northrop Grumman, he was the Democratic Staff Director of the U.S. Senate Armed Services Committee.

A native of New York, he graduated from the Illinois Institute of Technology in 1960 with a bachelor's degree in language, literature, and philosophy. In 1966 he earned a Master of Science degree in operations research from the U.S. Naval Postgraduate School, Monterey, Calif. In 1972 he earned a doctorate degree in business administration from the Harvard Graduate School of Business Administration, Cambridge, Mass.

Dr. Roche has served as a member of the Secretary of Defense's Policy Board and is a member of the Council on Foreign Relations. He was the President of the Board of the World Affairs Council of Washington, DC, and he is on the Board of Visitors of the University of Maryland.

Dr. Roche has been awarded various campaign ribbons and military medals to include the Legion of Merit.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
James Gerard Roche.

2. **Position to which nominated:**
Secretary of the Air Force.

3. **Date of nomination:**
May 7, 2001.

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

5. **Date and place of birth:**
16 December 1939; Brooklyn, New York.

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

7. **Names and ages of children:**
Heather Anne Roche, 32.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

St. Anthony's High School, 1952–1956.

Loyola University, September 1956 to June 1957.

Illinois Institute of Technology, September 1957 to June 1960. BS in June 1960.

Naval Postgraduate School, March 1964 to October 1966. MS in October 1966.

Harvard Business School, June 1968 to June 1972. DBA in June 1972.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Corporate Vice President and Assistant to the Chairman, President, and Chief Executive Officer of Northrop Corporation, 1991.

Corporate Vice President and Chief Advanced Development, Planning, and Public Affairs Officer, Northrop Corporation, 1993.

Corporate Vice President and General Manager, Electronic Sensors and Systems Division, Northrop Grumman Corporation, 1996.

Corporate Vice President and President, Electronic Sensors and Systems Sector, Northrop Grumman Corporation, 1998.

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

Career U.S. Navy, 1960–1983.

OSD, Office of Net Assessment, 1975–1979.

Senate Select Committee on Intelligence, Professional Staff Member, 1979–1981.

Department of State, Principal Deputy Director, Policy Planning Staff, 1981–1983.

Senate Committee on Armed Services, Staff Director for the Minority, 1983–1984.

Consultant to OSD, Office of Net Assessment, without compensation, 1985–Present.

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

Chairman of the Board, Center for Strategic and Budgetary Assessment.

Member of the Board of Trustees and Government Relations Committee, College Park Foundation, University of Maryland.

Member of the Board of Visitors and Governors, St. John's College.

Member of the Board of Trustees, Naval Institute Foundation.

Member of the Board of Trustees, Maryland Historical Society.

Member of the Board of Directors, Historic Annapolis Foundation.

Member of the Board of Advisors, Washington Institute for Near East Studies.

Member of the Board of Visitors for U.S. JFCOM of the Rand Corporation.

Member of the Donors Forum on International Affairs.

Member, Board of Advisors, Center for Security Policy.

Member of the Executive Advisory Council, Friends of the Jewish Chapel, U.S. Naval Academy.

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

Aerospace Industries Association.

Association of U.S. Army.

American Helicopter Society.

International Institute for Strategic Studies.

Conquistadores del Cielo.

Council on Foreign Relations.

National Aeronautics Association.

Naval Surface Warfare Association.

Naval Submarine Association.

American-Israeli Public Affairs Commission.

Fleet Reserve Association.

13. **Political affiliations and activities:**

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

None.

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

None.

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

Northrop Grumman Political Action Committee, $1,000, 2000.

Howard Berman, "Berman for Congress," $300, 1999.

Parris Glendening, "Glendening for Governor" $2,000, 1998.

Howard Berman, "Berman for Congress" $500, 1998.

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

Various military medals, including Legion of Merit.

Governor's Arts Award, State of Maryland, 2000.

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

Opinion Essay, Defense Daily International, June 9, 2000. *"The Anticipated Odeen Report and Competition in the Defense Industry."*

Article, with Barry Watts, The Journal of Strategic Studies, June 1991, Frank Cass, London. *"Choosing Analytic Measures."*

Chapter, Staying the Course: Henry M. Jackson and National Security, 1987, University of Washington Press. *"Jackson: Foreign Affairs Generalist."*

Earlier works on Net Assessment with Barry Watts and George Pickett.

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

Israeli Air Force 50th Anniversary Conference in Tel Aviv, June 1998. *"Tactical Air Sensors: Some Thoughts on the Future."*

Lockheed Martin Israel Conference 2000, Ft. Worth, Texas, May 2000. *"U.S.-Israeli Industrial Cooperation."*

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

Yes.

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

SIGNATURE AND DATE

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

JAMES G. ROCHE.

This 7th day of May, 2001.

[The nomination of Dr. James G. Roche was reported to the Senate by Senator John Warner on May 21, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 24, 2001.]

[Prepared questions submitted to Alfred V. Rascon by Chairman Warner prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. If confirmed as the Director of Selective Service, what would you view as your principal responsibilities and duties?

Answer. The principal responsibilities of the Director are noted in the Military Selective Service Act: to be ready to provide both trained and untrained manpower to

the Armed Forces in the number and time frames requested by the Department of Defense, and to be prepared to manage an Alternative Service Program for those men classified as conscientious objectors. This charter implies that Selective Service be organized, staffed, and trained to perform these tasks.

RELATIONSHIPS

Question. The mission of the Selective Service System (SSS) is to provide needed manpower to the Defense Department in time of national emergency.

What will your relationship be to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, and the Assistant Secretary of Defense for Force Management Policy?

Answer. It is clear that the chief customer of the Selective Service "product" is the Department of Defense. As is the case today, Selective Service receives its guidance on the numbers of conscripts that may be required in a crisis, as well as the desired time frames from the manpower planners at the Department of Defense. The Agency's primary contact within DOD is with the Assistant Secretary for Force Management Policy in the Office of the Under Secretary for Personnel and Readiness. We work very closely with the Military Entrance Processing Command, which also comes under this structure and, in fact, share a Joint Computer Center at Great Lakes, Illinois. As necessary, there is also direct liaison with the Office of the Secretary of Defense regarding SSS policy issues. Over many years, these relationships have worked well and I will ensure that they continue.

Question. What will your relationship be to the assistant secretaries for manpower in the military services; the uniformed personnel chiefs of the military services; and the manpower officials in the Joint Staff?

Answer. As an independent civilian agency, Selective Service's principal interface with DOD is the Office of the Secretary of Defense. Joint and service manpower officials express their needs up their chain to OSD. This said, Selective Service has historically responded to the services on service-unique issues. For example, the SSS has been assisting individual service recruiting efforts by placing rotational recruiting messages for the Active and Reserve components on registration acknowledgment cards mailed to more than 38,000 men each week. As Director, I will meet with the service secretaries as necessary. The services support the SSS by placing 450 National Guard and Reserve officers in Selective Service assignments and assisting with the registration of young men.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Director of the Selective Service System?

Answer. There are four: getting the registration message out to the public; moving the registration compliance rate back into the 90 percent range from the current level of 88 percent; maintaining readiness to conduct a fair and equitable draft; and defending the system against challenges to its survival from those who believe that our Nation no longer needs the SSS.

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

Answer. To heighten awareness of the registration requirement among men 18 through 26 years old, I would focus more mass mailings to targeted shortfall areas, augmented with public service advertising. This would expand the reach and frequency of the registration message. In support of this approach, I would add momentum and sustainability by encouraging more states to link driver's licenses and permits to the federal registration requirement. Finally, I would conduct a top to bottom review of all mobilization programs to determine the exact costs for readiness and whether the proper level of readiness has been achieved. Selective Service needs only to be as ready and capable as is necessary to fulfill its responsibilities. With the foregoing accomplished, justification for survival of the agency and its missions would be self-evident.

MOST SERIOUS PROBLEMS

Question. What do you consider to be the most serious problems in the performance of the functions of the Selective Service System?

Answer. I believe they are two: eroding public awareness of the federal registration requirement and a no-growth budget.

Question. What management actions and time lines would you establish to address these problems?

Answer. One of my first actions would be to spend 90 to 120 days assessing the structure and organization of the system. Given the sizeable agency investment in information technology over several years, Selective Service need not be organized

and operating as it was coming out of deep standby in 1980. Through a smarter realignment of programs and people, and capitalizing upon automation already in place throughout the agency, the resources should be available for reprogramming in sync with my priorities. I realize that Selective Service is not a growth industry, so any re-direction or new priorities must be accomplished within existing resources.

PROPOSALS FOR CHANGE

Question. In recent years arguments have been made, based on the cost of Selective Service and the manpower requirements of the armed forces, that the Selective Service System should be dismantled. Legislation has been introduced in the 107th Congress that would suspend the registration requirement and the activities of civilian local boards and require the Director of Selective Service to report regarding the development of a viable standby registration program for use only during national emergencies. If confirmed, how would you respond to these proposals?

Answer. Similar legislation has been introduced and debated periodically over the last several years. Each and every time, both the administration and Congress have decided that it was in the country's best interests to continue Selective Service and the registration of young men. The SSS remains an important national security asset. I believe that this support by each administration and every Congress over 20 years is proof positive that those knowledgeable of military manpower issues appreciate that the agency is America's only proven, time-tested mechanism to expand our armed forces during a crisis. Maintaining the capability to conduct a fair and equitable draft costs very little and just makes good sense.

PERFORMANCE OF THE SELECTIVE SERVICE SYSTEM

Question. How accurate is the address information of Selective Service registrants in the prime induction group?

Answer. It is highly accurate because Selective Service employs the same program as the U.S. Postal Service—the National Change of Address System. In addition, this program is supplemented with changes provided by the registrant himself from our acknowledgment mailing to him at his residence, through changes a registrant mails using a card at any post office, from changes he provides by telephone, and with address updates he supplies on the internet.

Question. What steps is the Selective Service System taking to ensure the accuracy of this address information?

Answer. As stated before, Selective Service uses the same system that the U.S. Postal Service employs—the National Change of Address System—to track changes in addresses. There is no more comprehensive or accurate system available. The agency is primarily concerned with having accurate addresses for men reaching age 20, because these men would be the first to be called in a future draft. Every December, a tape file of young men who will turn 20 in the coming year, including those with undeliverable addresses, is sent to a vendor licensed by the Postal Service. The records of registrants are matched against the National Change of Address data base which contains all change of address notices filed at post offices in the U.S. by the public during the prior 36 months. As matches against the file are processed, address updates are applied to the SSS data base. This program confirms the accuracy of more than two million registrant records annually, thereby ensuring that prime draft eligible men can be reached in the event of a national emergency.

Question. At this time, how long would it take the military services' training base to be in a position to accept and begin training significant numbers of registrants?

Answer. The Department of Defense has told us that the training base would be expanded in time to absorb draftees at 193 days after notification to SSS to activate the draft.

Question. What are your views on the military requirement for continued registration?

Answer. I, together with the leadership responsible for national security policy, believe that retaining peacetime registration is a low cost, unintrusive insurance policy to deal with circumstances we might not fully foresee or have planned for. Plus it is a cost-effective deterrent and reminder to potential aggressors of America's proven military potential and national resolve. Registration is working. Our experience demonstrates that there is no resistance to registering. If a young man is aware of this legal requirement, he will comply. Our challenge is to get the awareness of the requirement out to where young men are especially if they are out of the mainstream. Registration is not only a hedge against underestimating the number of men needed to fight a future war, it is the last remaining link between society-at-large and the all-volunteer military.

Question. What would be the effect of suspension of registration on the organization, staffing, and budget of the Selective Service System?

Answer. The GAO looked at options to the current registration program in 1997 and determined that were registration to be terminated, there would be a reduction in authorized and assigned civilian and military personnel within the SSS by about one-third. The associated dollars would be about $8.2 million, or about one-third of the current agency budget. The GAO made no recommendations for change.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Absolutely. I see it as a matter of integrity and principle that the agency head be the facilitator between Selective Service and Congress in an ongoing dialogue. I've mentioned public awareness of the registration requirement, but the other type of awareness is agency awareness by the oversight committees. This can only be achieved if I am responsive, and I intend to be responsive.

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

Answer. If the committee desires the personal views of Al Rascon, it just has to ask.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Director, Selective Service System?

Answer. If confirmed, I envision my job as Director to be the lead in the exchange of information between the committee and Selective Service. Selective Service is a public agency doing the public's business. It can only retain its programmatic credibility if what it does is open to public view-and this means Congress.

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

Answer. I assure you that I and Selective Service will continue to be forthright and responsive in any communications to or from a committee.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. Unfortunately there are many of our citizens, including some in Congress, who believe that the Selective Service has outlived its usefulness. Other than registration for the draft, how does the Selective Service contribute to national security, specifically the all volunteer force?

Mr. RASCON. Selective Service is the only proven, time-tested mechanism to expand our armed forces during crisis. The President and Congress know that it is a low cost, unintrusive insurance policy to deal with circumstances we might not fully foresee or have planned for. Plus it is a most cost-effective deterrent and reminder to potential aggressors of America's proven military potential. But the immediate aid to the all volunteer force is our joint Selective Service/Defense Department mailing. Because we contact about 2 million young men each year to provide them with their Selective Service Number, we have redesigned our official registration acknowledgment card to allow inclusion of a joint service recruiting piece which has a return postcard for further information. Defense likes this assistance because its message goes to 70,000 military age men every 2 weeks—to accurate addresses in a vehicle which must be opened by the young man. Each postcard received by Defense is a timely "lead" for its recruiter.

2. Senator THURMOND. What would be the impact of placing the Selective Service into "deep standby" and suspending the registration program?

Mr. RASCON. There would be several negative impacts. First, the ability of the United States to conduct a fair and equitable draft would be compromised for at least one year while a complete registrant database is being created from scratch. Second, there are no guarantees that trained personnel and time-proven policies and procedures would be available when needed. Third, any reconstitution of Selective Service would take precious time as the Nation cobbled together an operating orga-

nization from practically nothing. Finally, whatever is the resulting agency it might not pass constitutional muster—exactly at the moment when it is needed most. Consequently, the cost-effective insurance policy which Selective Service represents remains relevant today and into the future.

[The nomination reference of Alfred V. Rascon follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2001.

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

Alfred V. Rascon, of California, to be Director of Selective Service, vice Gil Coronado, resigned.

[The biographical sketch of Alfred V. Rascon, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF ALFRED V. RASCON

Alfred V. Rascon is a Medal of Honor Recipient, who was born in Mexico, immigrating to the United States as a young boy with his parents, settling in Southern California. In 1963, out of high school, wanting to give something back to this country, he joined the Army at 17 years of age. In May 1965, as an Army paratrooper he deployed with the 173d Airborne Brigade to South Vietnam. During his tour of duty in Vietnam, he was seriously wounded for the second time in March 1966, during Operation "Silver City." Because of his heroic actions on 16 March, he was presented of this Nation's highest award for valor, the Medal of Honor, belatedly given to him by President Clinton on 8 February 2000.

In 1966, due to his combat injuries, he was honorably discharge from the Army. From the fall of 1966 to August 1969, he worked and attended college full-time. In 1967, he became a U.S. naturalized citizen. He rejoined the Army and graduated from the Army's Infantry Officers Candidate School, Fort Benning, Georgia in February 1970, commissioned as a Second Lieutenant of Infantry. From 1970 through 1976, he served in a number of combat arms assignments, both in the United States and overseas, including a second tour in South Vietnam as a military advisor. Because of previous combat-related injuries in Vietnam, he was honorably discharged from active duty. However, in late 1976, because of his previous assignments as a foreign military liaison officer, he accepted a position as a U.S. Army military liaison officer in the Republic of Panama, serving until 1984.

From 1984 until his retirement from federal service in January 2001, he served honorably with the Department of Justice's Drug Enforcement Administration, INTERPOL (U.S. National Central Bureau), and the Immigration and Naturalization Service. He recently retired as Inspector General of the Selective Service System, headquartered in Rosslyn, Virginia. He has myriad awards and commendations from U.S. and foreign agencies for his civil and military service.

As a U.S. naturalized citizen of this country, he has been honored by the Washington, DC "*American Immigration Lawyers Association and Foundation*" for his past contributions in the military. Washington's CATO Institute honored Mr. Rascon in its publication titled: "*In Defense of Nation: The Contributions of Immigrants.*" He was named one of the 200 most influential Hispanics in America by Hispanic Magazine. FOX Family Channel featured him in its premier showing of "*Courage*" featuring heroes from all walks of life.

He is a "*Distinguished Member of the 503d Infantry Regiment,*" a Department of the Army initiative preserving and enhancing Army traditions through inspirational role models of present and past members of the Regiment. He is an inductee in the Army's Officer Candidate School *Hall of Fame.*

He is married to the former Carol Lee Richardson, and has two children. He holds degrees in Management and Liberal Studies.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Alfred V. Rascon in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Alfred Rascon, Alfred V. Rascon, Alfredo V. Rascon and Alfredo Rascon-Velazquez.

2. **Position to which nominated:**
Director, Selective Service System.

3. **Date of nomination:**
April 30, 2001.

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

5. **Date and place of birth:**
September 10, 1945; Chihuahua, Mexico.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Carol Richardson-Rascon (nee Richardson).

7. **Names and ages of children:**
Amanda V. Rascon, age 13; Alan V. Rascon, age 10.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Bachelor of Science in Liberal Arts, Excelsior (Regents) College, University of New York (June 2001) and Bachelor of Science, Management, California Coast University (June 1985), California.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1995 to January 2001, Inspector General, Selective Service System, National Headquarters, Arlington, Virginia.
1990 to 1995, Senior Special Agent, U.S. Department of Justice, Immigration and Naturalization Service, Headquarters, Washington, DC.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Intelligence Operations Specialst, U.S. Drug Enforcement Administration; Supervisory Intelligence Research Analyst, Drug Financial Terrorist Section, INTERPOL, U.S. Central Bureau, Washington, DC.; Intelligence Liaison Officer to Republic of Panama Military; 1976 to 1984; U.S. Army Intelligence Officer from 1970 to 1976.

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

None.

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

Life member Congressional Medal of Honor Society; Distinguished member of the 503d Infantry Regiment; Life member: Society of the 173d Airborne Brigade; 82nd Airborne Association; VFW; American Legion: Vietnam Veterans of America; 187 Airborne Battle Group.

13. **Political affiliations and activities:**

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

None.

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

None.

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

None.

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

Military: Congressional Medal of Honor, Bronze Star with cluster, Air Medal, Purple Heart with cluster, Good Conduct Medal, Master Parachutists' Badge, Combat Medal Badge plus other U.S. military commendations. Republic of Vietnam: Gallantry Cross with Palm, Gallantry Cross with Silver Star, Honor Medal and Staff Service Medal. Honorary member of the 503 Infantry Regiment. 1997 American Immigration Lawyers and American Immigration Law Foundation Immigrant Achievement Award for outstanding contributions to our Nation. 2000 Soldier of the Year award, Veterans of Foreign Wars. Numerous other civic and national awards for military service.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

ALFRED V. RASCON.

This 8th day of May, 2001.

[The nomination of Alfred V. Rascon was reported to the Senate by Senator John Warner on May 21, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on May 22, 2001.]

NOMINATIONS OF DOUGLAS JAY FEITH TO BE UNDER SECRETARY OF DEFENSE FOR POLICY; DR. JACK DYER CROUCH II TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY; AND PETER W. RODMAN TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

TUESDAY, JUNE 5, 2001

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

The committee met, pursuant to notice, at 9:35 a.m. in room SD–106, Dirksen Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Santorum, Roberts, Allard, Sessions, Levin, Kennedy, Cleland, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, and Carnahan.

Other Senators present: Senators Specter and Bond.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Anita R. Raiford, deputy chief clerk; and Scott W. Stucky, general counsel.

Professional staff members present: Charles W. Alsup, Edward H. Edens IV, Brian R. Green, Mary Alice A. Hayward, Ambrose R. Hock, George W. Lauffer, Patricia L. Lewis, Joseph T. Sixeas, Cord A. Sterling, and Richard F. Walsh.

Minority staff members present: David S. Lyles, staff director for the minority; Madelyn R. Creedon, minority counsel; Richard D. DeBobes, minority counsel; Peter K. Levine, minority counsel; Evelyn N. Farkas, professional staff member; and Richard W. Fieldhouse, professional staff member.

Staff assistants present: Beth Ann Barozie, Kristi M. Freddo, and Michele A. Traficante.

Committee members' assistants present: John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; James P. Dohoney, Jr., assistant to Senator Hutchinson; David Young, assistant to Senator Bunning; Menda S. Fife and Sharon L. Waxman, assistants to Senator Kennedy; Frederick M. Downey, assistant to Senator Lieberman; Andrew Vanlandingham, assistant to Senator

Cleland; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi and Richard Kessler, assistants to Senator Akaka; Peter A. Contostavlos, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Neal Orringer, assistant to Senator Carnahan; and Brady King, assistant to Senator Dayton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. The hearing will come to order. Thank you. The committee meets today to receive testimony and have the opportunity to place questions to our distinguished panel of nominees. We have before us this morning the nominees who will play a vital role in the policy of the Office of the Secretary of Defense, assuming Senate confirmation. This is an excellent, well-experienced team assembled by Secretary Rumsfeld, and I commend him.

Douglas Jay Feith has been nominated to be Under Secretary of Defense for Policy. Dr. Jack Dyer Crouch II, has been nominated to be Assistant Secretary of Defense for International Security Policy, Peter W. Rodman has been nominated to be Assistant Secretary of Defense for International Security Affairs. We welcome our nominees and their families.

Mr. Feith, will you kindly introduce your family to the commitee this morning?

STATEMENT OF DOUGLAS JAY FEITH, NOMINEE TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

Mr. FEITH. Thank you, Mr. Chairman. I am accompanied today by my father, Doug Feith; my brother, Donald Feith; and my children, Daniel, David, and Dafna. Unfortunately, my wife could not be here this morning. We also have a 5-year-old, Dore, who mercifully decided not to come.

Chairman WARNER. We understand that, but she is here in spirit, because these positions—having had the privilege of serving in the Department myself—the families are very key to your daily operations. Their support is essential, as is their understanding for the long hours involved. It is difficult on the families.

Dr. Crouch, we welcome you. We know you are a long way from Southwest Missouri State University, where your family is at this present time, and again we thank you for your willingness to serve our Nation in this important position.

Now, Mr. Rodman, I understand that your wife is here. Would you be kind enough to introduce your family to the committee?

STATEMENT OF PETER W. RODMAN, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Mr. RODMAN. Thank you very much, Mr. Chairman. I have my wife, Veronique Rodman; my daughter, Theodora; and my son, Nicholas.

Chairman WARNER. We welcome you today.

Mr. Feith, if confirmed, you will be returning for a second tour at the Department of Defense. You served as Deputy Assistant Secretary of Defense for Negotiations Policy in 1984, and as such were responsible for policy related to various arms control negotiations,

including those on conventional force reductions, chemical and biological weapons, nuclear testing, and nuclear nonproliferation issues. Prior to that, you served on the staff of the National Security Council under President Ronald Reagan and, of course, you have had a distinguished career as a counselor. We congratulate you on the President's selection.

Mr. FEITH. Thank you.

Chairman WARNER. Dr. Crouch, if confirmed, you will also be returning to the Department of Defense. From 1990 to 1992, you served as Principal Deputy Assistant Secretary of Defense for International Security Policy. Prior to that service, you worked for the U.S. Arms Control and Disarmament Agency, and you were an advisor to the U.S. delegation on nuclear space talks with the Soviet Union. You are currently Associate Professor of Defense and Strategic Studies at Southwest Missouri State University in Springfield, Missouri.

Mr. Rodman, if confirmed, you will also bring a wealth of experience and accomplishments to the Pentagon. You were a close advisor to Dr. Kissinger on the staff of the National Security Council from 1972 to 1977, and Director of the Department of State's policy planning staff from 1984 to 1986 under Secretary Schultz. You then served as Special Assistant to Presidents Reagan and Bush for National Security Affairs, and as counselor to the National Security Council. That is a very distinguished career.

It is a pleasure to have such qualified nominees before this committee. I believe each of you will excel in the positions to which you have been nominated, if confirmed by the Senate. We welcome you and your families.

Before we hear from the nominees, Senator Levin has some remarks.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you. I join you in welcoming our witnesses to the committee this morning. I also want to thank their families for being here since, as you point out, family support is essential in each of these positions where people serve our Nation.

America's foreign and national security policy have always benefitted when leaders from different parties have worked together across the political aisle. This committee has a long tradition of bipartisanship, and when the legislative and executive branches work in a cooperative manner, we make our military stronger and we make our Nation more secure.

I have reviewed the records of our nominees. I have a number of concerns about some of the positions which some of them have taken, particularly in their public writings. I look forward to exploring those positions with them this morning. It seems to me that some of the positions are not even consistent with the administration's positions in a number of areas, and I particularly want to explore those areas as well.

So, Mr. Chairman, we are moving on these nominations. As our chairman, I believe you have pressed this committee and the Senate to expeditiously address these nominations at hearings, to then bring those nominations, which have been approved by this com-

mittee in an extraordinarily expeditious fashion, to the floor. I think that bodes well indeed, and I think everybody is grateful for your leadership in this.

Chairman WARNER. Senator Levin, I thank you for your comments. We have as a team, and as a committee, acted as quickly as we could on these nominees.

Senator Specter, will you kindly proceed with respect to your nominee?

STATEMENT OF HON. ARLEN SPECTER, U.S. SENATOR FROM PENNSYLVANIA

Senator SPECTER. Yes, thank you very much, Mr. Chairman. It is a pleasure and a privilege to appear before this distinguished committee. I am interested to note at this early hour, just a few minutes after convening, so many members of the committee are here. That is a tribute to the committee.

I am here for the purpose of introducing Douglas J. Feith, a man whom I have known since he was a youngster through association with his father, Doug Feith, who I have known for 30 years or more.

Just a word about Douglas Feith's family background. Doug Feith came to the United States from Eastern Europe, where he survived the Holocaust, one of nine children. His older sister went to Israel in 1933 and was spared. Doug Feith was a member of Menachim Begin's Youth Group, and avoided the fate of some 6 million Jews who were killed in the Holocaust, and came to the United States and has been a Philadelphian for many years. I have known him and noted his community activities and his very solid citizenship. He has produced a very wonderful family, a great American story, 10 grandchildren, and his son, Douglas Feith, is now up for a very important position.

Douglas Feith brings an outstanding academic and professional background to this position. He received his bachelor's degree magna cum laude from Harvard in 1975 and a law degree, again magna cum laude, from Georgetown University Law Center, and has been characterized among those who know him as a brilliant academician.

He has extensive experience in the field, having served in 1981 and 1982 on the staff of the National Security Council as a Middle East Specialist. Then from 1982 to 1984 he was Special Counsel to the Assistant Secretary of Defense, Richard Perle, and in 1984 he was appointed Deputy Assistant Secretary of Defense for Negotiations.

He is a real intellectual, with very extensive practical experience. His writings have appeared on international law and foreign defense policy in some of the country's leading publications. He is currently the managing partner of the law firm of Feith & Zell, which he founded in 1986, so he brings a very rich background to this very important position. I am pleased to be here for a few moments this morning to commend him to you and urge his confirmation.

Chairman WARNER. Senator, we welcome you before this committee, and we thank you for your observations about our attendance; we are a strong committee. We thank you for this very interesting

biographical sketch that you have given of the entire family. Indeed, it is a family that has greatly contributed to our country and shall continue to do so.

Now, one of our valued committee members, Senator Santorum, would also like to speak.

STATEMENT OF SENATOR RICK SANTORUM

Senator SANTORUM. Thank you, Mr. Chairman. I do not want to repeat all of the comments of my senior colleague. That is one of the things about being a junior Senator, you just get to say "me too" a lot. Senator Specter has done a marvelous job in detailing Doug and his terrific family and their great contributions to Southeastern Pennsylvania, and Doug's contributions here to the Washington, DC, area since he has been located here after his years of Government service. I want to mention, too, that he was awarded the highest civilian award within the Department of Defense, the Distinguished Public Service Medal.

This is a man who has great integrity, great intellect, and a great passion to serve this country. I know he will do an outstanding job with the Department of Defense, and it is an honor to be able to be here to introduce you to the committee, Doug. Thank you for being here.

[The prepared statement of Senator Santorum follows:]

PREPARED STATEMENT BY SENATOR RICK SANTORUM

Chairman Warner, and members of the committee, I am pleased to have the opportunity this morning to introduce Douglas Jay Feith.

Mr. Feith appears before us today as President Bush's nominee for the Under Secretary of Defense for Policy.

A native of Philadelphia, Pennsylvania, Mr. Feith has a long and proud history of public service to this country. In 1981, he served on the staff of the National Security Council as a Middle East specialist, working primarily on Arab-Israeli, Persian Gulf and energy security issues. From 1982 to 1984, he was Special Counsel to Assistant Secretary of Defense Richard Perle.

In 1984, Mr. Feith was appointed Deputy Assistant Secretary of Defense for Negotiations Policy. In that position, he was responsible for policy for various arms control negotiations, including those on conventional forces, Confidence and Security Building Measures in Europe, chemical and biological weapons, nuclear testing, nuclear non-proliferation issues and East-West political relations. For his dedicated service, Douglas Feith was awarded the Department of Defense's highest civilian award, the Distinguished Public Service Medal.

The recipient of an A.B. degree *magna cum laude* from Harvard College and a J.D. degree *magna cum laude* from the Georgetown University Law Center, Douglas Feith has published extensively on matters of international law and on foreign and defense policy. His writings have appeared in the *New York Times,* the *Washington Post,* The *Wall Street Journal,* the New Republic and elsewhere.

Currently, Douglas Feith is the Managing Attorney of the law firm Feith & Zell, P.C. of Washington, D.C., which he founded in 1986. In addition, Mr. Feith now serves as the President of the Charles E. Smith Jewish Day school, a K–12 school with 1,400 students.

I believe Mr. Feith's 20-plus years of professional experience and public service to this Nation leave him well suited to the demanding tasks which he will face in the coming years, including providing the Secretary and Deputy Secretary of Defense with advice on the formation of policies to address 21st century threats.

With that, Mr. Chairman, thank you for the opportunity to offer a few words on behalf of Mr. Feith, and I urge the committee to give his nomination every due consideration.

Mr. FEITH. Thank you, Senator.

Chairman WARNER. Thank you very much, Senator Santorum, and again your comments and observations are of great value to the committee.

Senator Bond, I understand that you join us this morning for purposes of your endorsement of one of the candidates.

STATEMENT OF HON. CHRISTOPHER "KIT" BOND, U.S. SENATOR FROM MISSOURI

Senator BOND. Mr. Chairman, members of the committee, I thank the committee for this opportunity. It is a pleasure to appear before you and to see so many members of the committee here.

My pleasure this morning is to present and commend to you the nomination of my good friend, J.D. Crouch II, who is a Ph.D. and a fellow Missourian. He received his doctoral degree in international relations from the University of Southern California. He has published numerous articles on such topics as ballistic missile defense, the ABM Treaty, nuclear testing, and U.S.-European relations.

As the chairman noted, from 1984 to 1986 he worked as Assistant Director for Strategic Programs of the U.S. Control and Disarmament Agency, and was an advisor to the U.S. delegation on nuclear and space arms talks with the former Soviet Union. He is no stranger to the longer-tenured members and staff of this committee, having served from 1986 to 1990 as military legislative assistant to Senator Malcolm Wallop and staff designee to this committee.

After that, from 1990 to 1992, he was Principal Deputy Assistant Secretary of Defense for International Security Policy in the first Bush administration. He currently is Associate Professor of Defense and Strategic Studies at Southwest Missouri's State University, and I would say he has been a valuable advisor informally to me on defense matters.

I also want to point out in addition to his outstanding Government service, his academic background and his publication of numerous articles. He has very solid grounding in the real world. He serves as a Reserve deputy sheriff in Christian County, Missouri, a member of the multi-county special response team, and lives in Nixa, Missouri, home of the world-famous Nixa Succor Day Fish Fry. Should any of you wish to be further advised on it, he is, I understand, an expert on succor-digging, which is a very important sport in Southwest Missouri, and he has that additional background.

I do believe his experience, both in academia and Government, well-qualify him for this position, and it is my hearty recommendation that the committee act favorably on his nomination.

Chairman WARNER. Thank you very much, Senator. That insight into the candidate and also your endorsement is of great value to the committee. We thank you very much.

Senator Carnahan, we understand you would like to make a few comments.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. Yes, thank you, Mr. Chairman.

I want to welcome this distinguished panel today. It is especially rewarding to have with us today a nominee from the State of Missouri for the position of Assistant Secretary of Defense for International Security Policy. This position has a wide range of responsibilities, ranging from developing regional defense policies to overseeing international security cooperation.

With such a wide variety of duties, we are fortunate to have a nominee with such a diverse background. Dr. Crouch hails from, as Senator Bond pointed out, the great Town of Nixa, but he is also well-known in Washington and in the security policy debate. Not only did he serve as Principal Deputy Assistant Secretary for International Security Policy (ISP) in the previous Bush administration, but he has worked on arms control and defense policy in Congress and the executive branch.

What is truly extraordinary is Dr. Crouch's accomplishments outside of the beltway, miles away in his beautiful mountain valley Town of Nixa. Dr. Crouch devotes 20 hours a month to Christian County as a reserve sheriff, he is a full-time graduate professor at Southwest Missouri State, he is cofounder of a groundbreaking Internet company, and has helped raise his two kids along with his wife, Kristin.

I was truly impressed to learn that last year he saved a man's life by pulling him from a burning car wreck and treating him for shock until medics arrived, and for his valiant heroics he earned the honor of reserve deputy of the year. I am glad to see that the President has honored Missouri in selecting Dr. Crouch for this crucial post in the administration.

I know that this hearing will serve as a meaningful hearing for discussing the views of Dr. Crouch and the other panelists before this committee, and I will look forward to hearing the testimony and thank the chairman for allowing me the privilege of introducing my fellow Missourian.

Chairman WARNER. You are a very valued member of this committee, and that was an extremely well-spoken and forceful endorsement of this distinguished nominee.

Senator CARNAHAN. Thank you, Mr. Chairman.

Chairman WARNER. We thank you very much.

At this time, I insert for the record the opening statement of Senator Strom Thurmond.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman.

Mr. Feith, Dr. Crouch, Mr. Rodman, congratulations to each of you on your nomination. The fact that you are appearing before this committee this morning speaks highly of your credentials and the faith that both the President and Secretary Rumsfeld have in your ability to take on the challenges of the office for which they have nominated you. I wish you success and urge you to keep an open dialogue with this committee.

Thank you, Mr. Chairman.

Chairman WARNER. The committee, in accordance with its procedure, has asked a series of policy questions of each of our nominees. Their responses to those questions will be placed in the record at the appropriate location without objection.

I have also, together with my distinguished Ranking Member, examined a series of documents forwarded as a matter of routine from the White House counsel, and we likewise find those to be in order.

Now I shall ask questions which were propounded by this committee to each of the nominees. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

Dr. CROUCH. No, sir.

Mr. RODMAN. No, sir.

Mr. FEITH. No, sir.

Chairman WARNER. Will you ensure your staff complies with deadlines established for requested communications, including questions for the record in the hearings?

Dr. CROUCH. Yes, sir.

Mr. FEITH. Yes, sir.

Mr. RODMAN. Yes.

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

Dr. CROUCH. Yes, sir.

Mr. FEITH. Yes.

Mr. RODMAN. Yes.

Chairman WARNER. Will those witnesses be protected from any possible reprisals for their testimony or briefings to the Congress of the United States?

Dr. CROUCH. Yes, sir.

Mr. FEITH. Yes.

Mr. RODMAN. Yes.

Chairman WARNER. Thank you very much.

I must depart to join our Majority Leader. We have some matters we have to address today. I hope to return before this hearing is concluded, but in my absence, my distinguished colleague from Oklahoma will preside, together with the Ranking Member. We will now open this series of nominations with Mr. Feith. Will you start off? Thank you very much.

Mr. FEITH. Thank you, Mr. Chairman.

Mr. Chairman, Senator Levin, and other members of the Armed Services Committee, given the size of the panel and the shortness of time, I would like to dispense with any formal opening statement. I would like to say, however, that I am honored to appear before you, and I thank President George W. Bush for nominating me and the Secretary of Defense, Donald Rumsfeld, for supporting me for the position of Under Secretary of Defense for Policy.

To serve our country in such a capacity is an exhilarating and gratifying prospect. If confirmed, I will work to help keep the United States strong and at peace with healthy ties to our allies and friends abroad. I would also like to express my thanks to Senator Specter and Senator Santorum for their kindness in introducing me. I look forward to the committee's questions. Thank you.

Senator INHOFE. Thank you, Mr. Feith.

Dr. Crouch.

Dr. CROUCH. Thank you, Mr. Chairman, Senator Levin, members of the Senate Armed Services Committee, distinguished colleagues, and honored guests. I, too, will be extremely brief. I know the com-

mittee is interested in getting to questions. I want to state that it is quite a pleasure and an honor to be before this committee seeking confirmation for the position of Assistant Secretary of Defense for International Security Policy.

Among my fondest memories of Government were the 4 years I spent here, working for the United States Senate and supporting Senator Wallop on this committee. While a great many things have changed in the world since those days, the bipartisan spirit in which this committee works towards the advancement of the national security of the United States remains. If confirmed, I look forward to working closely with the committee and its staff towards those shared goals.

I would also like to thank both Senator Carnahan and Senator Bond for their very gracious introduction of me this morning. I would like to express my gratitude and my appreciation to the President and Secretary Rumsfeld for the confidence they have shown in me in making this nomination.

If confirmed, I will return to public service from private life eager to tackle the challenges and issues that confront the Department of Defense, this committee, and the Nation. There is much to do, and we must all work together to get it done.

Finally, I would like to thank my many friends, and especially my family—my wife, Kristin, my daughter, Lara, and my son, Jake—who could not be here today, for the support and encouragement that they have given me in seeking this opportunity.

Thank you, Mr. Chairman, and I look forward to answering the committee's questions.

Senator INHOFE. Thank you, Dr. Crouch.

Mr. Rodman.

Mr. RODMAN. Thank you. In the same spirit, I want to thank Chairman Warner, Senator Levin, and all the members of this committee for your courtesy to us all this morning. I am deeply honored that President Bush and Secretary Rumsfeld have chosen to nominate me for what is one of the most exciting jobs, I think, in the U.S. Government. If I am confirmed in that position, I look forward to working with this committee in the spirit that was expressed earlier by Chairman Warner and Senator Levin, the spirit of bipartisanship.

There are some issues so vital to our Nation that we cannot be effective in meeting those challenges unless Congress and the President are working together, and the parties are working together, so I look forward, if I am confirmed, to working with this committee to meet the challenges that lie ahead of us all.

Thank you very much.

Senator INHOFE. Thank you, Mr. Rodman.

I would ask members of the committee to try to hold their remarks and their questions to 6 minutes, so perhaps we can get another round in, but I am not sure we will be able to do that.

We will start with Senator Levin.

Senator LEVIN. Mr. Chairman, thank you. First, Mr. Feith, let me ask you about a memorandum of January 1999. This is what you wrote relative to the Antiballistic Missile (ABM) Treaty's existence. Quote, following the extinction of the Union of Soviet Socialist Republics, the Antiballistic Missile Treaty of 1972 did not be-

come a treaty between the United States and the Russian Federation. Rather, as a bilateral nondispositive treaty, the ABM Treaty of 1972 between the United States and the USSR ceased to exist, close quote.

Now, is it your opinion that the ABM Treaty has ceased to exist, that it is not in force, and that neither the United States nor Russia have any obligation under it or are bound by it?

Mr. FEITH. Senator Levin, I stand by the legal analysis that you cited. President Bush has made it clear that this administration is going to continue to adhere—is adhering to the terms of the ABM Treaty. He has also stated that in order to create the missile defenses that he is intent on creating to protect the United States and our troops abroad and our allies and friends, we are at some point going to have to move beyond the constraints of the ABM Treaty.

The decision on when the United States would do that, and how it would be done, and after consultations with whom, those issues remain open, and the decisions will be made by the President, and I will be pleased to support the President's policy.

Senator LEVIN. Does it remain your opinion, however, that the ABM Treaty no longer exists? Is that your opinion?

Mr. FEITH. As I said, the analysis that I wrote, I believed and I think it is correct, but the United States can continue to adhere to the terms of the ABM Treaty, as the President has said he is doing.

Senator LEVIN. Is it also, then, your opinion that all other bilateral, nondispositive treaties between the USSR and the United States no longer exist?

Mr. FEITH. Under the doctrine that was cited in that lengthy legal memorandum to which you have referred, that would apply to the bilateral, nondispositive agreements. It specifically applies to those agreements that were approved by the Senate.

In other words, nothing prevents the executive branch from making with Russia the agreements that the executive branch made with the Soviet Union, and just continuing those agreements. The essence of what I was saying in that legal memorandum is that if the United States wants to remake an agreement with the Russian Federation that we had with the Soviet Union, the United States Government can do that, but the Senate has a very important role in treaty-making, and an agreement like that can be made with the Russian Federation only if the Senate has given its advice and consent to ratification.

Senator LEVIN. I want to just go through a number of bilateral, nondispositive agreements with you that were made when the Soviet Union existed and ask you whether or not, then, they no longer exist, as you just testified, in the absence of their being reentered into by this current or by a subsequent administration to the collapse of the Soviet Union.

An agreement relating to the privileges and immunities of all members of our embassies and their families that was entered into in 1978, did that cease to exist when the Soviet Union ceased to exist, in the absence of it being remade between a subsequent American administration and Russia?

Mr. FEITH. Senator, that treaty does not appear on the rather short list of treaties that it is my understanding were fitted within those terms, in other words, bilateral, nondispositive agreements that were approved by the Senate.

Senator LEVIN. If there was an agreement made by the executive branch which was nondispositive, as you phrased it, and bilateral, you just said that that agreement would have to be remade, and what I am saying is, if there was not a subsequent treaty or agreement after the collapse of the Soviet Union, is it then not your position that, in the absence of that agreement being reentered into, that it no longer exists?

Mr. FEITH. This question that you are raising about the succession of those agreements is often handled by informal processes between the Government, and the decision of the executive branch to maintain those agreements is often considered effective in maintaining them.

Senator LEVIN. In the absence of such an explicit decision, have those agreements all lapsed?

Mr. FEITH. I think the position that the United States Government has taken was to continue agreements that it could continue with Russia, and so I believe that the executive agreements, as opposed to the treaties that received Senate approval, in most cases I would suppose—I am not an expert on the long list of those agreements, but I believe that the general position is that they continued, by choice of the executive branch.

Senator LEVIN. So that in summary, then, the treaties, in your opinion, have all lapsed if they are bilateral, nondispositive treaties.

Mr. FEITH. That is what this 250-year-old doctrine says.

Senator LEVIN. That is your current legal opinion?

Mr. FEITH. That is the legal opinion that I wrote. I think it is worth noting that if I am confirmed, Senator, for this position, I will be providing policy advice and not legal advice to the Secretary of Defense. But the legal memorandum cited a venerable legal doctrine that says that such bilateral agreements lapse by operation of law when one of the two parties becomes extinct.

Senator LEVIN. It is a simple question. Does that remain your current opinion?

Mr. FEITH. Yes. I stand by the analysis that I wrote.

Senator LEVIN. My time is up. Thank you.

Senator INHOFE. Thank you, Senator Levin.

Mr. Feith, why don't you just take a few moments here and outline your past experience in negotiating and implementing arms control agreements.

Mr. FEITH. Mr. Chairman, I think that arms control agreements can and do serve our national interests. Each proposed treaty or unilateral action in this field, I believe, needs to be evaluated to determine whether its net effect is positive. The kinds of considerations for a proposed treaty or agreement that I think are relevant is whether it serves the national interest, whether its goal is in the national interest, whether its terms will accomplish its purpose, whether it is verifiable, how likely is it that we will be able to enforce its compliance if the treaty is violated, and if there are collateral benefits of the treaty even if other parties violate it.

In the work that I did in the Government, I helped bring into being some arms control agreements, in particular the missile technology control regime and the Stockholm agreement on what was called confidence and security-building measures in Europe. It was essentially about notification of military exercises.

I also played a role in the Dayton peace negotiations. I think there are a number of arms control agreements that have well-served the national interest, and there are others that I have been critical of. I think that this is something that has to be handled in a nonideological, pragmatic fashion, weighing the merits of each case.

Senator INHOFE. Thank you, Mr. Feith.

Recently, a new word has appeared in a characterization. The Bush administration has been called unilaterialist, because it has expressed a concern about some treaties such as the Kyoto Treaty and the ABM Treaty that are supported by some of our adversaries as well as some of our allies. Whereas I believe we should work with our allies and other countries to gain their support, I do not believe we should allow them to keep American families at risk as new threats emerge.

How should we approach these countries to gain their support in modifying existing arms control agreements where necessary, and what action should we take if such support cannot be achieved?

Mr. FEITH. Mr. Chairman, I believe that an important element of our strength as a Nation is the set of relationships, the set of treaty ties we have with allies and other ties that we have with our friends abroad. If confirmed, I would devote myself to keeping those relationships healthy through consultations and cooperation.

Unilateralism, or isolationism, in my view, would not serve us well as a national security policy. What President Bush has said is that he will always act in a way that he believes serves the U.S. national interest even if he believes that other countries prefer that he acts differently, and I think that is sensible. I do not, in fact, see how any President could declare otherwise. But that does not mean that the Bush administration is unilateralist. It does not mean that the administration prefers to act alone. In my view, I think it is clear that this administration values our alliances, and appreciates the importance of creating as broad a base as possible of support for U.S. policies.

Senator INHOFE. I am going to read some quotes that go back to 1995, and I could have started earlier, but because of the constrictions of time it is not possible, and the CIA reports the weapon proliferation threat of 1995 is at least 20 countries—this is 1995. At least 20 countries, nearly half of them in the Middle East and South Asia, already have or may be developing weapons of mass destruction and ballistic missile delivery systems. Five countries, North Korea, Iran, Iraq, Libya, and Syria, pose the greatest threat because of the grave nature of their weapons of mass destruction programs. All five already have or are developing ballistic missiles that could threaten the United States.

Three years later, this is General Chuck Horner, who was the Director of the Desert Storm Air Command, quote: we need missile defenses now. Every day we delay deployment encourages our potential enemies to develop or acquire long-range missiles. I know

first-hand that a ballistic missile is an ultimate form of terror. We could not stop them during Operation Desert Storm, and we cannot stop them now, end quote.

In 1998, when we had the commission that I think had probably the nine greatest, most qualified experts in this field, they said the United States might well have little or no warning before operational deployment. This reflects the reality of an environment in which there may be little or no warning.

Then, when General Welch was before our committee, Senator Levin, he was asked some questions, and he talked about the deterrence that we have and how this has changed in recent times. He said we had confidence in deterrence in the past because we understood those that we were deterring. We had high confidence that we knew what they valued, and we had high confidence that we knew how to hold that at risk, and I have to tell you, I have no such confidence regarding the kind of threats we face today. I simply do not know what deters those particular kinds of threats.

Henry Kissinger, who was the architect of the ABM Treaty, I can remember not too long ago he made the statement that it is nuts to make a virtue out of our vulnerability.

In light of all of these experts, in the last 7 years, talking about the nature of the threat that is out there, about the fact that we have to develop as soon as we can possibly develop and deploy a national missile defense system, can any of the three of you think of any reason we should not proceed with that deployment? Why don't you each respond.

Dr. CROUCH. I believe that the President has made it clear that he believes that missile defense is going to be an important component of our overall defense strategy in dealing with the kinds of emerging threats that you have well outlined, Senator, and if confirmed, I would strongly support the administration's efforts to do that, and so I absolutely think it is vital.

I think one of the interesting paradigm shifts, if you will, that we are in from the Cold War to this period is that we are now in a position where we may have to determine whether other countries may be deploying ballistic missiles and weapons of mass destruction that will deter the use of American military capability, and the key aspect, a key example of that, it seems to me, was the Operation Desert Storm situation. What would have happened if Saddam Hussein had had a weapon of mass destruction, particularly a nuclear weapon, on top of those missiles?

Senator INHOFE. My time has expired, and I would only comment that he made it very clear after that was over, he said, if we had waited 10 years to go into Kuwait, America would not have come in. We would have had the ability to deploy such a missile.

Just a real quick response, the other two.

Mr. FEITH. I agree with what Dr. Crouch just said, and I do think it is wise that the President has resolved to create missile defenses.

Senator INHOFE. Thank you.

Senator Kennedy.

Senator KENNEDY. Thank you. Mr. Feith, you are familiar with what Secretary of State James Baker said—was he incorrect in January 1992, when shortly after the collapse of the Soviet Union

he said, "I made the point to President Yeltsin that the United States remains committed to the ABM. We expect the States of the Commonwealth to abide by all the international treaties and obligations that were entered into by the former Soviet Union, including the ABM Treaty."

Mr. FEITH. Senator, I think that that was an expression of a desire to maintain a number of the——

Senator KENNEDY. Let me state it again. I am asking you whether it is correct that he said, "I made the point to President Yeltsin the United States remains committed to the ABM. We expect the States of the Commonwealth to abide by all the international treaties and obligations that were entered into by the former Soviet Union, including the ABM Treaty." Now, was he making a mistake or not, when he made that statement?

Mr. FEITH. No.

Senator KENNEDY. So it was not an incorrect statement for him to make?

Mr. FEITH. I think it is correct as far as it goes.

Senator KENNEDY. Well, I think it goes—that is fine. That is good, with regard to the ABM Treaty.

Now, Mr. Feith, on the issues of Plan Colombia, concerns have been raised about the collusion between the Colombian armed forces and the illegal paramilitaries. Given the significant funding our country is providing to the armed forces, what goals do you think are achievable in Colombia?

Mr. FEITH. Senator, the focus of the Defense Department's activities in support of Plan Colombia is assisting the Colombian forces in dealing with their counterdrug work. This is a very difficult activity. It is performed by the Defense Department pursuant to statute, and there is a great sensitivity to keeping the focus on what the law would have the Department focus on, which is the counterdrug activity, and not to be drawn into entry into the civil war in Colombia.

Senator KENNEDY. Do you believe American interests in Colombia are worth putting the armed forces personnel at risk?

Mr. FEITH. As I said, this is a judgment that is made as a matter of law. Congress has legislated that we are going to assist——

Senator KENNEDY. I am trying to find out what your views are. What are your views on that issue? Do you think it is worth putting the personnel at risk, and then, I am going to ask you what about the civilians? Do you think they are? We ought to be able to find out what your views are on this Plan Colombia.

Mr. FEITH. Senator, there is a national interest in dealing with the very serious drug problem. Weighing the different factors requires a mastery of the facts of the case that I do not yet have. If confirmed, I would be in a position to have an independent evaluation of that. I do know that this is an obligation, and I do know the Department of Defense is fulfilling the statutory requirement.

Senator KENNEDY. Mr. Crouch, in your 1995 article in the *Journal,* "Comparative Strategy," you criticized the Clinton administration's policy in North Korea's nuclear weapons program and proposed the following steps:

- Strengthen U.S. forces stationed in South Korea, in recognition of the threat, to bolster U.S. deterrent;

- Redeploy American nuclear weapons to South Korea to demonstrate our nuclear commitment to a U.S. ally and maintain the means at hand to respond to a North Korean attack;
- Begin immediate plans with South Korea and Japan to develop and deploy a missile defense adequate to the task of dealing with long-range nuclear-armed missiles;
- Set a firm date for destruction of North Korea's nuclear complex and its long-range missile production facilities;
- Absent positive, visible steps by the North Korean regime towards this end, authorize destruction of as much of this complex as possible by U.S. and allied air power.

Would not this be dangerously provocative to a nation that already fears aggression from the United States and South Korea?

Dr. CROUCH. I remain concerned about the situation in Korea, Senator, but I believe that the international situation has changed greatly since 1994. At that time, I am sure that the committee will remember that tensions on the Korean peninsula were running very high. There was a considerable uncertainty about the stability of the North——

Senator KENNEDY. Well, you do not support that, then, today?

Dr. CROUCH. No. Today, I do not believe that those actions would be necessary, because I believe the international environment has changed substantially.

Senator KENNEDY. Mr. Feith, you stated that investment in the Cooperative Threat Reduction (CTR), the Nunn-Lugar program and other U.S. proliferation programs, should not become a means by which Russia frees the resources to finance its military modernization program. Is there any evidence to show that Russia is doing this? Are you advocating elimination of the program?

Mr. FEITH. No, on the contrary, Senator, I support the program. I think that the destruction of the weapons of the former Soviet Union is in the U.S. national interest. I think that it is important that the Defense Department select wisely the particular programs that we are going to fund with the moneys appropriated by Congress, and that we make sure that we manage them well, but I strongly support the program in principle, and I think that there is much good that comes from it.

Senator KENNEDY. Mr. Feith, do you have any reaction, then, to the fact that the administration cut $140 million from the Department's funding of the CTR program? Do you think it was wise to cut that money in their budget proposals?

Mr. FEITH. I may be in error, but I do not believe that the Defense Department funding was cut.

Senator KENNEDY. I believe it is the Energy Department. The Energy Department cut the program by $140 million. I understand that you generally support the program, is that correct?

Mr. FEITH. Yes, I do, sir.

Senator KENNEDY. Dr. Crouch, do you as well?

Dr. CROUCH. Absolutely, sir.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Kennedy.

Senator Allard.

Senator ALLARD. Mr. Chairman, thank you. I want to state briefly that I do not think that we can argue with the academic or professional qualifications of these three men to hold these respective positions, Doug Feith for Under Secretary of Defense for Policy, J.D. Crouch for Assistant Secretary of Defense for International Security Policy, and Peter Rodman for Assistant Secretary of Defense for International Security Affairs. I want to thank each nominee for taking the time to drop by my office and visit with me personally, and as a result of those conversations, I think that they bring a lot to those positions and they will be a credit to the administration.

Mr. Chairman, I would like to thank you for holding these hearings, and I look forward to getting them into their jobs as soon as possible, as well as moving the three nominees that we will be hearing from on Thursday.

Having said that, Dr. Crouch, the administration is contemplating many changes in regards to the export controls, and Congress has the Export Administration Act (EAA) on its plate at this time. Could you give me your views on export controls, and what changes do we need to the system, and then your views on the administration's changes on the EAA, if possible?

Dr. CROUCH. This is an area, Senator, that I expect I am going to need to do some study, if confirmed. It is not an area that I have spent a great deal of time studying, but I would say the following things. One is, I think that export controls are an essential aspect of our national security. I strongly support export controls. I also believe that we can do a better job in making export controls a facet of our counterproliferation policy, but I believe that it is going to take both the Department working with this committee and other relevant committees in the Senate to do that.

My understanding of the legislation—and I am again not an expert on that legislation, but my understanding of the legislation referred to is that the administration supports that legislation in its current form, and from what I understand of it, I certainly support it in its current form as well.

Senator ALLARD. Mr. Feith, there is some discussion, I believe, as to whether they would move national space policy, particularly the issue referring to commercial use in space, perhaps, to your area. Do you have any insight on that that you can share with the committee?

Mr. FEITH. Senator, the range of export control issues, as I understand it, is currently under review, and one aspect of that review would be looking at these commercial space issues, but they are not being, as I understand it, singled out. There is a comprehensive review underway.

Senator ALLARD. Do you have any thoughts that you would like to share with the committee in that regard?

Mr. FEITH. My general thoughts on export controls are in line with those of Dr. Crouch. The problem has become much harder lately than it was in the days when I was first exposed to the field, almost 20 years ago during the Reagan administration.

During the Cold War, many of the leading technologies were military technologies, and they were distinctly military. Now, many highly militarily relevant technologies are dual-use, and many of the most advanced technologies are in the commercial sphere rath-

er than the military sphere, and so many militarily significant technologies are very widespread. It makes the problem of export controls substantially more difficult than it was once upon a time.

I know that if I am confirmed, we are going to have a lot of very hard thinking to do about the best ways to improve the export control system. It is a very difficult problem, but it is worth a lot of mental effort, because ultimately controlling the spread of dangerous technologies is a high priority, in my view, a national security interest of the country.

Senator ALLARD. Mr. Feith, I would like to hear you talk a little bit about your feelings about the advantages of a strategic relationship in which both the United States and Russia reduce their nuclear arsenals, not as a result of negotiated agreements, but as a matter of unilateral policy.

Mr. FEITH. Senator, the President has said that the United States is going to make offensive nuclear force reductions. The administration, as I understand it, is developing the concept of a framework, a new framework of relationships, a new framework for the relationship with Russia. The President alluded to this in his National Defense University speech.

The exact nature of that framework, and whether it includes agreements or parallel actions or unilateral actions, or a combination thereof, is something that is being developed, as I understand it now, within the administration in—that is one of the subjects that has been the subject of consultations with our allies that high-level administration officials recently conducted. Secretary Rumsfeld is in Europe right now, and I am confident that when he goes to the NATO defense ministerial he will be discussing that subject there.

I think it is too early to say exactly what the context will be for those reductions, but the President has made it clear that he does not want to retain a larger offensive nuclear force than the United States needs, and wants to address this subject, together with missile defense issues, in a cooperative spirit with Russia.

Senator ALLARD. You support the President in that?

Mr. FEITH. I strongly support that.

Senator ALLARD. Mr. Chairman, I see my time has expired.

Senator INHOFE. Thank you, Senator Allard.

Senator Cleland.

Senator CLELAND. Thank you very much. Thank you, gentlemen, for being on the panel today.

Mr. Feith, were you ever in the American military?

Mr. FEITH. No, sir.

Senator CLELAND. You expect to be the Under Secretary of Defense for Policy, but were never in the American military?

Mr. FEITH. If confirmed, yes, sir.

Senator CLELAND. I understand that you have written extensively about war and peace. In an article in 1988 in the *Washington Times,* you said, "If international law is a bad joke, if treaties can be violated profitably and with impunity, then arms control too becomes a joke, with the laugh being on States that comply with treaty obligations." Do you still think that treaties are a joke?

Mr. FEITH. Senator, I was saying that they should not be a joke. I was saying that I take treaties, I take international law very seriously.

I have devoted a large part of my career to studying the subject and thinking about it, and I am a strong advocate of the United States complying with its treaty obligations, entering into treaty obligations with the greatest seriousness of mind, because we will and we do, and we should comply with our treaty obligations. I was highlighting the fact that unfortunately many treaties, excellent treaties, treaties that would be a fine thing if they achieved their intended purpose, are violated by other countries, and that it is incumbent on the United States to do whatever we can to enforce compliance with those treaties, lest they become a joke. I was making an argument for taking international law and arms control agreements seriously. I was not at all mocking them. I was saying it is important that nobody mock them.

Senator CLELAND. In 1988 you authored an article in which you criticized the effort of President Reagan to put together the Intermediate Nuclear Forces Treaty with Russia. That treaty passed the Senate by 93 to 5. Did you support that treaty at the time?

Mr. FEITH. Yes, I did, Senator.

Senator CLELAND. Let me ask you this. The Chemical Weapons Convention, you wrote in 1994 in the *New Republic,* "The Chemical Weapons Convention is a bad treaty, one that will likely increase the risk of chemical warfare around the world." Do you still believe that?

Mr. FEITH. Senator, I opposed ratification of the Chemical Weapons Convention because I did not think it would achieve its purpose. Its purpose is one that I strongly supported. I testified twice before the Senate Foreign Relations Committee on the treaty and said that I strongly supported the purposes of the treaty. I would be delighted if chemical weapons were abolished from the world.

There was a serious debate, and reasonable people were on both sides of that debate, over the question of whether the Chemical Weapons Convention would achieve the result that I believe both sides of the debate favored, which was the elimination of chemical weapons from the world. I had doubts about the treaty's effectiveness, but the treaty is now the law of the land and, if confirmed, I would work to make that treaty as effective as it can be, because I think that the goal of it is entirely admirable.

Senator CLELAND. That treaty was negotiated by President Bush.

Is it your opinion that the ABM Treaty has collapsed, or is no longer valid?

Mr. FEITH. Senator, I have written with a colleague of mine a lengthy legal memorandum citing a very longstanding 250-year-old doctrine of international law that says that two-party treaties lapse automatically when one of the two parties becomes extinct. The President, however, has said that the United States is complying with the terms of the ABM Treaty. I am happy to support that policy. He has also noted that at some point we are going to be moving beyond the constraints of the ABM Treaty, and he will be making the decision as to the when and how.

Senator CLELAND. With all due respect, if we do not get a handle on nuclear weapons, we will all be extinct.

May I say that you are not hired as the lawyer for the DOD, you are hired for policy. Again, to follow up on Senator Kennedy's question, was Secretary of State Baker right or wrong when he said, "I made the point to President Yeltsin that the United States remains committed to the ABM Treaty." Do you think we should be still committed to the ABM Treaty, or not?

Mr. FEITH. Secretary Baker said that we were committed, and we, as a country, have complied with the terms of the ABM Treaty, and continue to do so to this day.

Senator CLELAND. Regarding the Middle East, you not only opposed the 1993 and subsequent Oslo Accords between Israel and the PLO, but you also suggested that Israel should repudiate or abrogate the Oslo Accords. Is that your view?

Mr. FEITH. Senator, that is not quite what I wrote. What I was saying about the Oslo Accords is that the goal of the Oslo Accords is excellent. If there can be a consensual solution of the Arab-Israeli conflict, that will be a major accomplishment, highly desirable. It would serve the interests of the Palestinians, the Israelis, the United States. The concerns that I expressed about the Oslo process had to do with systematic violations of the Accords that unfortunately neither Israel nor the United States were ever able to remedy, and the failure to remedy those violations created an extremely serious problem, and unfortunately now we are living with some of the consequences of that.

Senator CLELAND. In terms of Iraq, do you still favor a strategy of supporting the Iraqi opposition, including protection by the United States Air Force and necessary U.S. ground troops? Do you think we ought to go into Iraq with United States ground troops?

Mr. FEITH. The United States policy on Iraq, Senator, is now being looked at. The United States has a strong interest, which I know is shared widely on this committee and throughout Congress, in facilitating as best we can the liberation of Iraq. The exact means that are most appropriate at the moment are the subject of review right now.

Senator CLELAND. That is the most disturbing answer of all. As somebody who was committed to a ground force effort in Vietnam with no particular strategy for winning and no particular exit strategy, your answer disturbs me greatly.

Mr. Chairman, my time is up.

Senator INHOFE. Thank you, Senator Cleland.

Senator Roberts.

Senator ROBERTS. Mr. Chairman, I would like to pick up on several topics raised by the distinguished Senator from Massachusetts, and I am sorry that he has left the hearing. I want to talk about the $100.4 million reduction in the budget on the CTR programs, the IPP programs, the NCI programs, the ISTC programs. That is an explosion of acronyms. Those are all the programs that we have under the Department of Energy (DOE) and the Department of Defense (DOD).

I want to point out that we have $400 million in the pipeline at the Department of Energy, and we have $500 million at the Department of Defense for the CTR programs. We spent about $1.1 billion last time. That comes under the jurisdiction of the Emerging Threats and Capabilities Subcommittee, of which I am Chairman,

at least until 5 p.m. tonight, but there is bipartisan support for these programs by Senator Lugar, Senator Domenici, and Senator Kennedy, and Senator Levin has been outstanding in his support.

We tried to work out a compromise with the House, but we made it contingent—and I am going to ask all three of you what you think about this—on greater transparency in regards to these programs with the Russians, access, and we are working on that, it has been a long, slow road, but we are getting a little better access, greater Russian cooperation, and internal management reform.

One of the problems with these programs is that internal management has been pretty sad. There is another GAO report out in regards to the DOE programs, and we were concerned about a year ago when we found out 70 percent of the money stayed right here in the Department of Energy, as opposed to actually being used in Russia.

I think it is certainly a very positive program, but a program that needs dramatic improvement. I understand the National Security Council is undergoing a review. Any comments, Doug, in regards to the whole proposition? You are for this, but I would assume you are also in favor of transparency, access, greater Russian cooperation, internal management reform, and that at least some of the support of this money should be contingent on those requisite things.

Mr. FEITH. Senator, each of those points sounds sensible.

Senator ROBERTS. Well, thank you. I appreciate that. [Laughter.]

Senator Kennedy also brought up the question in regards to Colombia. I got a little mixed up in terms of his question and your answer. Statutory permission, statutory authority. I think we have the statutory authority, and nobody wants to be in the midst of a civil war, and nobody wants to risk our troops. Senator Cleland has just referred to that. It is one thing to have a cause to fight for. It is another thing to have a cause to fight and die for.

But let me say that we are making some progress, it seems to me, with the drug war and stability in the hemisphere. General Wilhelm, who is the former four-star Marine down there in the Southern Command, pointed out that down there, there are 31 nations, 360 million people, average age 14.

Now, again on the Emerging Threats and Capabilities Subcommittee we have that jurisdiction, and we look at the vital national interests involved here, drugs, immigration, energy, and trade, all four. As a matter of fact, I think it probably rates a higher priority than the Balkans, and I am not going to ask you to get into that. If anybody does not think it does not affect the pump price in Boston or Topeka in terms of energy, take a look at Hector Chavez, who could be the next Fidel Castro in regards to Venezuela. Do not hold me to that if I am ever going to be confirmed for anything, gentlemen. I appreciate that. [Laughter.]

But at any rate, could you comment on that in terms of our strategic national interest, and Doug, you can start off, if you would like. I do not want to risk anybody down there in terms of a civil war, but I think in terms of Colombia and stability of the region, it is very important, is that not right?

Mr. FEITH. Senator, I agree with you that the stability of the whole Andean region, the whole northern part of South America, is an important U.S. national security interest.

One of the reasons that we are in the relatively happy strategic position that the United States now finds itself in after the Cold War is that we have peace in the hemisphere, and on our borders, and making sure that our neighbors remain peaceful and reasonably stable is a very important interest of ours. I think that the items you cited, drugs, immigration, trade, energy, all are important factors that have to be properly weighed in making our policy towards that region.

Senator ROBERTS. I am going to ask Peter, too. Peter, regards from Bob Ellsworth, our former Member of Congress, NATO Ambassador, Assistant Secretary of Defense, Foreign Policy Advisor de luxe and guru. He called me yesterday and said, treat Peter Rodman with all due respect, he is the best, and I agree. Now, with that introduction, what about the Southern Hemisphere.

Mr. RODMAN. Well, thank you, Senator, for including me in the hearing also. [Laughter.]

I am grateful. Well, maybe I should not be grateful.

Senator ROBERTS. Just be careful of what you ask for.

Mr. RODMAN. Yes, be careful what you ask for. That is exactly what I thought. [Laughter.]

No, I am happy to answer that question, and I also want to compliment you and Senator Cleland. I am familiar in a general way with the colloquy which you both engaged in a year ago on the broad question of our national interest, and obviously the Western Hemisphere is an area where we have an enormous national interest and always have, so there is no question that Colombia is one of the biggest, one of the most daunting issues on the agenda. I have to say, if I am confirmed in this position, this will be one of the tough issues that I will have to address, and I am not an expert on Latin America, so I will need to educate myself.

What I have learned as I have tried to read up on this is a lot of questions that we have not faced squarely. Clearly we have an interest in the counterdrug operation, but we also have a broader interest in our relations with these countries, which are now mostly democracies, and in supporting these democratic friends against the challenges they face in the political and security dimension.

But how you disentangle these, or how you keep them together, or whatever, this is an issue I certainly do not have the answer for, because, as has been said, none of us wants to get into a war. The word counterinsurgency scares the hell out of everybody, but we do have an interest in the security, the viability, the strength of a democratic country like Colombia, and unfortunately it has become in part a responsibility of the Department of Defense. All I can say is, I do not have the answers yet, Senator, but I thank you for your kind words, and I know that this is something that has to be at the top of ISA's agenda.

Senator ROBERTS. Mr. Chairman, my time has expired. Let me ask, are we going to have another round? I have an absolutely important question on NATO and a brilliant question in regards to emerging threats and terrorism.

Senator INHOFE. We will do our best, Senator Roberts. Thank you.

Senator ROBERTS. I feel a compelling need for another round, Mr. Chairman.

Senator INHOFE. All right.

Senator Reed.

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

Mr. Feith, let me go back to the issue of the Intermediate Nuclear Force Treaty. You criticize it very severely, and I believe, from looking at your comments, that one of the critical issues is verification, the ability to verify whether the Soviets could, would, in fact, cheat on the treaty, and yet you say today that you support the treaty. Am I led to believe, then, that you would support a treaty that is not absolutely verifiable?

Mr. FEITH. Senator, the evaluation of an arms control agreement is a net assessment, and one weighs the pluses against the minuses. Regarding the INF Treaty, I participated, at the time that the treaty was published, in a study group of five or six people that did an article-by-article review of the INF Treaty that was published by the American Enterprise Institute.

We said in that review that some of us support the treaty, some of us oppose it, but we wanted to just do an analysis and publish what we thought the treaty said, and analyze elements of it, its meaning, identify problems with it, and one of the members of that study group was Richard Perle, who then testified in front of Congress in favor of the treaty, so the study group had people of varying opinions.

I believe that the Senate acted wisely in approving ratification of that treaty, and I think that the treaty has contributed, has been a net benefit to U.S. national security, despite the fact that there were elements of it that were not as strong as other elements.

Senator REED. I raise the question because in the context of our recent debate on the Comprehensive Test Ban Treaty, one position that was advanced by many opponents was the fact that they could not be absolutely verified, that there was a certain merit, of course, to having a treaty, but it could not be absolutely verified.

First of all, let me ask for the record, what was your position on the Comprehensive Test Ban Treaty, and what was the reason, if you opposed it, that you opposed it?

Mr. FEITH. Senator, I opposed ratification of the Comprehensive Test Ban Treaty, for the reasons that Secretary Rumsfeld has highlighted: that there were serious verification problems with it, that the verification problems were significant, that there were issues of the military significance of explosions that could not be effectively detected, monitored.

Also, there were serious questions about whether we could maintain a safe and reliable and effective nuclear deterrent in the absence of testing, and Secretary Rumsfeld has highlighted those as problems. I think that again the Senate acted wisely in withholding its support for ratification of the Comprehensive Test Ban Treaty.

Senator REED. In that light, would you recommend the departure from the current moratorium on testing, and engagement in testing of nuclear weapons by the United States?

Mr. FEITH. No, Senator. At the moment, the Bush administration is maintaining that moratorium, and I am happy to support that policy.

Senator REED. Dr. Crouch, the same question. Would you recommend a departure from the moratorium on testing, and engagement in testing nuclear weapons?

Dr. CROUCH. I think you may know, Senator, that I am on record, having supported nuclear testing in the past, I believe that nuclear testing has played a vital role in maintaining the security and safety of our nuclear weapons.

However, there is a review going on right now of not just the issue of testing, but our entire nuclear infrastructure, stockpile and the like, and in the context of that review I think this issue is going to be taken up.

I support the President's position today, which is that we will maintain the moratorium on nuclear testing. I think one of the issues, if I were confirmed, that I would have to be very involved in is looking at the question, for example, of what are the alternatives to testing. How effective would a stockpile stewardship program be in maintaining the infrastructure and the ability to test, for example.

One of the things that the Secretary highlighted that I think is very important is, how do you maintain the personnel, that is to say, the people who know how to do these things, in an age where the number of nuclear weapons, obviously, as the President said, are going to go down. It seems to me that in some respects, that as we bring that stockpile down, which I support consistent with our national security goals, we rely more and more on fewer numbers and fewer types of weapons. It is essential that those weapons be safe, we understand their effects, we understand their reliability. It is an issue that I am going to have to take very seriously and will take very seriously, if confirmed. I will look at it. I would not rule it out at this point, but I do not think I could say yes, positively, at this point, I am going to recommend that.

Senator REED. I believe that you have seriously considered this issue before, when you came to a much more definitive conclusion that you would urge testing, but I thank you for your answer, Doctor. Thank you very much.

Thank you, Mr. Feith. Mr. Rodman, I am sorry. [Laughter.]

Senator INHOFE. Thank you, Senator Reed.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. I want to thank each of you for your service to your country over the years, and the fact that you have written and been engaged in matters of important public policy over the years should be something we are thankful for, that you have been able and willing to sign your name to articles, to engage in some of the most important issues facing our country. As the years go by, not everything I have ever written I am pleased with, and I am sure the same will be true for you.

Dr. Crouch, how many years ago did you write this legal opinion about the existence of the Soviet Union?

Mr. FEITH. I think, Senator, it was I who wrote that.

Senator SESSIONS. Mr. Feith, excuse me, yes. How many years ago was that?

Mr. FEITH. I believe it was published in 1999.

Senator SESSIONS. Regardless, my thinking is simply this—I did not think it would be that many years ago, but I guess my thought is simply this. You were writing a legal opinion about a matter that is, I think, undisputed. No good lawyer could come out with a different opinion on this.

Somebody may think we ought to continue this treaty, but I am not at all of the belief that you could rationally conclude that we are bound to a treaty with a dead empire that is, in fact, extinct, that is so totally different, Russia today, smaller, a friendly power, a democracy compared to the Union of Soviet Socialist Republics that threatened the world and democracy for 50 years. So to me I think you did the right thing on your legal opinion and should not be criticized for it.

We have been talking some about unilateralism, and I know members of the world community, whoever they are, express concern that the United States is acting unilaterally. I remember, I was at a North Atlantic Assembly meeting with delegates from other parliaments around the world, and met with a member of the House of Lords.

He suggested we should not be involved in the Balkans without a vote of the United Nations, and I responded to him, sir, if the United Kingdom were in serious trouble, would you prefer that the decision be made on whether or not to deploy the United States military to defend the United Kingdom by the United Nations or by the United States? He acknowledged that was a valid consideration.

I am concerned that in recent years we have felt an almost politically correct need to subordinate our national interest to world bodies that may not be always rational in their conclusions. I think it is important that we maintain our ability to utilize the power that the American people sacrifice to create, so that we can use it in our just national interest, in the interests of the world.

Mr. Rodman, you have been ignored on this. How do you feel about this unilateralism theory?

Mr. RODMAN. Senator, I share your broad sentiment. The President and Congress, particularly the Senate, share vital constitutional responsibilities for the national interests of the United States which they cannot delegate to anyone else.

I also want to say that I agree with some things Doug said a few moments ago, particularly in the area of treaties, but the main point is, even though we are predominant, we benefit from working with others. This President, in fact, not only in this campaign, but more recently, has put enormous emphasis on the importance of working with allies, working with others, sharing responsibility if we can with others, so we benefit from that, but in the last analysis, particularly where vital issues of national security are concerned, we cannot delegate the decision to others, and the United Nations again can be a useful supplement to our policy.

It is a way of engaging other countries on issues where we want to cooperate, and we want others to join, but there will always be decisions, cases where we have our own decision, and others may

disagree, but we have to try to persuade and so forth. But there will be cases where we will do things that others will not agree with. We try to minimize it, but we cannot delegate our sovereign responsibility.

Senator SESSIONS. Mr. Feith and Dr. Crouch, would you agree that ultimately the use of American power is the responsibility of the Government of the United States, and that we ought not to subordinate our ability to utilize our power, except through the treaty-making power, to other groups around the world?

Mr. FEITH. Senator, I think that your citing of the treaty-making power is an important point, because it highlights the wisdom of the Founding Fathers in making decisions of that importance about using force, key issues of national defense and national sovereignty, subject to the cooperative process of the Senate's advice and consent on treaties. I certainly agree with you that the Senate has an extremely important role to play in deciding whether it is in the national interest for us to bind ourselves to other countries on matters of that importance.

Dr. CROUCH. Yes, Senator, I share the views that have been articulated by my colleagues here. I think that the issue of unilateralism is one that this President has done a very good job of demonstrating that he is committed to working with allies.

He has been very engaged so far, and the administration, in my view, has been very engaged so far in consultations across a wide range of issues, not just on specific topics. I think that it seems to me if I can add one thought here, is that we are not just another country. We have a leadership role to play, and that does not mean that we run around telling other countries what to do. I do not think that this administration has done that, or certainly would do that. It certainly would not be any guidance that I would provide. I think that we must exercise that leadership role, and I would not want that called unilateralism. I would rather it be called leadership.

Senator SESSIONS. Well said. I agree with that. I think it is exceedingly important that we work with our allies and friends around the world, but at the same time, we need to know and the world needs to know that we are capable of making our own critical, independent decision if need be. One former Clinton administration official who testified here wrote that we talk about a post-world war strategy. He said when we talk about a post-world war strategy, it is an admission we have not developed one yet.

I think it is a challenge that each of you will have to think clearly about the myriad of problems, this different world we are in, this post-Soviet world, and to help us develop a policy that all parties, all people in this country can unite behind, and that will preserve and protect and defend the great freedoms of this United States, and promote peace throughout the world and economic prosperity.

I am excited about your nominations. I think it is going to be a refreshing change in the Defense Department. You have great opportunities to make some historic progress. I wish you the best, and assure you I will do my best to help you.

Senator INHOFE. Should we interpret that as that you are going to vote in support?

Senator SESSIONS. You certainly can, Mr. Chairman.

Senator INHOFE. Senator Nelson.

Senator BEN NELSON. Thank you very much, Mr. Chairman.

Mr. Feith, one could have concluded from many of your writings in your legal memorandum that you do not think very much of arms agreements or treaties, and some people have suggested that maybe some of your views may even get nearly off the chart. I would not suggest that confirmation conversion here, but there does seem to be a shift in your thoughts about the arguments. The bright line of opinion seems to pale a little bit under examination. I will be anxious to know what your policy advice will be to the White House, if you are confirmed.

Perhaps Senator Roberts will be long remembered for the Roberts Rule which he introduced today, and that is—always have a disclaimer associated with any writings in case you come before this committee or any other committee for confirmation.

What I would like to do is ask a little bit more about Plan Colombia. I know that you said that you have not had the opportunity to get into it to any great extent, but in terms of policy—and I am not trying to set this up because it could be any or all of the above—is it a civil war, is it a drug war, is it nation-building, is it being the world policeman, is it any or all of those, or is it something else—civil war, drug war, nation-building, or being the world policeman?

Mr. FEITH. Senator, I think that the problem in Colombia is all of the above, and probably a few more things you could list.

Senator BEN NELSON. Is it appropriate for us to be in any of those roles, or all of those roles?

Mr. FEITH. As I understand it, Senator, our role right now is focused on the counterdrug activities of the Colombian armed forces. It is difficult to draw very neat lines between these different areas you have highlighted. It is quite clear that if we enhance the capabilities of the Colombian forces to deal in their counterdrug operations, then necessarily you are enhancing their capabilities overall, which ultimately redounds to the benefit of the Government in dealing with the insurgency.

So it is not a subject that lends itself to neat compartmentalization, but I think that the focus of the DOD efforts, as I understand the situation, is appropriate. I mean, it is within the bounds of the law, and the broader points that were made earlier by Peter Rodman and others about the general importance of stability in our hemisphere are an important element of our analysis of that issue.

Senator BEN NELSON. Mr. Rodman, not to leave you out, would you respond to that, too, please?

Mr. RODMAN. I share the sentiment. We have decided as a country to emphasize the counternarcotics effort. That is what two administrations and Congress have decided, but I think inescapably we also have a stake in Colombia as a longstanding democracy and a friend, and I would not call it nation-building. I think that phrase brings to mind more ambitious things that we may not in other parts of the world want to attempt.

I think we do have a stake, and we should not shy away from saying it, a stake in helping Colombia, which is a friend, to survive. It happens to be under assault of extremists of both the right and the left, and we have chosen not to engage—we have not chosen

to get into the civil war, but I think inescapably, as Doug said, as we offer any help we give them we are hoping that they will be intact as a State.

Now, you mentioned world policeman. I do not think that applies. I think that the Western Hemisphere, if we do not have a vital interest in the Western Hemisphere, then you know, we do not have a vital interest anywhere. This is a friendly country, a pivotal country that we have a stake in, and I think obviously as a country we are being very careful and cautious, and I do not have any answers about what we should do, but I think there are good reasons why we are involved there.

Senator BEN NELSON. Would that apply to the Balkans, or Haiti, or Somalia?

Mr. RODMAN. Every case is different, and I have different opinions about different issues, and on the Balkans, I support what the President has said. We are engaged there, and we and our allies need to make collective decisions one way or another.

Haiti is something in the past. I had some doubts about it when it happened, but it is not on the current agenda.

I think we have to be selective. I think this is the President's philosophy, and it is shared by many others. We cannot get engaged everywhere. We need to look at where our national interests are at stake, and it is something that the President and Congress, one hopes, will share in deciding as a country what we do.

Senator BEN NELSON. Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Nelson.

Senator Akaka.

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

Mr. Feith, thank you for your time, and for visiting and sharing some of your thoughts with me. I was interested in your asymmetric threat statements. In answers to advance questions you submitted to the committee regarding asymmetric threats to the United States and appropriate responses, you mentioned a range of asymmetric threats, including terrorism and threats against our space and information systems. You state that in light of these threats, including biological weapons and conventional attacks, the administration's response is, and I quote, the development and deployment of missile defenses, unquote. How does this policy protect us against attacks on our information systems or against a biological weapon delivered by terrorists?

Mr. FEITH. Senator, this issue of asymmetric threats, or emerging threats, is one that I know that members of this committee, Senator Levin in particular, have been assiduous in highlighting, and it is an enormously important question, and it is of great value that this committee is focused on it as it is.

The topic covers a range of threats, as you mentioned. An element of it is the threat of the use on American territory of weapons of mass destruction, and there are, of course, various means by which those weapons could be delivered. One of them, which is the vulnerability that the missile defense program will attempt to defeat, is the danger of missile attack, but it is clear that that is not the only means by which that threat can be posed against U.S. territory.

Senator AKAKA. You have mentioned also that missile defense is not a threat to China, rather, it is intended to defend against a newly emerging ballistic missile threat resulting from proliferation, and also against unauthorized launches. Could you please clarify the statement, and what you mean by that, and what is the administration's point of view of any threat posed by China. Are you concerned about Chinese military modernization, and if so, what type of threat do you see it posing to us, and what should our response be?

Mr. FEITH. Senator, I am not sure that I heard the whole beginning of your question. As far as the issue of Chinese military modernization, this is a serious issue, a serious challenge for the United States. The Chinese have had a military modernization program underway for years, an important element of which is modernization of their offensive nuclear forces. This is something that is of concern.

I think President Bush captured well the complexity of our national security view of China when he said, we have different values, yet common interests in the world. We agree on the importance of trade. We want the citizens of both countries to enjoy the benefits of peace, so we need to work together on global security problems such as preventing the spread of weapons of mass destruction. He said, I will always stand squarely for American interests and American values, and those will no doubt sometimes cause disagreements with China, yet I will approach our differences in a spirit of respect.

I support the President's views on our relationship with China, and I think that the Defense Department has an important responsibility in protecting U.S. interests in Asia, helping to deter and defend against threats, including the threats that derive from the Chinese military modernization program that you have referred to.

Our challenge is to help shape a security environment in which stability in Asia can be maintained as China continues to emerge as a power in the region. That emergence is fairly inevitable, and we have to accommodate, we have to modify and continually review our response to it—there is no way to prevent China from getting bigger and stronger—but we have to do so in such a way that we can preserve our interests and those of our friends and allies in the area.

Senator AKAKA. Part of my question was whether our missile defense, whether it is a threat to China, and ask that you clarify the statement. With all that has been said about our missile defense, I was concerned about whether it really makes a difference, and why our missile defense is not a threat to China.

Mr. FEITH. Senator, the President has stated that the purpose of our creating missile defenses against a limited threat, and he emphasized the word limited, is to address the problem of the proliferation of missile capabilities to rogue countries, and to deal with the problem of unauthorized or accidental launches. The missile defense concept that the President has been propounding is not directed, he has said, against Russia or China.

Senator AKAKA. Let me ask you this, could you tell me which arms control treaties you support which cannot be completely verified?

Mr. FEITH. Senator, I personally do not use the term completely verified. It is just not the way I have analyzed arms control agreements. I think that there are issues of verification that fit into the broader assessment, net assessment of arms control agreements that one does in evaluating whether they are a net plus from the point of view of U.S. national security policy. There are agreements where the verification regime—or there are proposals, sometimes, for agreements where the verification regime would not allow the United States, for example, to detect even militarily significant violations of the agreement. If that were the case, I would say that is highly problematic, and I would tend to oppose an agreement of that kind.

If you ask, what arms control agreements I support, there are various arms control agreements. I mentioned that the INF Treaty, the Intermediate Nuclear Forces Treaty, is an agreement that I support, START I, START II. I think that the approach to chemical weapons arms control embodied in the Geneva protocol, which bans the use of chemical weapons, is a sensible, useful, good approach.

If you ask, are all of those agreements absolutely verifiable, the answer is, there may be violations to a greater or lesser degree of some of them or of aspects of them where we would not know for sure that they have occurred, but that does not mean that they are not of net benefit to the United States.

I think we need to evaluate the issue of verification when we look at arms control agreements, and I know that this is something that the Senate does, and does with great seriousness, and it is an important function of the Senate in the treaty-making process.

Those issues of verification have to be evaluated as an element of the overall assessment of what the treaty sets out to accomplish.

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

Chairman WARNER. Thank you, Senator, very much. Gentlemen, I am sorry I had to leave, but I am delighted to come back and conclude these matters here with you this morning.

I would like to go back to the ABM Treaty. I was not present during all of the colloquy, but I would like to give you my own views. I have had some familiarity with this treaty for many years. I was in the Department of Defense as Secretary of the Navy at the time the work-up documents were made, preparatory to the meeting in May in Moscow when President Nixon and President Brezhnev executed that treaty. I happened to have had the privilege of being in Moscow at that time.

I was there for the Incidents at Sea Agreement, an integral part of the group that worked on it, and I have been supportive of the ABM concept, but I think our President, President Bush, has very correctly, very properly enunciated his goals with regard to the limited threat that faces this Nation from the rogue missile or the accidental or unintentional firing.

Now, people tend to say, oh, well, it could never happen, but regrettably the world has watched two tragic events where the most highly skilled officers were in charge of two submarines. One, the first, the loss of the Russian submarine with all hands, apparently because of some accidental situation occurring aboard that vessel, full details of which we do not have, but we know enough that it

was clearly an accident. We have reason to believe that that vessel did have nuclear weapons aboard, but we saw an accident happen.

We saw a second accident happen with a submarine of our own, commanded by what we had every reason to believe was a highly skilled naval officer, but an accident happened.

So anyone who says that accidents cannot happen, I point to these two incidents to show that they can happen, and therefore I think our President is absolutely right in taking the initiative to prepare this country to do whatever we can to destroy an incoming missile, whether it be from a rogue nation or an accident.

Now, in that context, I draw your attention to the National Missile Defense Act of 1999, adopted here in the Senate and the House, now the law of the land signed by the President. My first question to you is, as I look at the actions taken by President Bush, I see of intention, in any way, other than to follow that law. Do you agree with that, Mr. Feith?

Mr. FEITH. Yes, I do, Mr. Chairman.

Chairman WARNER. Thank you. Anyone else at the table, Mr. Rodman?

Mr. RODMAN. I certainly agree.

Chairman WARNER. I would like to go back to the treaty itself. It is clear to this Senator that the President has every right to, within the current framework of the treaty, to initiate research and development programs on systems that previous presidents for whatever reason decided not to initiate. Do we agree on that?

Mr. FEITH. Yes, sir.

Chairman WARNER. That if the research and development is permitted, it would give this Nation some better understanding on the feasibility or nonfeasibility of different types of approaches to the defense against ballistic missiles, do you agree with that?

Mr. FEITH. Yes. That is my understanding, too, Senator.

Chairman WARNER. It is my hope that the President, under his leadership, with the current President of Russia, can work out some framework, as President Bush said, either by way of amendments, or a new framework by which to take further steps beyond the research and development phase on new systems. Am I not correct in that?

Mr. FEITH. Yes. I know, Mr. Chairman, that there is a great interest in exploring cooperative arrangements with the Russians.

Chairman WARNER. I think he has made progress in sending the teams forth throughout the world on this issue, and that you see a better understanding of other nations, not just of to the threat to the United States, but indeed the threat to Russia. Russia is within a perimeter of firings from other nations that gives them almost a greater vulnerability than the United States to some systems.

So I am hopeful that eventually this can be worked out, that a new framework can be established so that the research and development on certain new concepts can be carried into the testing and, if necessary, into the deployment phase, so I think we have a clear understanding on that.

Now, Mr. Rodman, on the question of NATO, I think NATO has been the most extraordinary military pact in the history of mankind, and we have to do everything we can to keep that pact and

to make it work as it has these many years to deter aggression and, if necessary, then to combat aggression. It deterred for some half-century. Then, of course, when the aggression occurred in the Balkans, it was employed, 19 nations, to successfully bring about the fighting in that conflict.

But I tell you, whether you know it or not, I opposed the enlargement of NATO in years past, and I intend to, not arbitrarily, look very carefully at any future proposals to enlarge NATO. I feel that we have to make what is in place work, and to work, and work better, before we proceed to further enlarge it.

I think all the Nations have to be given an opportunity to properly fund their participatory obligations to NATO, and then to train what they have in place, to integrate their forces so that, indeed, they can be viewed as a strong initiative to strengthen NATO.

I would be interested in your views on the subject of further enlargement. That subject will be brought up next year.

Mr. RODMAN. As you say, that is one of the important issues on our agenda the next few years, and I was an advocate of enlargement in the first go-around, and the President—I think the executive branch and the Senate are only at the beginning, I think, of the process, and I do not think the President has made any decisions that I am aware of about exactly who we will advocate.

Chairman WARNER. I agree.

Mr. RODMAN. I assume there will be consultation with Congress, but I do want to say that I also want to defer to my colleague, J. D. Crouch, because I think if my understanding is that Secretary Rumsfeld may be rearranging some of the responsibilities in the policy office, so that area, while I have a strong interest in it, the NATO issues may move to the Office of International Security Policy. I am happy to answer questions that you have.

Chairman WARNER. I just make really more of an observation, and a personal one, that I think we have to make what is in place work, and work very well, before we begin to add other nations. That is my view.

Mr. RODMAN. I hope the executive, and the President, and the Senate, this committee, work closely as this policy evolves.

Chairman WARNER. All right. Mr. Feith, I hope that you commit to the extent you can on behalf of the Secretary of Defense to involve Congress, particularly those committees that have an integral responsibility in the question of security affairs, as we proceed with this NATO enlargement issue.

Dr. Crouch, your views.

Dr. CROUCH. Thank you, Mr. Chairman. I think it is essential that we work with this committee. I have to say that I had left public life when the first NATO expansion occurred, and I began a skeptic, but I have come to believe that this was a wise choice.

Chairman WARNER. You mean the past round of enlargement?

Dr. CROUCH. Yes, the past round of enlargement, but I mention that because I want you to know that I do not come to this with a preset set of ideas about what we should or should not do. I think that I would underscore one point, and that is that NATO has been a very effective alliance, so that a principal question for me beyond the general question of, is this in the National security interests of the United States, is will NATO retain its capacity for collective ac-

tion? If bringing states in weakens that capacity, I, myself, I think, would not be supportive of that move, and I do not think the Secretary or the President would as well.

Chairman WARNER. Those are the correct criteria by which to view this subject and, indeed, I approach it with an open mind.

Dr. CROUCH. I hope to work closely with the committee on that, if confirmed, Mr. Chairman.

Chairman WARNER. I also believe that Russia has strong feelings on this issue, and if I were to prioritize the issues before this Nation at the present time, I would put the reconciliation of the differing viewpoints on ABM as the top priority. Perhaps the ABM Treaty, if it is worked properly, which I am optimistic that the President can achieve, then we can move on to other issues.

Would you care to comment, Mr. Feith, on the reallocation of responsibilities?

Mr. FEITH. Mr. Chairman, I think what Peter Rodman was referring to is that I believe the Secretary's current thinking is that the International Security Policy Office will have responsibility as a geographical matter for Europe and Eurasia more generally.

Chairman WARNER. Would you undertake, and/or the Secretary, to advise the Senate as quickly as you can if there is a reallocation of responsibility?

Mr. FEITH. Absolutely, as soon as the thinking crystallizes.

Chairman WARNER. Now, to the question of the Balkans, and the policies of this administration with regard to the current level of deployments and the future level of deployments. There has been some publicity to the effect that maybe the views of Secretary Rumsfeld could be at variance with the views of Secretary Powell.

I think Secretary Powell has to look at it from the standpoint, again, of NATO, first and foremost, and the question of the relationships with the NATO countries. Let there be no perception that we are less than a full partner in NATO and its missions, and the fulfillment, and the conclusion of those missions.

On the other hand, Secretary Rumsfeld is concerned that much of the costs of that operation prior to the last fiscal year were borne by the military services, which negatively impacted on procurement and readiness and modernization.

Would you care to comment on what you perceive is the current policy with regard to that withdrawal?

Mr. FEITH. My understanding is that some of the remarks that Secretary Rumsfeld has made about the issue of United States deployment in the Balkans, in particular in the Bosnian deployment and the Kosovo deployment, have given rise to some misunderstandings. As I understand it, the Secretary values the missions.

Chairman WARNER. I would suggest you add a name to "Secretary." We are talking about two now.

Mr. FEITH. Secretary Rumsfeld. I think he and Secretary Powell share an evaluation of the missions as important. Secretary Rumsfeld has been, as I understand it, emphasizing that the United States should configure its participation in those missions in the best, most efficient fashion, and that the missions have evolved over time.

For example, in Bosnia the initial mission was more military. The current mission includes an important element of civil imple-

mentation, and the Secretary has raised the question of whether we are appropriately configured to do the mission as it exists right now. This has been, I think, interpreted, misinterpreted, as somehow devaluing the mission or wanting to pull U.S. forces out unilaterally.

Secretary Rumsfeld has been, I think, emphatic on the point that the United States went into the Bosnian mission as part of the alliance, and is going to remain part of the alliance, and as I think he put it, we went in together, and if we come out, we are going to go out together, and has no desire to disrupt the harmony of alliance work on that subject.

Chairman WARNER. Thank you very much.

Senator Bill Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman. It is my understanding, Mr. Feith, earlier in the testimony this morning that you had stated that you agreed with the goal of the Chemical Weapons Convention (CWC), but you disagreed with language in it. Could you share with us what is the language to which you object?

Mr. FEITH. Senator, I certainly do agree with the goal of the Chemical Weapons Convention, and think that the world would be much better off if chemical weapons were entirely abolished, and nobody had them.

My concern about the convention itself was more than a matter of language. It was the question of whether the approach to chemical weapons arms control in that convention was a sensible approach. My view was, there is a very good chemical weapons treaty already in existence. It is the Geneva Protocol, one of the most venerable of the arms control agreements, and it bans the use of chemical weapons in war.

The principal problem of chemical weapons, the principal problem of the chemical weapons threat, in my view, was that that treaty had been on a number of occasions violated most horrifically and recently by the Iraqis in their war with Iran. The Iraqi Government of Saddam Hussein also used chemical weapons against the Iraqi Kurdish citizens, and when that occurred, the international community did nothing to enforce the existing treaty.

Then that same international community that dropped the ball, as it were, that failed to enforce the sensible, verifiable ban on the use of chemical weapons produced a ban on possession of chemical weapons, and by undertaking to ban possession, it was taking on itself a detection and monitoring, a verification job that just cannot be performed, and it was quite clear that our intelligence lacks the capability to detect even militarily significant violations of that agreement, and that was one of my principal concerns.

So my view was, it would be much more constructive for the goal that I think everybody in the debate supported, if we had focused on putting teeth into the enforcement mechanisms for the ban on the use of chemical weapons, rather than to pursue the ban on possession. Having said that, I just want to add that the Chemical Weapons Convention is now the law, and it is the administration's job to enforce that and make it as effective as possible, and if confirmed, that would be my focus.

Senator BILL NELSON. Do I interpret correctly that what you are saying is that the CWC, in your opinion, is superfluous, given the fact of the Geneva Convention?

Mr. FEITH. I think that rigorous enforcement of the Geneva Convention would contribute much more to addressing dealing with the threat of chemical weapons than the nonpossession ban of the Chemical Weapons Convention.

Senator BILL NELSON. So in essence you are saying yes, that it is superfluous. Do you think it is harmful?

Mr. FEITH. The concern I had about some harm that I saw in the Chemical Weapons Convention had to do in particular with certain provisions that required the sharing of technologies regarding defensive gear and defensive measures, and the concern that I had is, there is an obligation in the treaty to share chemical weapons defense technology, and there is a danger there that a party that would enter into the convention not in good faith could obtain by its party status access to defense technology that could enhance the ability of that party to use chemical weapons offensively, and that is a serious problem.

I think a number of the problems with the Chemical Weapons Convention that a number of us highlighted in the course of the debate were addressed very seriously by the Senate and were, to some extent, remedied in the ratification action, in the ratification approval that the Senate took, and so I think that was a constructive exercise.

Senator BILL NELSON. If confirmed, and you consider that part of the CWC a danger, how would you then implement the CWC as law?

Mr. FEITH. We would have to implement it as carefully as we can, fulfilling our treaty obligations but doing so in as prudent a fashion as possible to minimize the dangers.

Senator BILL NELSON. Could you help me understand what you mean by prudent?

Mr. FEITH. All I can say at this point, Senator, is we would have to keep the dangers in mind. One of the things that comes to mind, for example, is, the Nuclear Nonproliferation Treaty, a treaty that I think was also a net plus, and contributed to the slowing down of the proliferation of nuclear weapons capabilities, nevertheless had elements to it that have been a problem.

For example, in the International Atomic Energy Agency inspection regime that is part of the Nuclear Nonproliferation Treaty, Iraq is a party to the Nonproliferation Treaty. After the Gulf War, when the U.N. weapons inspectors talked to Iraqi nuclear engineers, they learned that Iraqi nuclear engineers participated in the International Atomic Energy Agency inspection regime, and through that participation, learned how better to conceal the Iraqi nuclear program and Senator, our intelligence community was stunned at the effectiveness of the Iraqi concealment program for their nuclear weapons program. They were much farther along, we discovered after the war, than our intelligence community thought at the time, and one of the reasons they were so far along is, they had signed on to the Nuclear Nonproliferation Treaty, participated in the IAEA inspection regime and knew how to do it, how to conceal what they were doing.

Now, that is an example of how a perfectly well-intentioned apparatus can sometimes be put to bad use, and we need to protect against problems of that kind.

Senator BILL NELSON. Indeed we do. Now, with regard to the CWC, would you share with us what other efforts you think that our country might take to protect ourselves from chemical weapons developed and deployed? I would be interested in hearing your ideas.

Mr. FEITH. Senator, one that comes to mind right away is ensuring that we have appropriate defense capabilities in the chemical weapons area. Defense capabilities means things like protective gear, detection and analysis capabilities, so that if chemical weapons are used against our forces we can know that they have been used and what the agent is, and also the appropriate medical treatment for the different agents, chemical weapons agents that we are likely to confront.

Chemical weapons are most effective against unprepared forces, and to the extent that our forces are properly prepared with defensive gear, and defensive technologies, it will contribute to our deterrence.

Senator BILL NELSON. Thank you, Mr. Chairman.

Chairman WARNER. Thank you very much.

We are going to go into a second round now, and I am going to remain.

Mr. Roberts.

Senator ROBERTS. Doug, in your response to the committee's questions, you stated, another major challenge is dealing with so-called emerging threats, the ability of hostile forces, State and terrorist organizations to cause serious damage on U.S. territory even though they cannot defeat our armed forces. You said this field of emerging threats deserves the most serious attention of defense policymakers. I could not agree more.

Basically, I think, in assessing our vital national security interests, we have had reports from the CSIS folks, the Hart-Rudman Commission, the Gilmore Commission, the Bremmer Commission, and the Rand Corporation, all of them indicating that if not number 1, it is close to it. In regards to the threat to the individual American citizen, homeland security has now forged to the top.

I am Chairman of the Emerging Threats and Capabilities Subcommittee, a newly formed subcommittee by the distinguished chairman. We had a hearing here about 3 weeks ago with the Appropriations Committee, the Armed Services Committee, and the Intelligence Committee. We invited 46 Federal agencies to come up here, and basically asked them, what is your mission, who is in charge, what do you do? The FBI said we are in charge, FEMA said they were in charge, and finally the sheriff of Arapaho County said he was in charge, that he was a first responder.

Now, I understand you are going to have an Assistant Secretary in charge of Special Operations, Low Intensity Conflict, or an outfit called SOLIC. That is the acronym for that DOD agency. Now, about a year ago we asked four people to come up from the Department of Defense, and I asked them to testify in order of who is in charge on terrorism, and none of them knew which to go first. Now, we legislated, however, that there should be an Assistant Secretary

for Terrorism, if that is the proper word, or homeland security, and you are going to be in charge of that person, is that right?

Mr. FEITH. The Assistant Secretary for SOLIC reports to the Under Secretary of Defense for Policy, so if confirmed, the Assistant Secretary would report to me.

Senator ROBERTS. If confirmed, if we get past all of the articles and the editorials, et cetera, et cetera, but at any rate, that person would report to you, is that correct?

Mr. FEITH. Yes, sir.

Senator ROBERTS. OK. Now, some people feel that the DOD made a mistake in not being in charge of homeland security. That went to the Justice Department. Now we have FEMA being the facilitator for the review by the Vice President on this. Do you have any thoughts on DOD's role, and I am specifically interested in the National Guard, the RAID teams that we have.

You are going to have people on the scene. You are going to have—my gosh, you are going to have the RAID teams, special units, Red Cross, FBI, FEMA, first responders. It is going to be a real challenge. Any thoughts on DOD's role?

Mr. FEITH. Senator, it is bureaucratically very complex. It is conceptually very complex. To handle this problem within the United States requires great sensitivity to the issues of civil liberties and the appropriate role of the Defense Department in supporting civil authorities within the country. It is a hard problem, and the messiness, as it were, of the bureaucratic structure I think reflects that.

Senator ROBERTS. Yes, but if an incident like this happens, you know DOD will be called on.

Mr. FEITH. Absolutely. When it comes to what is now called in the bureaucracy "consequence management," the Defense Department has real expertise, and it knows about analyzing, for example, chemical agents, or biological agents, it knows about protective measures, it knows about decontamination. Those are special talents that have been developed within DOD, and therefore the Defense Department has an extremely important role to play if there were a terrorist incident, a use of weapons of mass destruction in the United States on U.S. territory, but that role has to be fitted into a general Government program. DOD is not the lead agency. DOD would be supporting the civil authorities in that area, and working to make sure—I have not mastered this very complex field, but I am at least aware of one of the key challenges, which is working to make sure that we have the bureaucratic structure in place so that if a terrible event like this occurs, DOD can most effectively bring its own capabilities to bear in support of the civil authorities.

Senator ROBERTS. I appreciate that answer. I would just like to say that I want to thank the chairman for his question on NATO, and thank Dr. Crouch for indicating the number 1 concern is collective action. As we all know, we had the situation with our allies now talking about something called ESDP, or ESDI. I do not know about the third way, but the French and Germans seem to have their own way. Very little monetary investment in that.

Wes Clark just wrote a book about the 19 nations and our Kosovo effort. It was like herding cats. Those are my words, not his.

I want to just mention to you the strategic concept adopted by NATO two summers ago, as opposed to collective defense, the mission of NATO now and the United States I assume also involved missions in Europe as to crime, drugs, environment, ethnic violence and repression, peacekeeping.

I am worried about this. I am worried about our collective action and our role in regards to NATO, and in regards to NATO expansion more especially with the Balkan States. If we are worried about the ABM Treaty and we expand NATO into the Baltic States, you talk about a sharp stick in the Russian eye. That is it, so I have a lot of hesitation. I understand all three of you indicated school is still out in regards to NATO expansion. Is that a proper definition?

Dr. CROUCH. I do not know that we would put it exactly that way, Senator, but I think yes, and I think the administration at this point, from my understanding, has made no commitment one way or another on this, but I think it is going to be an issue that we are going to have to face in the next year, and as I said, my personal views were that I have a very open mind on the subject.

Senator ROBERTS. Peter, here is another chance.

Mr. RODMAN. I think you are right, obviously no decision has been made about who or which. Obviously, there have been general expressions by the President that he is leaning forward, and there will be a NATO enlargement. I think that may be a fair characterization of some of his statements, but certainly the alliance as a whole has to be consulted and the Senate has to be consulted, so I would express it that as a country we are at the beginning of considering exactly what is going to happen.

Mr. FEITH. I agree with what both of my colleagues have said, Senator. The President has said that we support the open door principle within NATO, but there are criteria for admitting new members, and those criteria have to be met. There has to be a scrupulous review of the circumstances to make sure that the interests of the United States and the interest of the alliance as a whole are satisfied in the decision about moving forward. I share my colleagues' view that this is a very serious, important, and difficult subject, and I also will approach it with an open mind.

Senator ROBERTS. I thank the chair, and I thank my distinguished colleague from Oklahoma.

Chairman WARNER. Thank you very much, Senator.

Senator Levin, we are now on a second round.

Senator LEVIN. Thank you, Mr. Chairman.

Mr. Feith, my difference, and I think the difference a number of us have with you relative to ABM does not relate to the question of whether or not it would be wise to deploy a missile defense system unilaterally and withdraw from the ABM Treaty. That is a separate issue, an important issue. The problem is, you do not think there is an ABM Treaty. You do not think there is an INF Treaty. Our treaties, according to your view, are lapsed. INF, you say, you support. There is no INF Treaty under your view. You are in sharp difference with the Bush administration's own view, which is that there is a treaty in effect. They are seeking to modify that treaty. They have offered amendments to Russia to modify a treaty

that you say no longer exists. INF you say you support. On the other hand, under your theory, there is no INF Treaty.

The Incidents at Sea Treaty, which our good chairman, by the way, Senator Warner, perhaps I could interrupt just for 1 second, who negotiated this treaty and signed this treaty, there is no Incidents at Sea Treaty any more, I assume, under your theory. It has lapsed.

All right, that one still is with us.

Mr. FEITH. I believe so.

Senator LEVIN. OK. I know the chairman will be happy to hear. We will ask you for the record what the difference is, then, between the ABM Treaty, which you say no longer exists, and Incidents at Sea Treaty, which you say does exist, but that is for the record.

[The information referred to follows:]

Before answering this specific question, I would like to make a general comment. I recognize that the position for which I have been nominated—Under Secretary of Defense for Policy—is responsible for policy, not legal judgments. The Administration will take positions on legal questions based on the advice of officials functioning as lawyers. The Under Secretary of Defense for Policy is not such an official. Even though I am a lawyer, I know that, if confirmed as Under Secretary, I would not be making legal judgments for the administration.

Regarding in particular the legal memorandum I co-authored on whether the ABM Treaty of 1972 became, upon the U.S.S.R.'s demise, a treaty between the United States and the Russian Federation, I wish to note that that work was an attempt to describe the law, not to advocate what the law should be. As a practical matter, I think the controversy over the treaty's legal status has been overtaken by events, for this Administration has made clear that it is respecting the terms of the ABM Treaty. President Bush has also stated that "we must move beyond the constraints of the 30 year old ABM Treaty," but he has made it clear that he seeks to do so cooperatively with Russia.

As Senator Warner noted in the hearing, "The Incidents at Sea was an unusual concept, and it is an executive agreement. It does not have a treaty status, but it has served both nations very, very well, and it is continually adhered to, and periodically reviews by both nations are undertaken." Based on legal research I did a few years ago, I concluded that, as a matter of international law, all bilateral, non-dispositive treaties and all other bilateral, non-dispositive agreements between the United States and the U.S.S.R. automatically lapsed upon the U.S.S.R.'s dissolution in December 1991. In my view, nothing prevented or prevents the U.S. executive branch from deeming Russia the substitute for the U.S.S.R. with regard to U.S.-U.S.S.R. agreements that had come into force without Senate approval of ratification. It is my understanding that the U.S. Government deems such executive agreements as continuing with Russia as the substitute party.

If confirmed, I will support U.S. Government policy regarding these treaties and agreements, deferring on legal questions to the administration's legal counsel.

Chairman WARNER. Could I make one clarification? The ABM is a treaty in the full context. The Incidents at Sea was an unusual concept, and it is an executive agreement. It does not have a treaty status, but it has served both nations very well, and it is continuously adhered to, and periodical reviews by both nations are undertaken.

Mr. FEITH. Mr. Chairman, I appreciate that comment.

Senator LEVIN. I am glad to hear that.

Chairman WARNER. I think his fundamental question is still in place, because I think the question applies to whether it is a treaty or an executive agreement. It was an executive agreement at that time with the Soviet Union.

Senator LEVIN. The INF Treaty clearly, then, is covered by your policy. We can discuss the Incidents at Sea at a later time, but you say you support INF. INF no longer exists under your theory. It

seems to me you are raising such great uncertainty when you take that position, and it is in such sharp contrast to what the Bush administration is trying to do, which is to modify an ABM Treaty, to offer amendments to the ABM Treaty, that there is just a very clear difference there.

But I want to go on. You indicate that you support the INF Treaty. You wrote an article at the time that the INF Treaty was before us, and this was President Reagan's Treaty. In fact, President Reagan noted when he was looking back on his presidency that perhaps the most dramatic achievement was when he and Mr. Gorbachev signed INF, and yet your article in the *Christian Science Monitor* sure does not sound to me like you supported INF. I want to just read you just a couple of lines from it.

"Despite the general ban on INF systems, various treaty provisions could actually facilitate the creation or maintenance of a covert Soviet force of SS–20s, the most threatening of the Soviet missiles covered. While each such provision may seem a minor problem in its own right, taken together, they mean that the Soviets, even without violating the specific terms of the treaty, could retain a militarily significant INF capability."

You said that the treaty had corrosive imprecision in that article. You said the treaty's defects could only be corrected with the Soviets' agreement, which they did not agree to. You said that Senators Nunn and Byrd had extracted promises from the Secretary of State. You said that the Senators—this is all from this one article—you said the Senators evinced little concern about the issue which you raised as to whether or not the Soviets would agree to the interpretation.

There is nothing in that article that looks like you supported the INF Treaty. The whole article just is full of criticism of INF, again President Reagan's, one of his prime achievements. How do you say that that article reflected support from the INF? Would any reasonable reader get out of that article that you were supportive of INF?

Mr. FEITH. Senator, what I was focused on in that article were a number of very complex provisions that were discussed at some length in this article by article review that I referred to before that was published by the American Enterprise Institute. What I was focused on there were some provisions that I thought were weaknesses in the agreement that could be remedied, and I was highlighting them and suggesting that they be remedied, and that the treaty would be a lot better if they were remedied.

Senator LEVIN. Were they?

Mr. FEITH. No.

Senator LEVIN. But you still supported the treaty.

Mr. FEITH. I still supported the treaty, but the treaty I do believe would have been better had they been remedied.

Senator LEVIN. But you still supported the treaty, you say. In that article, is there any indication of that support?

Mr. FEITH. No. That article did not deal with that. That article dealt with a problem, the remedy of which I was advocating.

Senator LEVIN. Well, but the rhetoric of this article—let us just be fair, OK. Senator Nunn extracted—extracted—promises from the Secretary of State. He and Senator Byrd and Senator Pell evinced little concern as to whether or not the Soviets agree to the

interpretations which were offered to it. The INF Treaty you said is corrosively imprecise. This is in the article. This is what you published, to the public, OK.

Then you say that despite the ban, that they can retain a militarily significant INF capability. That is what you tell the public. Are you saying that does not clearly evince opposition to the treaty? There is no indication there that you support the treaty, even if these could be corrected. There is surely nothing in here about supporting the treaty if they cannot be corrected.

Now, just look at a fair reader and tell me if anybody reading that article would think you supported the INF Treaty. I would just like to ask you that question. Would any fair reading of that article lead to the conclusion that you support the INF Treaty? That is my question.

Mr. FEITH. I believe a fair reader would recognize I did not do a net assessment of the treaty in that short article. I was addressing myself to a specific problem, and suggesting a remedy.

On the point about corrosively imprecise, I would like to say that it has been a theme of much of what I have written on the subject of arms control that we should be as respectful of the law-making process through arms control treaties as we generally are of the law-making process in a country like ours that takes law seriously, and frequently for diplomatic reasons we allow imprecision to remain in a treaty and it is corrosive.

Imprecision in these treaties, time after time, gives rise to bitter recriminations about compliance disputes, and there is nothing more corrosive of the whole process and the whole concept of international law than entering into agreements where we know in advance we are purchasing for ourselves compliance and enforcement disputes.

Senator LEVIN. That is the Reagan INF Treaty we are talking about, is that right? Just as long as we are talking about the same treaty.

Mr. FEITH. I am making a point that applies across the board to treaties in general.

Senator LEVIN. Your article was referring to the Reagan INF Treaty, right?

Mr. FEITH. I said——

Senator LEVIN. Is that correct?

Mr. FEITH. Yes.

Senator LEVIN. Thank you. My time is up. I want to just conclude with one thing, unless we want to just take more time on this round.

Chairman WARNER. Go ahead, Senator, if you wish to take another question.

Senator LEVIN. Where did you evince your support of the INF at the time?

Mr. FEITH. I did not. I was not invited to testify. It was not an area of my responsibility when I was in the Pentagon. I was not a major voice on the subject.

Senator LEVIN. But you say that you did support it at the time.

Mr. FEITH. Yes, but I was not a major participant.

Senator LEVIN. I understand that, but I just want to be real clear. It is not just that you support it now, but at that time you supported it.

Mr. FEITH. Yes, sir.

Senator LEVIN. Would you just furnish to the committee, if you will, a copy of—because we have not been able to get it—the analysis which you made for the American Enterprise Institute?

Mr. FEITH. Oh, sure.

Senator LEVIN. Thank you.

Thank you very much.

[The information referred to follows:]

DOUGLAS J. FEITH,
June 7, 2001.

Hon. CARL LEVIN, *Chairman,*
Senate Armed Services Committee,
Senate Russell Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the serious consideration and courtesy you have extended to me in the confirmation process despite our different points of view on certain matters. It was an honor for me on Tuesday to discuss such significant issues with you at such length in so important a forum.

Enclosed, as you requested, is a copy of (1) the February 3, 1988 "Article-by-Article Review of the INF Treaty" and (2) the May 18, 1988 "Further Review of the INF Treaty: Seven Key Issues" by the American Enterprise Institute ("AEI") Working Group on the INF Treaty, of which I was a member. In his introduction to the former paper, AEI's president, Christopher DeMuth, states:

> "The purpose of the working group's analysis is not to support or oppose ratification of the INF Treaty; indeed the group includes individuals on both sides of the ultimate issue before the Senate."

As you may know, Richard Perle, also a member of the AEI Working Group, testified before Congress in favor of the INF Treaty.

Reflecting on my confirmation hearing exchanges with you regarding the INF Treaty, I would like to clarify a point regarding my having supported the INF Treaty when it was under Senate consideration. I supported the treaty in that, on balance, I favored approval of ratification. My role in the ratification debate was limited, however. I do not recall testifying before Congress, appearing on any television or radio shows or publishing work about the INF Treaty other than the AEI Working Group reviews and the single April 6, 1988 *Christian Science Monitor* op-ed piece, co-authored by me, that you cited.

The *Monitor* op-ed urged the Senate to clarify with the administration certain INF Treaty language issues and to ensure a meeting of the minds on those issues between the U.S. and Soviet governments. As I mentioned in the confirmation hearings, treaty ambiguities gave rise during the Cold War to many bitter U.S.-Soviet exchanges that strained relations and eroded respect for arms control and international law. Believing that efforts to craft precise language should be as serious in the field of international law as they are in the field of ordinary U.S. domestic law, we wrote in our op-ed: "Fortunately, the Senate can yet ensure that the INF Treaty is free of corrosive imprecision." The op-ed concludes:

> "[Correction of the specified defects]—by and large—would entail nothing more than conforming the *details* of the treaty to the already accepted *general obligations.* This should make it a worthy and eminently doable task." (Emphasis in original)

I am sending a similar letter also to Senator Warner.

With best wishes, I remain

Yours truly,

DOUGLAS J. FEITH.

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Studies in National Security Policy

ARTICLE-BY-ARTICLE REVIEW
OF THE INF TREATY

by the AEI Working Group
on the INF Treaty

February 3, 1988

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THE INF TREATY: ANALYSIS AND COMMENT

Introduction

This analysis of the Intermediate Nuclear Force Treaty, entered into December 8, 1987 between the United States and the Soviet Union and currently being reviewed by the U.S. Senate, was prepared by a working group convened at the American Enterprise Institute for Public Policy Research and chaired by AEI visiting fellow Frank Gaffney. The members of the working group are listed on the following page.

The purpose of the working group's analysis is not to support or oppose ratification of the INF Treaty; indeed the group includes individuals on both sides of the ultimate issue before the Senate. The aim here is rather to examine rigorously and in detail the effectiveness of the Treaty's provisions and protocols in achieving the Treaty's own goal: to eliminate all intermediate-range and all shorter-range nuclear missiles. Regardless of the wisdom of this goal it is clearly in the interest of the United States that the Treaty's requirements should be as transparent as possible and that its verification provisions should protect against undetected violations. Mindful of the Soviet Union's exploitation of ambiguities and loopholes in past treaties, and concerned that differing interpretations could lead to an unequal exchange of rights and obligations in the future, the authors have sought clarity, precision, and the timely assessment of ambiguities in the Treaty's text.

The members of the working group believe that a number of the INF Treaty's deficiencies discussed in this analysis could be exacerbated if an agreement limiting strategic arms were concluded and if certain of this Treaty's provisions were regarded as a precedent for the later agreement. They have thus identified problems which may strike some readers as minor details -- but which could become critically important in the context of the more ambitious agreements currently being negotiated.

This analysis is offered in a constructive spirit on the premise that the Senate will wish to understand the Treaty in detail before deciding whether to ratify it unreservedly or to amend or adopt reservations to it. Where there are ambiguities the Senate may wish to clarify them by eliciting an indication from the Soviets of how they interpret those provisions. In all events the sort of close scrutiny offered here should assist in placing the final disposition of the Treaty on a firmer basis than if the issues identified were not squarely addressed.

Christopher C. DeMuth
President
American Enterprise Institute
for Public Policy Research

MEMBERS OF THE

AMERICAN ENTERPRISE INSTITUTE

WORKING GROUP

ON THE INF TREATY

Chairman:

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Former Assistant Secretary of Defense, Designate

Members:

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ARTICLE-BY-ARTICLE REVIEW OF THE INF TREATY

INTRODUCTION

This paper reviews provisions of the INF Treaty, its two Protocols and Memorandum of Understanding. Comments are offered regarding a number of key issues. Where it is not yet possible to ascertain satisfactorily the meaning or implications of a given provision, we have highlighted the need for clarification by setting forth the relevant questions.

ARTICLE I - PRINCIPAL OBLIGATION

> **In accordance with the provisions of this Treaty which includes the Memorandum of Understanding and Protocols which form an integral part thereof, each Party shall eliminate its intermediate-range and shorter-range missiles, not have such systems thereafter, and carry out the other obligations set forth in this Treaty.**

Comment:

The primary obligation of the Treaty parties is, according to this article, the complete elimination of all intermediate-range and shorter-range missiles and other specified items. This is the standard against which the Treaty's provisions must be judged. If, for example, as a result of the cumulative effect of allowed production, inadequate inspection and permitted R&D, the Soviets can retain or produce prohibited missiles and other systems, the Treaty would fail to achieve its purpose.

ARTICLE II - DEFINITIONS

Analysis of the Article II definitions should take into account not only their suitability in the context of this INF Treaty, but also the implications of their use as precedents for a START Treaty. It should be noted that the provisions of Articles VI and VII significantly add to and in some cases alter the definitions of terms dealt with in Article II.

The Treaty does not define "elimination" as such, though it does specify procedures for eliminating specific items. The problem is that the specified procedures will not in every case result in the actual elimination of these items. In fact, in some cases items "eliminated" according to the specified procedures may even be able to continue to perform their prohibited functions. See comments on Article IV.1.

even be able to continue to perform their prohibited functions. See comments on Article IV.1.

Article II, Paragraphs 1 and 2

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

Comment:

Taken together, the definitions of ballistic and cruise missiles in Paragraphs 1 and 2 do not capture every possible type of missile. For example, a hyper-velocity glide vehicle appears not to be within the definitions. This should be confirmed, as some work is being done in the United States on that technology. What other missile technologies are similarly excluded by these definitions? Were all such exclusions intended by us? What uses can the Soviets make of such exclusions?

This provision permanently prohibits conventionally-armed ground-launched missile options that could contribute substantially to the non-nuclear defense of Western Europe. (See Report of Commission on Long-Term Integrated Strategy.) The INF Treaty makes such contributions more important than before. The breadth of the definitions -- that is, the fact that they cover conventionally-armed as well as nuclear-armed ground-launched missiles -- is said to be justified by the verification difficulties that would be created if conventionally-armed missiles were not prohibited. This verification benefit, however, has largely been negated by the fact that the definitions do not cover drones (remotely piloted vehicles) or any other ground-launched missiles that do not carry weapons.

The operative assumption evidently is that the Article VII counting rule, which specifies that such systems may not be flight-tested for weapon-delivery, will prevent prohibited missiles from being developed in the guise of drones. Is this assumption valid? In other words, is it possible to flight-test a weapon-delivery system in a manner that would not be distinguishable from the flight-test of a drone? For further

Given that major verification problems still inhere in these definitions, the wisdom of permanently banning conventionally-armed missiles should be reassessed.

Article II, Paragraph 3

3. The term "GLBM launcher" means a fixed launcher or a mobile land-based transporter-erector-launcher mechanism for launching a GLBM.

Comment:

A key issue of the Treaty is its application to Soviet GLBM launchers. See comments on Article IV, Paragraph 1.

Article II, Paragraphs 5 & 6

5. The term "intermediate-range missile" means a GLBM or a GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.

6. The term "shorter-range missile" means a GLBM or a GLCM having a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers.

Comment:

These definitions refer to "range capability," but that phrase is misleading. In the case of ballistic missiles, as Article VII, Paragraph 4 makes clear, the range is considered to be not the maximum range of which the missile is capable, but only the maximum range to which it has been tested. As for the case of cruise missiles, see comments on Article VII.4.

Article II, Paragraph 8

8. The term "missile operating base" means:

(a) in the case of intermediate-range missiles, a complex of facilities, located within a deployment area, at which intermediate-range missiles and launchers of such missiles normally operate, in which support structures associated with such missiles and launchers are also located and in which support equipment associated with such missiles and launchers is normally located; and

(b) in the case of shorter-range missiles, a complex of facilities, located any place, at which

shorter-range missiles and launchers of such missiles normally operate and in which support equipment associated with such missiles and launchers is normally located.

Comment:

"Normally operate" is not defined in the Treaty. Its use here implies that missiles and launchers may legally operate outside the missile operating bases. This may mean that missiles that qualify under the Treaty as "non-deployed" may nevertheless be operational, though it is clearly the intention of the Treaty that all operational missiles be deemed "deployed." Is there an agreed meaning for this term? What if anything do we know about the meaning the Soviets attribute to "normally" here?

Ambiguous or unclear terms of this kind may or may not have great significance in the context of the INF Treaty. But we can expect many such terms to be transplanted into the START Treaty, where their significance might increase greatly. It is elementary but bears emphasis that it is very bad practice to allow terms of an arms control Treaty to remain ambiguous or undefined.

ARTICLE III - Treaty-LIMITED SYSTEMS

1. For the purposes of this Treaty, existing types of intermediate-range missiles are:

(a) for the United States of America, missiles of the types designated by the United States of America as the Pershing II and the BGM-109G, which are known to the Union of Soviet Socialist Republics by the same designations; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of Soviet Socialist Republics as the RSD-10, the R-12 and the R-14, which are known to the United States of America as the SS-20, the SS-4 and the SS-5, respectively.

2. For the purposes of this Treaty, existing types of shorter-range missiles are:

(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IA, which is known to the Union of Soviet Socialist Republics by the same designation; and

(b) for the Union of Soviet Socialist Republics, missiles of the types designated by the Union of

Soviet Socialist Republics as the OTR-22 and the OTR-23, which are known to the United States of America as the SS-12 and the SS-23, respectively.

Comment:

On the assumption that the SSC-X-4 was at more or less the same early stage of development as the U.S. Pershing IB, the U.S. consented to have the Treaty treat these two missiles in the same fashion, different from the treatment of the "existing" items. The information about the SSC-X-4 in the Memorandum of Understanding -- that 84 SSC-X-4 missiles and six launchers have been produced and are located at a storage facility -- suggests that that assumption was erroneous.

This evident intelligence error raises questions about our ability to monitor the subject matter of the Treaty. How do we know that the 84 SSC-X-4 missiles that the Soviets have acknowledged are all the SSC-X-4 missiles that they possess? For that matter, what confidence do we have about the accuracy and completeness of the other data supplied by the Soviets? See comments on the Memorandum of Understanding.

Is there any significance to the difference between those inspection provisions applicable to the systems "never deployed" (i.e., Pershing IB and SSC-X-4) and those applicable to "existing" (i.e., deployed) items? See Article X.6.

ARTICLE IV - ELIMINATION SCHEDULE (Intermediate-Range Systems)
Article IV, Paragraph 1

Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

Comment:

The Treaty says that all Treaty-limited systems are to be "eliminated," and no such systems are to be "possessed" by either Party after three years. The actual obligation of the Parties, however, is to follow certain "elimination" procedures, custom designed for each banned item, and such procedures amount only to alteration rather than elimination of several Soviet launchers.

Whereas the "elimination" procedures for all Treaty-limited U.S. systems will ensure that such systems are reduced to scrap,

the procedures for several Treaty-limited Soviet launchers have been designed to allow the "eliminated" launchers to be used for other purposes. Given that these "eliminated" Soviet launchers will be permitted to operate throughout the Soviet Union, the question is whether, even if we observe them through overhead reconnaissance, we have the capability of ascertaining whether the alterations have been reversed so as to allow the item to perform a prohibited function.

It may be that the Soviets would find it easier to produce a new launcher from "scratch" than to undo the elimination procedures on an old launcher. This raises the question: Do we have any confidence that we would detect clandestine production of Treaty-limited launchers? See comments on Article VI, Paragraph 1.

Some of the Treaty's language implies a greater comprehensiveness of its scope than is, in fact, the case. In drafting the Memorandum of Understanding, the Parties excluded from the list of items to be eliminated certain elements of an INF capability -- certain facilities and equipment -- that can be used for other purposes, too. With respect to the U.S. facilities and equipment being so spared, this seems a sensible, financially responsible measure. The United States can be expected to fulfill its obligations under the Treaty not to retain an INF capability, and will not put such items to prohibited uses. The exclusion, however, may on the Soviets' side facilitate the concealment of Treaty violations or may enhance their ability to effect a rapid "break-out." For example, the Treaty allows the Soviets to retain without alteration SS-20-related multiple-bay garages and support structures for shorter-range missiles.

Each exclusion from the elimination schedule, gerrymandered definition, and exception to the non-production rule may seem minor in itself, but taken together such provisions mean that the Soviets, even without violating the Treaty, can remain rather close to a militarily significant INF capability. And the violations that would be required to maintain an INF capability are less extensive (and thus easier to conceal) than the Treaty's comprehensive language leads one to believe.

ARTICLE V - ELIMINATION SCHEDULE (SRMs)

Article V, Paragraph 1

- **Each Party shall eliminate all its shorter-range missiles and launchers of such missiles, and all support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than 18 months after entry into force of this Treaty and thereafter no such missiles, launchers or support**

equipment shall be possessed by either Party.

Comment:

Regarding the possible significance of this Article's failure to mention the elimination of support structures for shorter-range missiles, see comments on Article IV, Paragraph 1.

ARTICLE VI - COLLATERAL CONSTRAINTS

Article VI, Paragraph 1

> **Upon entry into force of this Treaty and thereafter, neither Party shall:**
>
> **(a) produce or flight-test any intermediate-range missiles or produce any stages of such missiles or any launchers of such missiles; or**
>
> **(b) produce, flight-test or launch any shorter-range missiles or produce any stages of such missiles or any launchers of such missiles.**

Comment:

The ability of the Intelligence Community (IC) to monitor Soviet performance under the terms of this provision and the Treaty in general is a major issue. In this connection, the following questions, among others, must be addressed:

Can the IC accurately represent that it knows the location of all the facilities that have been used to produce the Soviets' Treaty-limited systems? Would it know if the Soviets actually began production of banned items at other facilities? Would it know if the Soviets created the capability at other facilities to begin production of banned items?

To what extent could permitted SS-25 production and testing mask or substitute for SS-20 production/testing?

It has been argued that this Article's prohibition of flight-testing serves to guarantee against covert deployment of the SS-20. The contention is that without flight-testing the Soviets would have no confidence in the reliability of their missiles and therefore would not deploy them. But our experience with the SS-16 missile, deployment and flight-testing of which were banned under SALT II, argues to the contrary. According to the Administration, the SS-16 was probably deployed over a long period of time even though we detected no flight tests.

It is also presumably the case that the Soviets will be a ble to obtain useful reliability information from the permitted launches to destruction and static fire burns prescribed by the

Treaty's elimination provisions.

Furthermore, flight tests of the SS-25 will provide the Soviets some data relevant to the SS-20 because the first stages of those two missiles are essentially identical. Indeed, the Soviet Union's ability to use their unregulated SS-25 program as a vehicle for getting around the prohibitions of the INF Treaty or concealing violations of the Treaty is an intractable problem which arises repeatedly throughout this agreement. Some have sought to minimize the gravity of this issue by contending that the Soviets have little incentive to maintain a prohibited, concealed SS-20 capability because the SS-25s themselves, which are not prohibited, can perform the same military function as the SS-20 does.

This argument ignores, however, the possibility that the Soviets may value highly the specialized characteristics of the SS-20 -- in particular, its multiple warheads, high accuracy, and short time of flight. Such considerations may constitute ample incentive for the Soviets to exploit opportunities to maintain an SS-20 capability despite the Treaty. Also, if a START agreement is concluded, limiting or banning SS-25s and other strategic systems, the Soviets' incentives to violate the INF Treaty would increase substantially.

Article VI, Paragraph 2

> **Notwithstanding paragraph 1 of this Article, each Party shall have the right to produce a type of GLBM not limited by this Treaty which uses a stage which is outwardly similar to, but not interchangeable with, a stage of an existing type of intermediate-range GLBM having more than one stage, providing that that Party does not produce any other stage which is outwardly similar to, but not interchangeable with, any other stage of an existing type of intermediate-range GLBM.**

Comment:

This provision attempts to address the problem caused by the fact that the Treaty-limited SS-20 and the unlimited SS-25 ICBMs have first stages that are so similar that no practical inspection regime would be able to distinguish them. As a result of this provision, the Soviet Union will be allowed to produce first stages that are "outwardly similar to" the SS-20 first stage, thereby vitiating somewhat the general prohibition on production of any intermediate-range missile stage in paragraph 1. Although the Soviets say such stages are "not interchangeable with" SS-20 first stages, the absence of any definition of that phrase makes it meaningless.

Furthermore, it is unclear how -- if at all -- this Article would affect a future intermediate-range missile that might be developed using the first two stages of the SS-25 (just as the first two stages of the SS-16 gave rise to the SS-20). Could the development, testing and production of such a system be concealed using the SS-25 program as "cover"? In any event, it will be difficult for the U.S. to determine whether anomalous activities within the SS-25 program indicated a surreptitious intermediate-range missile development program.

This paragraph contains a noteworthy drafting error. Read literally, it permits the production of an "SS-25" second stage that is "outwardly similar to, and interchangeable with" the second stage of an SS-20. This problem arises because the paragraph begins with a "notwithstanding" clause that overrides the general prohibition on intermediate-range missile stage production of paragraph 1. This point should be clarified with the Soviets. What the last clause of the Paragraph meant to say (and should be revised to reflect) is: "... provided that that Party does not produce any other stage which is either outwardly similar to, or interchangeable with, any other stage of an existing type of intermediate-range GLBM."

ARTICLE VII - COUNTING RULES

As was pointed out in the comments on Article II, the Article VII counting rules have an important bearing on the definitions of key Treaty terms, and analysis of these rules should take into account both their suitability in the context of this INF Treaty and also the implications of their use as precedents for a START Treaty.

Article VII, Paragraphs 1 & 2

> **For the purposes of this Treaty:**
>
> **1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.**
>
> **2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.**

Comment:

The Treaty does not define the word "type." This suggests that the Parties were unable to arrive at a common understanding

of the term. In light of the controversy relating to whether the SS-25 is a new type of ICBM, and thus a violation of SALT II, it is important that the sides not hold to inconsistent definitions of so critical a term.

In the absence of such a definition it is impossible to know how different a new missile must be from a Treaty-limited missile in order for that new missile to be excluded from the Treaty's prohibitions (i.e., in order for the new missile to be considered either (1) not a weapon-delivery vehicle, or (2) not a vehicle of intermediate- or shorter-range).

Article VII, Paragraph 3

> **If a GLBM is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply.**

Comment:

The following questions arise from this provision:

With what effectiveness could a missile now designed for ABM, ATBM, or anti-air purposes be used in a ground-to-ground, weapon-delivery mode?

Could the Soviets develop a new intermediate-range or shorter-range missile in the guise of an ABM, ATBM, or anti-air missile?

Article VII, Paragraph 4

> **The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers shall be considered to be intermediate-range missiles.**

Comment:

The counting rule for GLBM range capability provides a significant loophole: a new GLBM could be tested to 490 km in a non-minimum-energy trajectory and thus would have much greater actual range. The U.S. would have no grounds to object to such a system, even though it would unquestionably have the ability to strike targets over 500 km away.

The counting rule for GLCM range is taken from the SALT II Treaty (Article II.8, 2nd Agreed Statement). As Secretary Vance's published analysis of SALT II (Document 12B, p.19) makes clear, the U.S. interpretation of this definition was not confirmed by the Soviets. Was there, in the course of the INF negotiations, any agreement on the meaning of "flying to fuel exhaustion"?

In any event, this provision is not verifiable. If we observed a new Soviet GLCM flying 490 km in a test, how would we be able to know how much fuel it had on board when the flight was terminated? Replacing a large conventional warhead on such a GLCM with a small nuclear warhead would allow it to fly INF ranges -- even if the fuel would have been exhausted carrying the first payload to only 490 km.

Article VII, Paragraphs 7 & 8

> **7. If a launcher has been tested for launching a GLBM or a GLCM, all launchers of that type shall be considered to have been tested for launching GLBMs or GLCMs.**
>
> **8. If a launcher has contained or launched a particular type of GLBM or GLCM, all launchers of that type shall be considered to be launchers of that type of GLBM or GLCM.**

Comment:

Is there any engineering or mechanical reason why the launcher for the SS-25 could not be used to launch an SS-20? Do we know whether any such launcher has ever been used for this purpose -- including during development of the SS-25?

If an SS-25 launcher during development testing carried an SS-20 canister, it would be captured by the counting rule in Paragraph 8. Can we be certain no such launcher ever did?

Article VII, Paragraph 10

> **Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:**

(a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile; and
(c) for GLCMs, the airframe of an intermediate-range or shorter-range GLCM shall be counted as a complete missile.

Comment:

Because the first stage of an SS-25 is externally indistinguishable from that of an SS-20, the counting rules for U.S. missiles differ from those for Soviet missiles. They impose a more rigorous standard on the U.S. side (the largest stage of the Pershing II missile alone counts as a full-up missile) than on the Soviet side (only a full-up Soviet missile -- or its canister -- counts as a missile).

The difference between the counting rules for U.S. missiles and those for Soviet missiles affects the relative values of U.S. and Soviet inspection rights under the Treaty. Because of these counting rules, the U.S. side's rights to conduct continuous monitoring of a Soviet production facility apply only to a Soviet final assembly plant. The corresponding rights of the Soviets, however, apply to a U.S. plant that actually manufactures missile stages. (For further discussion of this point, see Article XI, Paragraph 6.) This means that the Soviet facilities that now manufacture SS-20 second stages (or first stages for that matter) are not subject to monitoring by the United States under the Treaty.

Given that the Treaty effectively permits the Soviets to continue manufacturing first stages of the two-stage SS-20 (see Article VI, Paragraph 2), it is not a minor matter that we have no inspection rights at all at whatever facilities manufacture SS-20 stages.

ARTICLE VIII - SITING LIMITATIONS

Article VIII, Paragraphs 1, 2 and 3

1. All intermediate-range missiles and launchers of such missiles shall be located in deployment

areas, at missile support facilities or shall be in transit. Intermediate-range missiles or launchers of such missiles shall not be located elsewhere.

2. Stages of intermediate-range missiles shall be located in deployment areas, at missile support facilities or moving between deployment areas, between missile support facilities or between missile support facilities and deployment areas.

3. Until their removal to elimination facilities as required by paragraph 2 of Article V of this Treaty, all shorter-range missiles and launchers of such missiles shall be located at missile operating bases, at missile support facilities or shall be in transit. Shorter-range missiles or launchers of such missiles shall not be located elsewhere.

Comment:

This Article describes where intermediate-range and shorter-range missiles and launchers shall be located during the period between entry into force and the end of the elimination period. These requirements raise the following questions:

Will we be able to tell that Treaty-limited items are not located elsewhere? For example, could they be stored without risk of detection in warehouses or other installations? Do we know that all areas in the Soviet Union where operational missiles exist have been identified by the Soviets as "deployment areas?"

How many intermediate-range missiles have the Soviets produced? How confident are we in our estimate?

Article VIII, Paragraph 5

All deployment areas, missile operating bases and missile support facilities are specified in the Memorandum of Understanding or in subsequent updates of data pursuant to paragraphs 3, 5(a) or 5(b) of Article IX of this Treaty. Neither Party shall increase the number of, or change the location or boundaries of, deployment areas, missile operating bases or missile support facilities, except for elimination facilities, from those set forth in the Memorandum of Understanding. A missile support facility shall not be considered to be part of a deployment area even though it may be located within the geographic boundaries of a deployment area.

Comment:

If the Soviets have continued after November 1, 1987 to maintain SS-20s or support equipment at any missile support facility previously associated with these missiles but not listed in the MOU, they would be in violation of this provision. Is there evidence that any such items continued to be present at any such facility after November 1, 1987?

Article VIII, Paragraph 6

> **Beginning 30 days after entry into force of this Treaty, neither Party shall locate intermediate-range or shorter-range missiles, including stages of such missiles, or launchers of such missiles at missile production facilities, launcher production facilities or test ranges listed in the Memorandum of Understanding.**

Comment:

The word "locate" in this provision seems to mean "to allow something to be at a location." On the other hand, it could be read to mean "to move something to a location." This point should be clarified by the Parties especially if consideration is being given to creating a parallel provision in START.

Article VIII, Paragraph 8

> **A non-deployed intermediate-range or shorter-range missile shall not be carried on or contained within a launcher of such a type of missile, except as required for maintenance conducted at repair facilities or for elimination by means of launching conducted at elimination facilities.**

Comment:

This provision seems altogether unmonitorable. And, in any event, even if we were to detect an apparent violation, the loophole (viz., "except as required for maintenance conducted at repair facilities ... ") would make it impossible to establish the point. Is it clear that, for purposes of this provision, a missile can be placed on its launcher only at a repair facility?

Article VIII, Paragraph 9

> **Training missiles and training launchers for intermediate-range or shorter-range missiles shall be subject to the same locational restrictions as are set forth for intermediate-range and shorter-range missiles and launchers of such missiles in paragraphs 1 and 3 of this Article.**

Comment:

This provision contains the Treaty's first reference to "training" missiles and launchers. No definition or clarification of such terms is provided in Article II, Article VII, or elsewhere. Have the Parties agreed that training missiles must be inert -- i.e., without propellant? If all missiles must be either deployed or non-deployed, where do training assets fit in? How will we be able to tell the difference between such missiles and "real" ones. This point is particularly important in light of last-minute Soviet reallocation of a number of deployed SS-20s into the training category.

ARTICLE IX - DATA AND RELATED NOTIFICATIONS

Article IX, Paragraph 1

> **The Memorandum of Understanding contains categories of data relevant to obligations undertaken with regard to this Treaty and lists all intermediate-range and shorter-range missiles, launchers of such missiles, and support structures and support equipment associated with such missiles and launchers, possessed by the Parties as of November 1, 1987. Updates of that data and notifications required by this Article shall be provided according to the categories of data contained in the Memorandum of Understanding.**

Comment:

The quality of the data contained in the MOU is fundamental to the viability of this Treaty. If such data represent only a portion of the actual Soviet force then the remainder of that force will not be subject to any of the inspection provisions. Issues that need to be explored include: the quality of our intelligence; the likelihood that actual Soviet capabilities are higher; the significance of apparently wide discrepancies in the number of refire missiles associated with each of the several Soviet systems limited by the Treaty; and the extent to which our estimates are being altered on the basis of Soviet-supplied information (despite the fact that the factors which gave rise to these estimates in the first place do not appear to have changed).

Article IX, Paragraph 3

> **No later than 30 days after entry into force of this Treaty, each Party shall provide the other Party with updated data, as of the date of entry into force of this Treaty, for all categories of data contained in the Memorandum of Understanding.**

Comment:

The United States insisted on reviewing before Treaty signature -- and retaining the right to reject -- the data provided for in the MOU. The data in the MOU, however, are not the data that form the basis of the Parties' obligations under the Treaty. The data that really count are those to be exchanged by the Parties 30 days after the Treaty's entry into force; the Treaty does not afford us the right to reject Soviet data supplied at that time. In fact, if the United States is unsatisfied with the information provided in the data update -- e.g., if we judge the Soviets to be understating their INF force -- and the Soviets fail to convince us of the accuracy of their new data, then the United States would have no effective recourse. As a practical matter, we would feel compelled to continue to fulfill our obligations under the Treaty.

Under Article X.8, the Soviets will be allowed to remove missile support facilities and operating bases from this data base if they claim to have accomplished certain elimination procedures by the date of entry into force of the Treaty. Since there is no prohibition against eliminating Treaty-limited items during this period, the Soviets may choose to remove missiles and launchers from the updated data base contending that they have been eliminated. However, we will not have any inspection rights with regard to such missiles and hence will not be certain that they have, in fact, been eliminated. It is, moreover, unclear whether the Soviets would be obligated to follow the procedures in the Protocol on Elimination with respect to systems eliminated during this period.

Two of the advertised verification strengths of the Treaty are the agreement on data before Treaty signature (as reflected in the MOU) and the inspection rights applicable to the elimination of Treaty-prohibited items. In light of the foregoing paragraph, one cannot reach a judgment on the contribution these "strengths" make to the Treaty's verification regime until we have received the updated data from the Soviets 30 days after the Treaty's entry into force. In order to minimize the problem, the United States could insist upon a commitment from the Soviets either that, should they eliminate Treaty-limited systems prior to entry into force, they will follow the provisions of the Protocols on Elimination and Inspection or that they will refrain from such eliminations until the Treaty enters into force.

Article IX, Paragraph 5

Upon entry into force of this Treaty and thereafter, each Party shall provide the following notifications to the other Party:

***

(f) notification of transit of intermediate-range or shorter-range missiles or launchers of such missiles, or the movement of training missiles or training launchers for such intermediate-range and shorter-range missiles, no later than 48 hours after it has been completed, including:

(i) the number of missiles or launchers;
(ii) the points, dates and times of departure and arrival;

(iii) the mode of transport; and

(iv) the location and time at that location at least once every four days during the period of transit.

Comment:

It should be noted that the provision on notification of transit is not as valuable as it might have been, since it does not require that notification be given until 48 hours after the transit is completed.

ARTICLE X - ELIMINATION PROVISIONS

Article X, Paragraph 1

Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

Comment:

Unlike Article VI (production) and Article VIII (location of Treaty-limited items), this paragraph does not specifically apply its terms to the stages of Treaty-limited missiles. Section I.3 of the Protocol on Elimination does state that "all stages of intermediate-range and shorter-range GLBMs shall be subject to elimination." It might be argued, however, that this Protocol language applies only to the stages of full-up missiles that are listed in the updated data base and whose elimination is observable pursuant to the Treaty's inspection provisions. That reading would allow the Soviets to separate, before the Treaty's entry into force, the two stages of the SS-20 and retain the separated stages indefinitely. This would greatly facilitate the

reconstitution of a Soviet INF capability.

To fix this problem, the Parties could agree to add to Paragraph 1 the words "and stages of such missiles" after the phrase "intermediate-range and shorter-range missiles."

Article X, Paragraph 5

> **Each Party shall have the right, during the first six months after entry into force of this Treaty, to eliminate by means of launching no more than 100 of its intermediate-range missiles.**

Comment:

This provision was included because the Soviets insisted that they would otherwise be unable to eliminate all their intermediate-range missiles within the allowed period. The Intelligence Community should assess whether any benefit might accrue to the Soviets in terms of establishing a useful data base on SS-20 reliability. (See comments on Article VI, Paragraph 1). Does the U.S. expect to destroy any of its intermediate-range missiles by launching them?

Article X, Paragraph 6

> **Intermediate-range and shorter-range missiles which have been tested prior to entry into force of this Treaty, but never deployed, and which are not existing types of intermediate-range or shorter-range missiles listed in Article III of this Treaty, and launchers of such missiles, shall be eliminated within six months after entry into force of this Treaty in accordance with the procedures set forth in the Protocol on Elimination. Such missiles are:**
>
> **(a) for the United States of America, missiles of the type designated by the United States of America as the Pershing IB, which is known to the Union of Soviet Socialist Republics by the same designation; and**
>
> **(b) for the Union of Soviet Socialist Republics, missiles of the type designated by the Union of Soviet Socialist Republics as the RK-55, which is known to the United States of America as the SSC-X-4.**

Comment:

The significance of this paragraph is discussed in the

comments on Article III.

Article X, Paragraph 7

> Intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers shall be considered to be eliminated after completion of the procedures set forth in the Protocol on Elimination and upon the notification provided for in paragraph 5(e) of Article IX of this Treaty.

Comment:

This paragraph makes it clear that the term "elimination" in the Treaty does not mean elimination in the common sense of the term but rather fulfillment of the elimination procedures set forth in the Protocol on Elimination. The adequacy of such procedures was called into question in the comments on Articles II and IV.1.

Article X, Paragraph 8

> Each Party shall eliminate its deployment areas, missile operating bases and missile support facilities. A Party shall notify the other Party pursuant to paragraph 5(a) of Article IX of this Treaty once the conditions set forth below are fulfilled:
>
> (a) all intermediate-range and shorter-range missiles, launchers of such missiles and support equipment associated with such missiles and launchers located there have been removed;
>
> (b) all support structures associated with such missiles and launchers located there have been eliminated; and
>
> (c) all activity related to production, flight-testing, training, repair, storage or deployment of such missiles and launchers has ceased there.
>
> Such deployment areas, missile operating bases and missile support facilities shall be considered to be eliminated either when they have been inspected pursuant to paragraph 4 of Article XI of this Treaty or when 60 days have elapsed since the date of the scheduled elimination which was notified pursuant to paragraph 5(a) of Article IX of this

Treaty. A deployment area, missile operating base or missile support facility listed in the Memorandum of Understanding that met the above conditions prior to entry into force of this Treaty, and is not included in the initial data exchange pursuant to paragraph 3 of Article IX of this Treaty, shall be considered to be eliminated.

Comment:

This provision must be read in conjunction with Article XI.5(b), which deals with the inspection of former missile operating bases and support facilities. It opens the door to the possibility that facilities which currently have a role in Treaty-limited activities can be exempted from inspection if the Party claims to have fulfilled the three conditions listed and hence omits them from the data exchange which must be made 30 days after entry into force.

Are all the conditions listed in subparagraphs (a)-(c) discernible by national technical means of verification? If not, how will we have confidence that facilities known to be associated with Treaty-limited activities meet these conditions before entry into force? If so, what is the perceived need for close-out inspections at facilities eliminated after entry into force?

Article X, Paragraph 9

If a Party intends to convert a missile operating base listed in the Memorandum of Understanding for use as a base associated with GLBM or GLCM systems not subject to this Treaty, then that Party shall notify the other Party, no less than 30 days in advance of the scheduled date of the initiation of the conversion, of the scheduled date and the purpose for which the base will be converted.

Comment:

It seems intended, but is not made explicit, that a missile operating base must be "eliminated" before it can be converted for the use of a non-limited GLBM or GLCM. This possible ambiguity takes on special importance given that the Treaty allows the Soviets to retain such structures as multi-bay garages and other SS-20-related items at "eliminated" operating bases.

ARTICLE XI - VERIFICATION: INSPECTION PROVISIONS

The utility of this inspection regime is limited by the fact that it does not provide any right to conduct short-notice, on-site inspections at suspect sites, i.e., sites other than

declared (or formerly declared) facilities. Thus, all of the effort described in this article is directed only at those places that the Soviets have in fact listed and thus chosen to make subject to inspection.

Article XI, Paragraph 3

> **Beginning 30 days after entry into force of this Treaty, each Party shall have the right to conduct inspections at all missile operating bases and missile support facilities specified in the Memorandum of Understanding other than missile production facilities, and at all elimination facilities included in the initial data update required by paragraph 3 of Article IX of this Treaty. These inspections shall be completed no later than 90 days after entry into force of this Treaty. The purpose of these inspections shall be to verify the number of missiles, launchers, support structures and support equipment and other data, as of the date of entry into force of this Treaty, provided pursuant to paragraph 3 of Article IX of this Treaty.**

Comment:

If a facility is not included in the updated data base to be provided 30 days after the Treaty's entry into force (which Article X.8 says it need not be if it is "eliminated" prior to entry into force), do we still have the right to inspect it? On the one hand, this provision is said to apply to all facilities listed in the Memorandum of Understanding, but, on the other, the purpose of the inspections it authorizes is said to be the verification of the data in the updated data base. A related ambiguity is discussed under paragraph 5(b) of this Article.

Article XI, Paragraph 5

> **Each Party shall have the right to conduct inspections pursuant to this paragraph for 13 years after entry into force of this Treaty. Each Party shall have the right to conduct 20 such inspections per calendar year during the first three years after entry into force of this Treaty, 15 such inspections per calendar year during the subsequent five years, and ten such inspections per calendar year during the last five years. Neither Party shall use more than half of its total number of these inspections per calendar year within the territory of any one basing country. Each Party shall have the right to conduct:**

(a) inspections, beginning 90 days after entry into force of this Treaty, of missile operating bases and missile support facilities other than elimination facilities and missile production facilities, to ascertain, according to the categories of data specified in the Memorandum of Understanding, the numbers of missiles, launchers, support structures and support equipment located at each missile operating base or missile support facility at the time of the inspection; and

(b) inspections of former missile operating bases and former missile support facilities eliminated pursuant to paragraph 8 of Article X of this Treaty other than former missile production facilities.

Comment:

Subparagraph (b) provides the right to inspect former missile operating bases and support facilities "eliminated pursuant to paragraph 8 of Article X." This right constitutes a major element of the entire inspection regime. Its value, however, could be severely limited depending on how one interprets the ambiguous term "pursuant to." In particular, the question is: Is a site that has been "considered to be eliminated" under the last sentence of Article X.8 ipso facto deemed eliminated "pursuant to" that paragraph? If not, then the Soviets can severely limit the value of this inspection right by "eliminating" as many sites as possible prior to entry into force of the Treaty. This problem would be solved if the Parties agreed to add the following sentence to the end of subparagraph (b): "Any site considered to be eliminated under Article X, Paragraph 8 shall be deemed eliminated pursuant to Article X, Paragraph 8."

This section's negotiating history needs to be carefully reviewed. In particular, what is the rationale for the diminishing quota of inspections?

Article XI, Paragraph 6

Beginning 30 days after entry into force of this Treaty, each Party shall have the right, for 13 years after entry into force of this Treaty, to inspect by means of continuous monitoring:

(a) the portals of any facility of the other Party at which the final assembly of a GLBM using stages, any of which is outwardly similar to a stage of a solid-propellant GLBM listed in Article III of this Treaty, is accomplished; or

(b) if a Party has no such facility, the portals

of an agreed former missile production facility at which existing types of intermediate-range or shorter-range GLBMs were produced.

The Party whose facility is to be inspected pursuant to this paragraph shall ensure that the other Party is able to establish a permanent continuous monitoring system at that facility within six months after entry into force of this Treaty or within six months of initiation of the process of final assembly described in subparagraph (a). If, after the end of the second year after entry into force of this Treaty, neither Party conducts the process of final assembly described in subparagraph (a) for a period of 12 consecutive months, then neither Party shall have the right to inspect by means of continuous monitoring any missile production facility of the other Party unless the process of final assembly as described in subparagraph (a) is initiated again. Upon entry into force of this Treaty, the facilities to be inspected by continuous monitoring shall be: in accordance with subparagraph (b), for the United States of America, Hercules Plant Number 1, at Magna, Utah; in accordance with subparagraph (a), for the Union of Soviet Socialist Republics, the Votkinsk Machine Building Plant, Udmurt Autonomous Soviet Socialist Republic, Russian Soviet Federative Socialist Republic.

Comment:

This provision establishes the asymmetrical monitoring rights discussed in connection with Article VI.2 and VII.10.

ARTICLE XII - VERIFICATION: NATIONAL TECHNICAL MEANS

Article XII, Paragraph 2

Neither Party shall:

(a) interfere with national technical means of verification of the other Party ...; or

(b) use concealment measures which impede verification of compliance with the provisions of this Treaty by national technical means of verification carried out in accordance with paragraph 1 of this Article. This obligation does not apply to cover or concealment practices, within a deployment area, associated with normal training, maintenance and operations, including the use of

environmental shelters to protect missiles and launchers.

Comment:

Given the fact that the Soviets have in the past not complied with the corresponding non-interference provisions of other treaties, there is reason to doubt the value of this provision.

Article XII, Paragraph 3

To enhance observation by national technical means of verification, each Party shall have the right until a Treaty between the Parties reducing and limiting strategic offensive arms enters into force, but in any event for no more than three years after entry into force of this Treaty, to request the implementation of cooperative measures at deployment bases for road-mobile GLBMs with a range capability in excess of 5500 kilometers, which are not former missile operating bases eliminated pursuant to paragraph 8 of Article X of this Treaty. The Party making such a request shall inform the other Party of the deployment base at which cooperative measures shall be implemented. The Party whose base is to be observed shall carry out the following cooperative measures:

(a) no later than six hours after such a request, the Party shall have opened the roofs of all fixed structures for launchers located at the base, removed completely all missiles on launchers from such fixed structures for launchers and displayed such missiles on launchers in the open without using concealment measures; and

(b) the Party shall leave the roofs open and the missiles on launchers in place until twelve hours have elapsed from the time of the receipt of a request for such an observation.

Each Party shall have the right to make six such requests per calendar year. Only one deployment base shall be subject to these cooperative measures at any one time.

Comment:

We can expect that this provision will be hailed as a major accomplishment in the field of cooperative verification measures. While it does represent a new approach -- one designed to obviate on-site inspection of certain suspect facilities -- it does not

under the circumstances accomplish its purpose, namely to allow us to monitor SS-25 bases to check whether SS-20s have been deployed there in violation of the Treaty. But Subparagraph 3(a) in effect affords the Soviets six hours in which to remove from a challenged site any illegally deployed SS-20s. Given that the SS-20 is a mobile missile designed to be movable upon short notice, it is unreasonable to suppose that, if the Soviets decided to cheat in this manner, they would not be able to effect a timely removal of the SS-20s after a challenge.

Other issues that merit attention in this regard include:

What is the value of this provision relative to the value of the short-notice, on-site inspection regime the United States was proposing up till the final days of the Treaty negotiations? It is noteworthy that, although the United States in the INF negotiations dropped its insistence on on-site inspection of suspect facilities, the Gorbachev-Reagan Summit Statement commits the Soviets to agree to procedures for such inspections in the START agreement. With this commitment in hand, perhaps the United States can now find a way to use it to strengthen the verification regime in the INF Treaty.

Does the negotiating record reflect some understanding about what a fixed structure for a launcher is, and indicate what would happen in the event new fixed structures for launchers appeared which did not have openable roofs? Is it physically possible for the Soviets to open the roofs of all fixed structures at SS-25 bases which are capable of containing SS-20 launchers? What about maintenance facilities, other garages, etc. in which a launcher could be located?

Does the Soviet obligation to show us the "missiles" on SS-25 launchers mean simply that we will be allowed to observe the SS-25 canister which will be judged (applying the standard INF Treaty counting rules) to contain an SS-25 and not an SS-20, or does it constitute an obligation to display the missiles removed from their canisters? If not, what value would this provision have as an aid to verification?

ARTICLE XIII - RESOLUTION OF COMPLIANCE ISSUES

Article XIII, Paragraph 1

> **To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Special Verification Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Special Verification Commission to:**
>
> **(a) resolve questions relating to compliance with**

the obligations assumed; and

(b) agree upon such measures as may be necessary to improve the viability and effectiveness of this Treaty.

Comment:

Given the poor record of the Standing Consultative Commission established under SALT I in resolving serious concerns about Soviet violations of past treaties, it is unclear on what basis one should expect the Special Verification Commission established by this paragraph to do better.

It is also unclear what types of "measures ... to improve the viability and effectiveness of the Treaty" are envisioned that the parties will agree upon pursuant to subparagraph 1(b). It should be ascertained whether this provision can be used to circumvent the amendment process (described in Article XVI), which properly requires that any proposed amendments to the Treaty be submitted to the Senate for its advice and consent.

ARTICLE XIV - NON-CIRCUMVENTION

The Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

Comment:

The fundamental question about this provision is: Does it create any obligations over and above those contained in other parts of the Treaty? If not, then it merely emphasizes the Parties' commitment to comply with the Treaty, and, from a legal point of view, is surplusage. We assume that the Administration takes the latter position. However, under international law, if there is a question regarding the interpretation of a Treaty provision, then a reading which entails the creation of an additional obligation of the Parties is presumed correct as opposed to one that regards it as redundant (or "surplusage"). Consequently, if the Administration regards this provision as surplusage, then it must be clearly established now that the parties deem it as such in order to defeat the legal presumption that would otherwise apply. If this is not accomplished, then the provision could be cited as barring various Western defense efforts that, while not prohibited by the Treaty's terms, are said to be somehow "in conflict with" them.

ARTICLE XV - DURATION

Article XV, Paragraph 1

This Treaty shall be of unlimited duration.

Comment:

Although the Treaty is of unlimited duration, the inspection rights it grants last for only 13 years (3 years in the case of the verification enhancement provisions relative to SS-25 bases, possibly less for portal monitoring at Votkinsk under certain circumstances). The working assumption seems to have been that a START Treaty would be signed within 3 years. Should a START Treaty not be signed in that period, should thought be given to ensuring that the verification regime for this Treaty will be extended?

ARTICLE XVI - Amendments

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XVII governing the entry into force of this Treaty.

Comment:

See the comment on Article XIII.1(b) concerning the potential uses of the Special Verification Commission to circumvent the requirement that all amendments be submitted to the Senate for its advice and consent.

SIGNATURE SECTION

****

DONE at Washington on December 8, 1987, in two copies, each in the English and Russian languages, both texts being equally authentic.

Comment:

Given the haste with which the final texts were prepared, and in view of the significant difficulties we have had in the past with divergent translations being cited as a pretext for Soviet behavior we judged to be inconsistent with their commitments, a careful review of the consistency of the two texts is in order.

Postscript on THE PREAMBLE

> The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,
>
> Conscious that nuclear war would have devastating consequences for all mankind,
>
> Guided by the objective of strengthening strategic stability,
>
> Convinced that the measures set forth in this Treaty will help to reduce the risk of outbreak of war and strengthen international peace and security, and
>
> ***
>
> Have agreed as follows:

Though preambular language is often dismissed as having little significance, it can have a bearing on public attitudes about the subject matter of the Treaty and on questions of Treaty interpretation. It is troubling that the preamble here focuses on the threat of nuclear war rather than the threat of war in general. Any major European war would have devastating consequences. The focus on the special threat from nuclear weapons lends itself to use as a criticism of NATO's flexible response policy, which entails reliance on nuclear weapons as a deterrent against aggression.

The preamble implies that the elimination of nuclear weapons as such enhances strategic stability. This could have dangerous effects on attitudes toward the remaining nuclear weapons in Europe and toward strategic arms, all of which are critical to Alliance security -- indeed, more critical in the aftermath of the INF Treaty than before.

ELIMINATION PROTOCOL

INTRODUCTION

This protocol specifies the categories of items associated with Treaty-limited systems that the Parties agree to eliminate and the procedures that will be deemed to constitute "elimination." Two points merit particular attention: First, the Parties have agreed that not all the equipment or facilities associated with Treaty-limited missiles are to be eliminated. Second, they agreed that some of the items to be "eliminated" are not actually to be destroyed but simply modified or altered in designated ways so as to allow them to be used for other purposes.

SECTION I

Section I, Paragraph 4

> **For both Parties, all stages of intermediate-range and shorter-range GLBMs shall be subject to elimination.**

Comment:

Notwithstanding this provision, the Soviets are permitted by the Treaty (see Article VI.2) not only to retain but even to produce the first-stage of the intercontinental SS-25, which is virtually identical to that of the first stage of the SS-20. Article VI.2 of the Treaty vitiates this section of the Elimination Protocol as far as a key element of the most important Soviet INF system is concerned.

SECTION II

Section II, Paragraph 3

> **Prior to a missile's arrival at the elimination facility, its nuclear warhead device and guidance elements may be removed.**

Comment:

This provision spares from elimination the nuclear warheads of the Treaty-limited INF missile systems. Given the serious concerns on the U.S. side about whether there could be effective verification of nuclear warhead destruction and whether important net intelligence benefits would flow to the Soviets from measures to verify such destruction and, given the Parties' apparently mutual interest in recovering and recycling warhead materials,

this provision seems on balance to be desirable.

Section II, Paragraph 4

> Each Party shall select the particular technological means necessary to implement the procedures required in paragraphs 10 and 11 of this Section and to allow for on-site inspection of the conduct of the elimination procedures required in paragraph 10 of this Section in accordance with Article XI of the Treaty, this Protocol and the Protocol on Inspection.

Comment:

What is involved in allowing the inspected party to "select the technological means necessary ... to allow for on-site inspection of the conduct of the elimination procedures"? Is it clear that this right cannot be used to hinder the ability of the inspecting party to conduct a useful inspection?

Section II, Paragraph 7

> A missile stage being eliminated by burning in accordance with the procedures set forth in paragraph 10 of this Section shall not be instrumented for data collection. Prior to the initiation of the elimination procedures set forth in paragraph 10 of this Section, an inspector from the inspecting Party shall confirm that such missile stages are not instrumented for data collection. Those missile stages shall be subject to continuous observation by such an inspector from the time of that inspection until the burning is completed.

Comment:

It is unclear whether we can have confidence that the Soviets are complying with this provision.

Section II, Paragraph 10

> The specific procedures for the elimination of the items of missile systems listed in paragraph 1 of this Section shall be as follows, unless the Parties agree upon different procedures to achieve the same result as the procedures identified in this paragraph:
>
> For the Pershing II:

* * *

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis; and

(d) launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

* * *

For the SS-20:

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis;

(d) mountings of erector-launcher mechanism and launcher leveling supports shall be cut off launcher chassis;

(e) launcher leveling supports shall be cut at locations that are not assembly joints into two pieces of approximately equal size; and

(f) a portion of the launcher chassis, at least 0.78 meters in length, shall be cut off aft of the rear axle.

Comment:

The procedures "eliminating" SS-20 and other Soviet launchers

have been designed to leave them useful to a certain extent. They contrast with the elimination regime applicable to comparable U.S. systems (i.e., the Pershing I's and II's) which requires a cutting up of the systems into halves. The significance of this discriminatory arrangement is discussed in the comments on Article IV.1 of the Treaty.

PROTOCOL ON INSPECTION

INTRODUCTION

This protocol details the rights and responsibilities of the Parties with respect to the inspections called for in the INF Treaty and its associated documents.

SECTION III

Section III, Paragraph 7

> Without prejudice to their privileges and immunities, inspectors and aircrew members shall be obliged to respect the laws and regulations of the State on whose territory an inspection is carried out and shall be obliged not to interfere in the internal affairs of that State. In the event the inspected Party determines that an inspector or aircrew member of the other Party has violated the conditions governing inspection activities set forth in this Protocol, or has ever committed a criminal offense on the territory of the inspected Party or a basing country, or has ever been sentenced for committing a criminal offense or expelled by the inspected Party or a basing country, the inspected Party making such a determination shall so notify the inspecting Party, which shall immediately strike the individual from the lists of inspectors or the list of aircrew members. If, at that time, the individual is on the territory of the inspected Party or a basing country, the inspecting Party shall immediately remove that individual from the country.

Comment:

There are two types of problems relating to this provision. First, the obligation of inspectors "to respect the laws and regulations of the [inspected] State" appears to offer the Soviets the opportunity to circumscribe narrowly the on-site activities of U.S. inspectors. Carrying out the legitimate functions of an inspection (e.g., demanding access to areas off-limits to individuals without necessary clearances) could be characterized as a failure to respect the laws and regulations of the inspected Party. Moreover, this paragraph permits the parties great latitude in deciding whether to expel an inspector.

Second, there is the larger question of ensuring that the inspectors will be able to operate in the Soviet Union in the intended manner and without personal risk. There have been

problems in other contexts with Soviet treatment of U.S. (and other Western) inspectors (e.g., when Soviet troops in 1985 insisted on restricting the activity of -- and ultimately killing -- Major Nicholson, who was serving in East Germany as an inspector under the Four-Power Military Liaison Mission agreement which was concluded in the late 1940s). Have the Parties arrived at any understanding on how to resolve disputes about the proper bounds of the inspectors' activities so that incidents like the shooting of Major Nicholson will not occur?

SECTION IV

Section IV, Paragraph 5

> **Either Party may change the point or points of entry to the territories of the countries within which its deployment areas, missile operating bases or missile support facilities are located, by giving notice of such change to the other Party. A change in a point of entry shall become effective five months after receipt of such notification by the other Party.**

Comment:

This paragraph appears to give the Soviets the right to make a unilateral change in the point of entry into the German Democratic Republic. This issue -- a highly sensitive matter dating back to the earliest days of the Four Power occupation of Germany -- gave rise to particularly difficult negotiating during the last days of the INF Treaty negotiations. The result was Soviet agreement to name an airport other than Berlin-Schoenefeld (which the United States regards as a part of Berlin and hence subject to Four Power control) as the point of entry into the GDR. If the Soviets have given private assurances that they will not use this paragraph to change the point of entry to Berlin-Schoenefeld, it would be desirable to make them part of the record, lest this subject cause needless friction in the future between the FRG and its friends in the West.

SECTION V

Several paragraphs under Sections V and VI of this Protocol give the inspected Party wide powers to influence the inspection process, e.g., the right to appoint in-country escorts with wide powers; to control in-country transportation; to provide telephonic communications for the inspectors' use; to specify "safety regulations" that the inspectors must observe, etc.

Can the U.S. prevent the Soviets from exploiting these provisions to frustrate effective inspection? What lessons were learned about likely Soviet behavior in the course of such

inspections from the visit to Gomel?

Section V, Paragraph 4

> Equipment and supplies which the inspecting Party brings into the country in which an inspection site is located shall be subject to examination at the point of entry each time they are brought into that country. This examination shall be completed prior to the departure of the inspection team from the point of entry to conduct an inspection. Such equipment and supplies shall be examined by the in-country escort in the presence of the inspection team members to ascertain to the satisfaction of each Party that the equipment and supplies cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country where the inspection is conducted. Storage of the inspecting Party's equipment and supplies at each point of entry shall be within tamper-proof containers within a secure facility. Access to each secure facility shall be controlled by a "dual key" system requiring the presence of both Parties to gain access to the equipment and supplies.

Comment:

Equipment and supplies brought in by inspection team may be examined by the "in-country escort" in order "to ascertain to the satisfaction of each Party that [they] cannot perform functions unconnected with the inspection requirements of the Treaty. If it is established [query: by whom?] upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded...."

The Parties cannot intend that this language be taken literally. Any kind of inspection equipment can perform functions "unconnected" with the Treaty; e.g., a camera can take pictures of things other than limited missiles and launchers. Presumably what is meant is that equipment will not be cleared for use if it cannot perform any functions connected with the Treaty. This would be worth clarifying with the Soviets.

Section V, Paragraph 5

> Throughout the in-country period, the inspected

> Party shall provide, or arrange for the provision of, meals, lodging, work space, transportation and, as necessary, medical care for the inspection team and aircrew of the inspecting Party. All the costs in connection with the stay of inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty, on the territory of the inspected Party, including meals, services, lodging, work space, transportation and medical care shall be borne by the inspecting Party.

Comment:

This provision, as well as other provisions which envisage that the Soviets will supply services for U.S. inspectors and bill the United States for them, should be evaluated in the light of our experience with similar arrangements in connection with the construction of the new U.S. Embassy in Moscow.

Use in-country of host aircraft for transport to inspection sites conflicts with policy statements made following agreement at the Conference on Disarmament in Europe that the precedent established in that accord for host-aircraft use would not be applied to further, "serious" arms control agreements. This has possibly still more unsatisfactory implications for the START negotiations.

SECTION VI

Section VI, Paragraph 3

> In discharging their functions, inspectors shall not interfere directly with on-going activities at the inspection site and shall avoid unnecessarily hampering or delaying the operation of a facility or taking actions affecting its safe operation.

What is the implication of this "non-interference" provision for the "stand-downs" (pursuant to Section VII.1) needed to give the on-site inspectors an opportunity to assess what is at the site? Will inspectors be able to enforce the rules requiring that missiles, launchers, etc., not be moved during the pre-inspection period?

Section VI, Paragraph 6

> Inspectors carrying out inspection activities pursuant to paragraph 6 of Article XI of the Treaty shall be allowed to travel within 50 kilometers from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected Party, shall be accompanied by the

in-country escort. Such travel shall be taken solely as a leisure activity.

Comment:

The intelligence by-products of this provision will not be the same for the two Parties. While it appears that nothing of importance lies within 50 kilometers of Votkinsk, Salt Lake City, an increasingly important commercial and defense center, lies well within the range of "off-duty" Soviet inspectors.

Section VI, Paragraph 7

Inspectors shall have the right throughout the period of inspection to be in communication with the embassy of the inspecting Party located within the territory of the country where the inspection is taking place using the telephone communications provided by the inspected Party.

Comment:

This provision, requiring the use of host-country communications systems, may allow the Soviets to hinder effective inspection by U.S. personnel. It gives the Soviets the opportunity to deny U.S. personnel secure communications (or any at all) with their government while in the USSR.

Section VI, Paragraph 9

The inspection team may bring onto the inspection site such documents as needed to conduct the inspection, as well as linear measurement devices; cameras; portable weighing devices; radiation detection devices; and other equipment, as agreed by the Parties. The characteristics and method of use of the equipment listed above, shall also be agreed upon within 30 days after entry into force of the Treaty. During inspections conducted pursuant to paragraphs 3, 4, 5(a), 7 or 8 of Article XI of the Treaty, the inspection team may use any of the equipment listed above, except for cameras, which shall be for use only by the inspected Party at the request of the inspecting Party. During inspections conducted pursuant to paragraph 5(b) of Article XI of the Treaty, all measurements shall be made by the inspected Party at the request of the inspecting Party. At the request of inspectors, the in-country escort shall take photographs of the inspected facilities using the inspecting Party's camera systems which are capable of producing duplicate, instant development

photographic prints. Each Party shall receive one copy of every photograph.

Comment:

This provision requires agreement within 30 days of entry into force of the Treaty on the "characteristics and method of use of" equipment brought by inspection teams. Given that the "initial" inspections (pursuant to Article XI.3 of the Treaty) are to start 30 days after entry into force (and to be finished 60 days thereafter), it is necessary that such agreement be reached promptly; will the fact that these discussions will be going on under such great time pressure create a problem for us? Why were these matters not agreed to before Treaty signature?

Section VI, Paragraph 14

For inspections pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, pre-inspection procedures, including briefings and safety-related activities, shall begin upon arrival of the inspection team at the inspection site and shall be completed within one hour. The inspection team shall begin the inspection immediately upon completion of the pre-inspection procedures. The period of inspection shall not exceed 24 hours, except for inspections pursuant to paragraphs 6, 7 or 8 of Article XI of the Treaty. The period of inspection may be extended, by agreement with the in-country escort, by no more than eight hours. Post-inspection procednres, which include completing the inspection report in accordance with the provisions of Section XI of this Protocol, shall begin immediately upon completion of the inspection and shall be completed at the inspection site within four hours.

Comment:

The inspections under Treaty Article XI, Paragraphs 3-5 (i.e., the bulk of the inspections provided for in this Treaty, except for the permanent portal monitoring) are limited in duration to 24 hours. This creates an incentive for the Soviets to delay and quibble. What recourse will the United States have if its inspectors are subjected to dilatory maneuvers?

SECTION VII

Section VII, Paragraph 1

Within one hour after the time for the

specification of the inspection site notified pursuant to paragraph 1(a) of Section IV of this Protocol, the inspected Party shall implement pre-inspection movement restrictions at the inspection site, which shall remain in effect until the inspection team arrives at the inspection site. During the period that pre-inspection movement restrictions are in effect, missiles, stages of such missiles, launchers or support equipment subject to the Treaty shall not be removed from the inspection site.

Comment:

Pre-inspection movement limitations are to be imposed within one hour of notification of the specific site to be inspected; will it be possible to verify that such a "stand-down" order has been issued on behalf of the inspecting Party by the inspected Party and that that order has been obeyed? See comments on Section VI.3 of this Protocol.

Section VII, Paragraph 8

A missile, a stage of such a missile or a launcher subject to the Treaty shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a missile, stage of such a missile or launcher. A container that the inspected Party declares to contain a missile or stage of a missile subject to the Treaty, and which is not sufficiently large to be capable of containing more than one missile or stage of such a missile of the inspected Party subject to the Treaty, shall be subject to inspection only by external visual observation, including measuring, as necessary, the dimensions of such a container to confirm that it cannot contain more than one missile or stage of such a missile of the inspected Party subject to the Treaty. Except as provided for in paragraph 14 of this Section, a container that is sufficiently large to contain a missile or stage of such a missile of the inspected Party subject to the Treaty that the inspected Party declares not to contain a missile or stage of such a missile subject to the Treaty shall be subject to inspection only by means of weighing or visual observation of the interior of the container, as necessary, to confirm that it does not, in fact, contain a missile or stage of such a missile of the inspected Party subject to the Treaty. If such a container is a launch canister associated with a

type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment:

The last sentence will allow the Soviets (except at Votkinsk) to declare any suspicious canister to be a canister for an SS-25 (or for some other non-limited missile) and, it appears, we will be unable to look inside it, weigh it or x-ray it. As a result of this provision, the Soviets could keep any number of undeclared SS-20s in SS-25 canisters.

Section VII, Paragraph 9

A structure or container that is not sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty shall be subject to inspection only by external visual observation including measuring, as necessary, the dimensions of such a structure or container to confirm that it is not sufficiently large to be capable of containing a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty.

Comment:

It is unclear how small a structure or container must be in order for this provision to exempt it from inspection other than by external visual observation. For instance, it is not clear whether the counting rules of Treaty Article VII.10 apply to this provision and, if so, how.

Section VII, Paragraph 10

Within a structure, a space which is sufficiently large to contain a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, but which is demonstrated to the satisfaction of the inspection team not to be accessible by the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty shall not be subject to further inspection. If the inspected Party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any missile, stage of such a

missile or launcher of the inspected Party subject to the Treaty, such an enclosed space shall not be subject to further inspection.

Comment:

The language of this provision is not clear. Does the prohibition on further inspections apply only to the inspection then underway, or would it apply to subsequent inspections of the same facility, as well? In the latter case, would it be overridden by any evidence that a party had increased the dimensions of the space so that it could now contain a Treaty-limited item?

Section VII, Paragraph 14

During an inspection conducted pursuant to paragraph 5(b) of Article XI of the Treaty, it shall be the responsibility of the inspected Party to demonstrate that a shrouded or environmentally protected object which is equal to or larger than the smallest missile, stage of a missile or launcher of the inspected Party subject to the Treaty is not, in fact, a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty. This may be accomplished by partial removal of the shroud or environmental protection cover, measuring, or weighing the covered object or by other methods. If the inspected Party satisfies the inspection team by its demonstration that the object is not a missile, stage of such a missile or launcher of the inspected Party subject to the Treaty, then there shall be no further inspection of that object. If the container is a launch canister associated with a type of missile not subject to the Treaty, and declared by the inspected Party to contain such a missile, then it shall be subject to external inspection only, including use of radiation detection devices, visual observation and linear measurement, as necessary, of the dimensions of such a canister.

Comment:

Rules about inspecting containers, shrouded objects, etc. have the following anomaly: as noted in connection with paragraph 8 above, if the inspected Party declares that a given container is a launch container for an unlimited missile, then said container is subject to a less stringent inspection regime.

SECTION VIII

Section VIII, Paragraph 1

> Inspections of the process of elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 7 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in this paragraph and the Protocol on Elimination.
>
> ***
>
> (c) Subject to paragraphs 3 and 11 of Section VI of this Protocol, inspectors shall observe the execution of the specific procedures for the elimination of the items of missile systems as provided for in the Protocol on Elimination. If any deviations from the agreed elimination procedures are found, the inspectors shall have the right to call the attention of the in-country escort to the need for strict compliance with the above-mentioned procedures. The completion of such procedures shall be confirmed in accordance with the procedures specified in the Protocol on Elimination.

Comment:

Exactly what does the "right to call the attention of the in-country escort to the need for strict compliance" with the inspection protocols procedures mean?

Section VIII, Paragraph 2

> Inspections of the elimination of items of missile systems specified in the Protocol on Elimination carried out pursuant to paragraph 8 of Article XI of the Treaty shall be conducted in accordance with the procedures set forth in Sections II, IV or V of the Protocol on Elimination or as otherwise agreed by the Parties.

Comment:

The Protocol contains no inspection rules for inspections of elimination of training missiles and launchers.

SECTION IX

The precedents established in this Treaty for continuous monitoring will be important for START. They should be rigorously assessed in that light.

Section IX, Paragraph 1

> The inspected Party shall maintain an agreed perimeter around the periphery of the inspection site and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall exit only through this portal.

Comment:

The last sentence of this paragraph, as well as other paragraphs of this Section, apparently incorporates the fundamental inequality caused by the counting rule (Article VII.10 of the Treaty) according to which a Pershing II first stage counts as a whole missile, while only a full-up missile or its canister counts as an SS-20 on the Soviet side. In other words, all U.S. vehicles and containers large enough to contain a Pershing II first stage (length 3.7 meters) will be subject to inspection at the Magna facility's portal while only those as large as (or larger than) an entire SS-20 (lenth 16.5 meters) will be subject to inspection at the Votkinsk gate.

Furthermore, it is not clear whether there is agreement as to what constitutes an "agreed perimeter." Is there an accord reflecting certain minimum Soviet security standards, or are we making assumptions about the character and quality of such standards based on past practice?

Section IX, Paragraph 13

> Vehicles exiting through the portal specified in paragraph 1 of this Section that are large enough and heavy enough to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party but that are declared not to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.
>
> ***
>
> (c) If inside a vehicle there are one or more containers or shrouded objects large enough to be or to contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, it shall be the responsibility of the inspected Party

to demonstrate that such containers or shrouded objects are not and do not contain intermediate-range GLBMs or the longest stages of such GLBMs of the inspected Party.

Comment:

What does "responsibility...to demonstrate" mean? To inspectors' satisfaction? What is the significance of this choice of words when elsewhere the requirement is spelled out with specificity?

Section IX, Paragraph 14

Vehicles exiting through the portal specified in paragraph 1 of this Section that are declared to contain a missile or missile stage as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall be subject to the following procedures.

***

(c) The inspecting Party shall have the right to weigh and measure the dimensions of any launch canister or of any shipping container declared to contain such a missile or missile stage and to image the contents of any launch canister or of any shipping container declared to contain such a missile or missile stage; it shall have the right to view such missiles or missile stages contained in launch canisters or shipping containers eight times per calendar year. The in-country escort shall be present during all phases of such viewing. During such interior viewing:

(i) the front end of the lannch canister or the cover of the shipping container shall be opened;
(ii) the missile or missile stage shall not be removed from its lannch canister or shipping container; and

(iii) the length and diameter of the stages of the missile shall be measured in accordance with the methods agreed by the Parties so as to ascertain that the missile or missile stage is not an intermediate-range GLBM of the inspected Party, or the longest stage of such a GLBM, and that the missile has no more than one stage which is outwardly similar to a stage of an existing type of intermediate-range GLBM.

Comment:

The last sentence suggests that the Parties now know of some non-intrusive and non-damaging way to discriminate between the largest stage of the SS-20 and that of the SS-25. Is this the case? What is this technology? Is it currently available? What is its assessed reliability?

By what mechanisms are the Parties to agree to the methods for measuring SS-20/25 stages at Votkinsk? Do they include the non-damaging image producing equipment mentioned in Section IX.6? If so, why not say so? If the Soviets have not yet agreed that the methods to be used include such equipment, this lack of agreement should be noted.

SECTION X

> **An inspection shall be cancelled if, due to circumstances brought about by force majeure, it cannot be carried out. In the case of a delay that prevents an inspection team performing an inspection pursuant to paragraphs 3, 4 or 5 of Article XI of the Treaty, from arriving at the inspection site during the time specified in paragraph 2 of Section VII of this Protocol, the inspecting Party may either cancel or carry out the inspection. If an inspection is cancelled due to circumstances brought about by force majeure or delay, then the number of inspections to which the inspecting Party is entitled shall not be reduced.**

Comment:

This section foresees the possibility of a delay that prevents the inspecting Party from arriving at the inspection site within the 9 hour period specified in Section VII.2. The inspecting Party may cancel (and not have an aborted inspection count against its quota) or continue anyway (and presumably have it count against its quota). In either case, this section appears to be an all-purpose loophole; the inspecting Party has an incentive to cancel since the presumably less worthwhile, delayed inspection still counts against the quota; even if it does not, the inspected Party will have been able to hide anything it wishes before the delayed inspection occurs. (Note that "delay" is distinguished from a force majeure circumstance in which the inspection presumably cannot be carried out at all.)

SECTION XI

Section XI, Paragraph 1

For inspections conducted pursuant to paragraphs 3, 4, 5, 7 or 8 of Article XI of the Treaty, during post-inspection procedures, and no later than two hours after the inspection has been completed, the inspection team leader shall provide the in-country escort with a written inspection report in both the English and Russian languages. The report shall be factual. It shall include the type of inspection carried out, the inspection site, the number of missiles, stages of missiles, launchers and items of support equipment subject to the Treaty observed during the period of inspection and any measurements recorded pursuant to paragraph 10 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures, as well as the inspection site diagram provided fof by paragraph 6 of Section VII of this Protocol, shall be attached to this report.

Comment:

The written inspection report is to be provided to the in-country escort within 2 hours of the completion of the inspection. This hardly allows for any serious analysis of observations. It seems to assume that the inspection report will simply verify the inspected Parties' information.

In any case, it should be made clear that failure to list an anomaly in the inspection report will not prevent the inspecting Party from raising the issue subsequently, either in the Special Verification Commission or elsewhere.

Section XI, Paragraph 2

For inspection activities conducted pursuant to paragraph 6 of Article XI of the Treaty, within 3 days after the end of each month, the inspection team leader shall provide the in-country escort with a written inspection report both in the English and Russian languages. The report shall be factual. It shall inclnde the number of vehicles declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party that left the inspection site through the portal specified in paragraph 1 of Section IX of this Protocol during that month. The report shall also include any measurements of launch canisters or shipping containers contained in these vehicles recorded pursuant to paragraph 11 of Section VI of this Protocol. In the event the inspecting Party,

under the provisions of paragraph 14(c) of Section IX of this Protocol, has viewed the interior of a launch canister or shipping container declared to contain a missile or stage of a missile as large or larger than and as heavy or heavier than an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party, the report shall also include the measurements of the length and diameter of missile stages obtained during the inspection and recorded pursuant to paragraph 11 of Section VI of this Protocol. Photographs taken during the inspection in accordance with agreed procedures shall be attached to this report.

Comment:

In addition to the aforementioned shortcomings of this Section, a further mechanical one merits mention. The problem of having competent translation and conforming of report texts performed under the time pressures stipulated here is not a trivial one. If these reports take on the importance one might expect, then having them done properly and consistently may prove to be as daunting a task as ensuring that they are technically sound.

MEMORANDUM OF UNDERSTANDING REGARDING INF DATA

Serious questions can be -- and have been -- raised about the accuracy of the data provided by the Soviets in this MOU. This is a matter that can be explored usefully and properly only through an examination of classified estimates and analyses.

However, it should be noted that the State Department stated in the Spring of 1987 that:

> In addition to the approximately 400 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the USSR's inventory.

Thus, it would seem that our intelligence estimates on these matters fall within a wide range of uncertainty. It is also the case that our estimates have, for some time, been a matter of public record. Consequently, we should not take particular comfort from the contention that the Soviet-provided data fall within that range.

February 3, 1988

THE INF TREATY: ARTICLE-BY-ARTICLE REVIEW
HIGHLIGHTS

This paper analyzes the rights and obligations of the Parties to the INF Treaty, not as advertised in statements or declarations about the treaty, but as set forth in the Treaty language itself. This review of the Treaty text does not aim to evaluate whether the Treaty's purposes are well-advised from the points of view of strategy or diplomacy. Rather, it examines whether the Treaty's terms actually accomplish the Treaty's stated (or clearly implied) purposes, chief among which is the complete, verifiable elimination of the intermediate- and shorter-range (500 to 5500 km.) ground-based nuclear missiles of the U. S. and USSR. It focuses on ways the Treaty might be improved to enhance the chances that it will achieve its aims and to minimize unintended side-effects detrimental to U.S. interests.

The key points are listed below, accompanied by references to the relevant Treaty provisions and the pages of the Article-by-Article Review on which they are discussed.

1. VERIFICATION PROBLEMS.

a. The Data Gap.

Article IX.3 (pp. 15-16)
Article XI.3 (p. 21)
Article XI.5 (pp. 21-22)

b. Loopholes that could facilitate either SS-20 violations or breakout preparations.

Article IV.1 (pp. 5-6)
Article VI.1 (pp. 7-8)
Article X.1 (pp. 17-18)
Article X.5 (p. 18)
Article XII.3 (pp. 24-25)

c. Inadequate basis for judging accuracy of Soviet- supplied data

Memorandum of Understanding (p. 48)

2. NON-CIRCUMVENTION CLAUSE

Article XIV (p. 26)

3. PROHIBITION ON CONVENTIONALLY ARMED CRUISE MISSILES

Article II.1 and II.2 (pp. 2-3)
Article VII.4 (pp. 10-11)

Studies in National Security Policy

A FURTHER REVIEW OF THE INF TREATY:

SEVEN KEY ISSUES

by the AEI Working Group
on the INF Treaty

May 18, 1988

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FURTHER REVIEW OF THE INF TREATY

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A FURTHER REVIEW OF THE INF TREATY:

SEVEN CRITICAL ISSUES

Introduction

This analysis of critical issues presented by the Intermediate Nuclear Forces Treaty supplements an earlier AEI paper, Article-by-Article Review of the INF Treaty, published in February 1988. Like the earlier analysis, this one was prepared by a working group of arms control specialists convened at the American Enterprise Institute for Public Policy Research under the chairmanship of Frank J. Gaffney, Jr. The members of the working group are listed on the following page.

The purpose of this further analysis is to review the central issues that have emerged over the past three months in the course of the Senate's deliberations on the INF Treaty. While the initial AEI paper focused almost exclusively on the provisions of the Treaty itself, this paper also considers statements of Administration officials and others in Senate hearings and, in particular, four official documents -- an assessment of the AEI Article-by-Article Review submitted to the Senate on behalf of the Administration by Secretary of Defense Frank Carlucci, the (unclassified) unanimous report on the Treaty of the Senate Select Committee on Intelligence, the majority report of the Senate Armed Services Committee, and the majority report of the Senate Foreign Relations Committee.

As before, the working group concentrated on (a) the effectiveness of the INF Treaty's provisions and protocols in achieving the Treaty's own goal of eliminating all intermediate- and shorter-range nuclear missiles, and (b) the implications of these provisions for broader strategic arms reduction agreements now being discussed between the United States and the Soviet Union. Larger questions concerning the military and strategic value of eliminating the nuclear missiles covered by the INF accord are not considered here. We hope, however, that this assessment will help clarify some of the critical issues presented by the Treaty and the Senate deliberations.

Christopher C. DeMuth
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CONVENTIONALLY-ARMED GROUND-LAUNCHED MISSILES

Introduction

The INF Treaty bans all conventionally-armed, ground-based cruise missiles of intermediate- and shorter-ranges. The rationale for the treaty's banning such non-nuclear systems was that it would enhance our ability to verify the ban on nuclear-armed missiles of the same type and range. As we cannot reliably distinguish through national intelligence means between nuclear-armed and conventionally-armed GLCMs, banning both types was considered helpful in allowing us to verify the ban on the former type. The central issues are: What are the actual verification benefits we can derive from banning conventionally-armed GLCMs? And do those benefits outweigh: (1) the military costs to the United States of eschewing such systems and (2) the risks that this "collateral" ban on a conventional system -- in what is supposed to be a nuclear weapons treaty -- will be used as a precedent in the Strategic Arms Reductions Talks (START) to impose unacceptable constraints upon non-nuclear air- and sea-launched cruise missiles?

Relevant Treaty Provisions

Article II, Paragraphs 1 and 2

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

Article VII, Paragraphs 1 and 2

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has

been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

Article VII, Paragraph 4

The range capability of a GLBM not listed in Article III of this Treaty shall be considered to be the maximum range to which it has been tested. The range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact. GLBMs or GLCMs that have a range capability equal to or in excess of 500 kilometers but not in excess of 1000 kilometers shall be considered to be shorter-range missiles. GLBMs or GLCMs that have a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers shall be considered to be intermediate-range missiles.

Article VII, Paragraph 11

A ballistic missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLBM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLBM launchers. A cruise missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers.

Identification of the Problem

The AEI Article-by-Article Review of the INF Treaty noted the anomaly that an accord universally known as the INF (shorthand for Intermediate-range Nuclear Forces) Treaty actually has

profound implications for conventional forces. Indeed, the INF Treaty bans in perpetuity conventionally-armed, ground-launched intermediate- and shorter-range missiles, as well.

The first AEI Review posed two questions: Is it prudent -- in the context of a treaty which will make the United States and NATO still more dependent upon conventional defenses -- to foreclose a potentially important option for deploying advanced non-nuclear missiles? And, can the United States verify Soviet compliance with a ban on such missiles, regardless of how they are armed?

Subsequent Development of the Issue

Testimony before the Senate Armed Services Committee offered an interesting insight into the evolution of the INF Treaty's ban on nuclear-armed GLCM's into one prohibiting conventionally-armed variants as well. Former Assistant Secretary of Defense for International Security Policy-Designate Frank J. Gaffney, Jr. testified that novel grounds were cited in the Summer of 1987 to encourage President Reagan to reconsider his long-standing opposition to this Soviet-proposed formula: The Soviets had informally expressed to the American INF negotiator, Amb. Maynard Glitman some interest in acceding to the U.S. position permitting conventional GLCM's. It was argued that, unless the United States moved smartly to accept the Soviet position, our own would likely become the agreed Treaty language.

Without making explicit reference to this background, Defense Secretary Frank Carlucci, in formally responding at the request of Senator Claiborne Pell and on behalf of the Administration to issues raised in the first AEI Review suggested why, in the end, the U.S. Government decided such an outcome would have been undesirable:

1) The issue was one of "whether or not to protect the option for deploying conventionally-armed ground-launched cruise missiles (GLCM's). At the time of the decision the U.S. and NATO did not -- and do not today -- have any specific plans or military requirements for conventionally-armed GLCM's."

2) The option to acquire comparable capabilities through air- and sea-launched cruise missiles is "fully protected" as the INF Treaty does not cover such systems and "our position is firm that there shall be no limits on [such] conventionally-armed cruise missiles." Moreover, GLCM's with ranges below 500 km are not prohibited.

3) The Soviets would likely be able to exacerbate the existing conventional (and chemical) imbalance by deploying more

of such systems than could NATO, particularly in the aftermath of a Treaty banning INF-range nuclear missiles.

4) Acute verification difficulties are "inherent in distinguishing between nuclear- and conventionally-armed GLCM's. The United States Government has been unable to develop -- and the Soviet Union has not put forth -- a regime to verify effectively the differences between the two types." Banning all such systems would make covert Soviet deployment more "difficult and costly" and eliminate a "ready means" for the Soviets to breakout of the Treaty.

5) Citing the need of weapon systems for realistic testing (the character of which is specifically determined by the intended use of the system) and a dedicated infrastructure, Secretary Carlucci took issue with The AEI Review's contention that drones and other permitted non-weapon delivery vehicles could be used to circumvent this ban and undermine its verification benefit.

For its part, the Senate Select Committee on Intelligence (SSCI) observed in the unclassified version of its report that "so long as SLCMs are not banned, their testing will allow a Soviet military planner to fulfill all of the technical requirements for testing a covert GLCM." The Committee also expressed "concern that the Soviets could covertly extend the range capability of a cruise missile, or covertly develop a new ground-launched cruise missile with a prohibited long-range capability, [even] if the cruise missile were tested only to shorter ranges."

The SSCI judged, however, that with respect to the former, the lack of a permitted "ground forces infrastructure for [INF-range] weapons would be extremely difficult for the Soviets to overcome covertly, and this greatly lessens the value and probability of such a cheating effort." With respect to the latter concern, the Committee "believes that the risk of a Soviet attempt to cheat with such an extended range capability is offset by Soviet operational requirements" and that "Soviet military planners would have serious problems with the reliability of systems not tested to their maximum range."

The majority of the Senate Armed Services Committee (SASC), while recognizing the "validity of concerns expressed...over the prohibition of a potentially promising option for implementing NATO's follow-on forces (FOFA) and deep strike doctrines," gave greater weight to the fact that the Soviets could readily exploit such an option to increase "its conventional and chemical threat" and the verification problem "that would be created were the Soviets to deploy conventional GLCMs of INF range." The SASC's majority report concludes "that the verification question was a principle [sic] factor in the

Administration's willingness to ban conventional GLCM's."

The majority of the Armed Services Committee also concluded that the Soviets would firmly resist any renegotiation of this provision; for these several reasons, it did not recommend deleting the ban on conventional GLCMS. Instead, it settled for a cautionary note: "...Banning the deployment of [conventionally-armed GLCMs] makes it essential that START not foreclose U.S. options for conventional ALCMs and SLCMs, including systems of these types for INF ranges."

Finally, the Senate Foreign Relations Committee (SFRC) considered three related issues:

1) The possibility that the Soviets might exploit the Treaty's Article VII, paragraph 11 -- which permits fixed, ground-launched testing of SLCMs -- to circumvent the ban on flight-testing GLCMs. The Committee's majority, "while concerned about the technical possibility that the Soviet Union could exploit this provision to develop a covert force of ground-based cruise missiles," was "satisfied that the Administration is aware of the problem and will be monitoring it closely."

2) The possibility that the Soviets might exploit the Treaty's exclusion under Article II, paragraph 2 of GLCMs that are not "weapon-delivery vehicles" to produce, test and deploy drones which could be quickly converted to carry nuclear warheads. Emphasizing testimony to the effect that reconnaissance drones require a "different type of infrastructure than would go with a nuclear, or for that matter, a conventional delivery basis," the majority of the SFRC dismissed this possibility as a "minor problem." It judged that, in addition to the discernible operational differences, any Soviet incentive to cheat through this exception would be "greatly inhibit[ed]" by the fact that "the Soviet Union would have very low confidence in a nuclear GLCM only tested as a drone." Consequently, "the prospect of Soviet efforts to develop a covert GLCM force from drones [was assessed to be] highly unlikely and impractical" and "the Committee believes that claims about a GLCM drone 'loophole' are pure sophistry."

3) The "lack-of-a-military-requirement" and the "inherent-difficulties-of-verification" arguments noted above were found by a majority of the Foreign Relations Committee to be persuasive; accordingly an amendment offered by Senator Jesse Helms to permit conventionally-armed cruise missiles was defeated by a vote of 15-3. The Committee majority opined that "developing a covert GLCM force from systems tested below 500 kilometers would be complex and unreliable. For example, the Soviets could hardly be confident that even if a cruise missile were accurate at a range of 490 km, it would also be accurate at

980 km. This 'loophole' is thus more theoretical than real." The SFRC majority concluded that "any amendment purporting to allow conventional GLCM's could undermine U.S. national security."

On the margins of the ministerial meeting conducted between Secretary of State Shultz and Foreign Minister Shevardnadze (11-13 May 1988), representatives of the United States and Soviet Union agreed to language clarifying certain aspects of the INF Treaty's applicability to non-nuclear-armed, intermediate-range missiles. While the thrust of this agreement is most relevant to the matter of futuristics (see the treatment of this issue in the following chapter), the agreed text affirms that "the Treaty does not cover non-weapon-delivery vehicles" without clarifying how the sides will discriminate between those missiles that are weapon-delivery and those that are not.

Analysis

Foreclosing an Area of U.S. Competitive Advantage

There is no disputing the fact that, by prohibiting conventionally-armed -- as well as nuclear -- GLCMs, the United States is foreclosing for all time potentially significant conventional defense options. As the majority of the Armed Services Committee put it: "Advanced technology is the Alliance's trump card, and highly-accurate, unmanned, long-range, stand-off weapons represent a particularly attractive means for redressing the conventional imbalance in Europe."

The willingness, nonetheless, to foreclose such options appears to turn critically upon the view of the Joint Chiefs of Staff that there is not now, nor will there ever be, a military requirement for the ground-based versions of these options. Such a view could have been expressed prior to World War I with equal confidence -- and equal short-sightedness -- about the absence of a requirement for airplanes to be used for other than observation purposes.

In fact, the present lack of a JCS requirement for ground-launched conventionally-armed missiles seems to be principally a function of the absence of an identified service-sponsor for a weapon system with these characteristics. The Army generally regards "deep strike" as an Air Force mission; the Air Force wants to perform such strikes with manned aircraft; the Navy is not interested in ground-based platforms; and the Marines do not regard missiles of this type as applicable to most of their roles. To the extent the Air Force and Navy see any need for intermediate-range conventional missiles, parochial considerations appear to give rise to requirements only for air- and sea-launched variants. (See the following discussion of the

implications of the INF Treaty's ban on conventional GLCM's for such options in the START context.)

Moreover, while it is certainly true that -- if such ground-based, conventionally-armed missiles were permitted, the Soviets might eventually obtain more of them -- it is much less clear that even greater numbers of these weapons would contribute as much to Soviet capabilities as smaller numbers would to NATO's defenses. This is, after all, the same logic that produced a numerically inferior, but militarily significant, deployment of Pershing II's and GLCM's to Europe in the first place. Such logic will certainly be even more compelling in the aftermath of an INF Treaty which increases NATO's need for improved conventional defenses.

Indeed, it is difficult to believe that, given time and the latitude to do so, the U.S. military will not come to appreciate the importance of having the in-theater ability to attack high priority targets: 1) deep in the enemy's rear echelons, 2) early in any conflict, 3) without relying upon a limited number of extraordinarily vulnerable NATO airfields or tying up valuable maritime assets, and 4) without having to resort to nuclear weapons. It may be that only highly accurate, conventionally-armed intermediate-range missiles that are widely dispersed in the theater will offer such a capability. Such weapons will also offer commanders the flexibility to provide lateral supporting fire to allied forces at ranges over 500 km; this capability could prove to be enormously important during any future conflict in Europe if hostile forces cease to be situated exclusively to the East of NATO's troops.

An Unavoidable Precedent for START

Much is made of the fact that the ban on both nuclear- and conventionally-armed GLCMs is acceptable because the United States will not agree to constraints on its ability to deploy conventional ALCMs and SLCMs in START. Unfortunately, such a position is probably as untenable as it is illogical. There is no technical basis for rejecting in connection with air- and sea-launched cruise missiles the verification argument used in INF, namely that limits must apply to both because no means can be found of distinguishing between nuclear and non-nuclear variants.

Indeed, the United States has offered ways of constraining conventionally-armed ALCMs in START through missile range and aircraft platform limitations. The United States has, moreover, agreed that it will find a means of limiting nuclear-armed SLCMs. Given the manner in which essentially identical, conventionally-armed GLCM's are treated in the INF accord -- and clear Soviet interest in capturing non-nuclear U.S. SLCM's -- it may simply be a matter of time before similar constraints are

negotiated on conventional sea-launched cruise missiles.

"It Ain't Necessarily So"

It is said that the United States can have confidence the USSR will not obtain capabilities denied the U.S. by virtue of two main devices: the Soviets' inability covertly 1) to test prohibited GLCMs and 2) to deploy them without a detectable infrastructure.

1) With regard to the test ban, the several documents produced since the first AEI Review was published, in fact, seem to suggest multiple ways in which the Soviet Union could conduct an effective flight test program for systems with prohibited capabilities. For example, as the SFRC and SSCI have noted, a GLCM can be tested from a fixed site -- so long as it is designated a SLCM. Recent disclosures that the Soviet Union has undertaken to test apparent sea-launched cruise missiles from mobile ground launchers and the Administration's response -- to the effect that it cannot determine the range, character or purpose of the cruise missiles in question -- bears witness to the ease with which such circumvention options can be pursued by the USSR and the monumental monitoring problems involved for the United States.

Moreover, as testimony before the SSCI and the SASC has made clear, it is not a difficult task to make ground-launched cruise missiles tested to less than 500 km or over 5500 km fly to prohibited distances between the two. To some extent, such can even be the case with ballistic missiles, although these missiles tend to have specific performance characteristics more directly tied to their ranges. A particularly graphic example of the latter can be found in the fact that Iraq is using a Soviet-supplied missile, the SCUD-B -- which is not prohibited by the INF Treaty, as it is said to have a range of less than 500 kilometers -- to attack targets in Iran at distances well beyond that. Not only does this development show that such improved performance is possible; it also raises the question as to whether Soviet SCUD-B's should be banned under the INF accord.

Interestingly, in regard to the assertion that flight testing to full-range is necessary in order to have confidence in a given system, the United States does not test all of its missiles to full-range. They are, nonetheless, designed and deployed to hit targets at specified distances beyond those to which these missiles are tested. Obviously, it is possible to have confidence in the ability of such weapons to fly farther than demonstrated -- even in the absence of maximum range testing.

Furthermore, the assertion of the majority of the SFRC

notwithstanding, developing a covert GLCM capability from such missiles is neither complex nor unreliable; what is involved are essentially low-risk engineering extrapolations from demonstrated flight-test performance and other modeling, including wind-tunnel testing. When the uncertainties noted in the SSCI report about U.S. ability to monitor effectively Soviet GLCM testing are factored in, statements extolling the efficacy of the INF Treaty's missile flight-test ban appear all the more unfounded.

In this connection, claims to the effect that there are inherent and monitorable differences between the ways in which reconnaissance drones and weapon-delivery vehicles are tested and deployed should be viewed with considerable skepticism. At least one U.S. contractor has developed a ground-launched missile of INF-ranges for overseas sales which could be fitted at will with a reconnaissance package or conventional ordnance. As this example illustrates, there need be no perceptible difference between the flight profile, test program or external configuration of attack and surveillance variants of a GLCM; if a party wishes to obtain an illegal weapons-delivery capability by modifying covertly a drone or RPV, it is quite possible to do so with little or no risk of detection. Far from being, in the words of the Senate Foreign Relations Committee "pure sophistry," such an approach is a plausible cheating scenario for the Soviet Union.

What is more, as noted above, there is no agreed definition for what constitutes a weapon-delivery test profile that would cause a drone to be deemed a weapon-delivery vehicle. The Soviets could thus perform tests we judged to be suitable for a weapon-delivery missile <u>and we would have no grounds for effectively challenging their behavior</u>; to the contrary, the USSR can be expected to cite the now-express understanding that non-weapon-delivery vehicles are not banned and the lack of an agreed definition permitting distinctions between non-weapon and weapon systems to pursue whatever technical approaches it deems appropriate. Unfortunately, past experience suggests that the United States will, in an effort to comply scrupulously with both the letter <u>and the spirit</u> of its arms control commitments, constrain -- if not outright kill -- its own programs for drones and RPV's that could, arguably, be reconfigured.

2) With respect to the purported need for a dedicated infrastructure, here again, myriad ways of Soviet circumvention are apparent. Large deployments of short- and long-range cruise missiles would provide excellent operational cover, training and infrastructural support to INF-range GLCMs. As the Treaty does not define what has to be different about a new missile to distinguish it from a prohibited existing type it is unclear on what basis Secretary Carlucci made the following assertion in response to a criticism in the first <u>AEI Review</u> : "If the

Soviets were to test or deploy a missile which they claimed was slightly modified but was indistinguishable from an existing INF Missile, we would consider it a violation of the Treaty, even if it were only tested below 500 kms." For that matter, the absence of an agreed definition as to what would constitute an allowed infrastructure for drones or remotely-piloted vehicles makes problematic any contention that the USSR could not use what it contends is such an infrastructure to support systems for weapons-delivery.

It is worth remembering that the Soviet Union surprised U.S. intelligence by declaring as part of the INF Treaty that 84 SSC-X-4 missiles and 6 launchers were in their inventory. It does not require great imagination to recognize that the Soviets' demonstrated ability to store such missiles without detection suggests they might be able similarly to maintain a formidable covert GLCM capability unbeknownst to the United States. Moreover, as is the case with flight testing, the absence of an agreed definition of what constitutes an infrastructure for drones with illegal weapons-delivery capability could allow the Soviets to deploy widely and with impunity a system we considered to be banned.

What is the Real Soviet View of this Prohibition?

Finally, the exact nature of the Soviet response to a U.S. effort to revise the INF Treaty so as to eliminate its prohibition of other than nuclear-armed missiles cannot be determined with certainty before the fact. That said, the Administration's contentions that an amendment toward this end would kill the Treaty and murmurs from the Soviets along similar lines notwithstanding, there are two considerations which suggest the USSR would ultimately accept such a change. First, as noted above, a driving factor in the decision in the Summer of 1987, to reconsider the U.S. position protecting conventionally-armed missiles was the assertion by Ambassador Glitman that the Soviets seemed inclined to accept our proposal. Second, it is difficult to see how those who argued that the Soviets would benefit -- were the Treaty to allow conventionally-armed GLCM's -- can also claim that an effort to restore this right would "kill" the Treaty.

Conclusions

The foregoing analysis suggests that, while allowing both sides to retain infrastructures for conventionally-armed INF-range GLCMs will not improve the verifiability of this Treaty, neither will the prohibition of these systems ensure that the USSR is denied such capabilities. In fact, whatever arguable verification benefit might accrue from such a prohibition is more than offset by other verification shortcomings of the

agreement. Only by deleting this prohibition can the very great potential of these missiles for non-nuclear defense of U.S. and allied interest world-wide be protected and the danger reduced that conventionally-armed air- and sea-launched cruise missiles will fall prey to undesirable constraints in START.

FUTURISTIC GROUND-LAUNCHED MISSILES

Introduction

As noted above, in its consideration of the advisability of banning conventionally-armed ground-launched missiles, the Senate Armed Services Committee discovered that the breadth of the INF Treaty's ban was unclear. Specifically, the Committee wanted to know: Does the Treaty ban all INF-range ground-launched missiles -- whether armed with conventional munitions or not -- as long as they have the capacity to damage or destroy targets? This line of inquiry led to one of the most portentous controversies involving this Treaty to date.

Relevant Treaty Provisions

Article II, Paragraphs 1 and 2

For the purposes of this Treaty:

1. The term "ballistic missile" means a missile that has a ballistic trajectory over most of its flight path. The term "ground-launched ballistic missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

2. The term "cruise missile" means an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. The term "ground-launched cruise missile (GLCM)" means a ground-launched cruise missile that is a weapon-delivery vehicle.

Article VII, Paragraphs 1 & 2

For the purposes of this Treaty:

1. If a ballistic missile or a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

2. If a GLBM or GLCM is an intermediate-range missile, all GLBMs or GLCMs of that type shall be

considered to be intermediate-range missiles. If a GLBM or GLCM is a shorter-range missile, all GLBMs or GLCMs of that type shall be considered to be shorter-range missiles.

Identification of the Problem

Senator Dan Quayle (R-IND) led the SASC's investigation of the application of the INF Treaty to so-called "futuristic" ground-launched missiles. While a point of departure for this line of inquiry was The AEI Article-by-Article Review of the INF Treaty's observation that it was unclear whether or not future missile technologies such as hypervelocity boost-glide vehicles would be covered (a point the Administration chose simply to say would be decided subsequently on a case-by-case basis), the Committee quickly discovered that a more fundamental question arose as a result of uncertainty about the meaning of the term "weapon-delivery vehicle."

The SASC majority, in its report on the Treaty, noted that the Administration's own Article-by-Article Analysis defines this term as "those types of ground-launched cruise missiles that have been...flight-tested or deployed with any type of warhead device or simulation thereof." The Committee commented that:

> This suggests that GLBMs or GLCMs which destroyed their targets through other, perhaps more futuristic or exotic, means would not be covered. If this reading is correct, then, the Treaty would appear to allow GLBMs or GLCMs that destroyed targets through such means as lasers, particle-beam generators, microwave pulse generators or perhaps even direct impact (kinetic kill). During the hearings, however, there were indications that the Administration may be interpreting this language more broadly...to include future weapons types such as those listed above (i.e., anything that can destroy a target).

At the time the SASC report went to press, the Committee had not received satisfactory clarifications of the Administration's views and urged that such be forthcoming -- together with an authoritative statement as to whether the U.S. definition of "weapon-delivery" had been "clearly agreed to by the Soviet Union" -- before final Senate action on the Treaty.

Subsequent Development of the Issue

When this issue first arose, Administration witnesses suggested that this matter had been agreed between the parties in the course of the negotiations. On April 13, 1988, however,

former Secretary of Defense Caspar Weinberger and former ACDA Director Kenneth Adelman wrote Sen. Quayle to the effect that no such agreement had been reached. Subsequently, the Administration acknowledged, as Amb. Glitman put it, that "During the negotiations, the United States and the Soviet Union did not specifically discuss INF missile systems using techniques, such as lasers, to destroy targets, nor did the parties specifically address the meaning of the term 'weapon-delivery.'"

The Senate Foreign Relations Committee majority reported, however, that Amb. Glitman "was unconcerned that the issue had not been directly discussed in the negotiations" insofar as the Administration regarded the meaning of this term to be "commonly understood." He defined that understanding as follows:

> The United States believes that the common sense meaning of the term "weapon-delivery vehicle" in the context of this treaty is any INF missile which carries a weapon, that is, any mechanism or device which, when directed against a target, is designed to damage or destroy it (emphasis added).

Initially, the Administration took the position that "...it is not necessary to confirm this understanding with the Soviet Union as a condition to the Senate's giving its advice and consent to ratification of the INF Treaty."

The majority of the SFRC accepted the thrust of the Administration's position. It cited three reasons for doing so:

1) The negotiating record supports the view that the Soviets sought "to ensure that the Treaty covered all missiles in the INF range-band." As the Committee put it, "Indeed, given the fact that this type of advanced technology is an area of relative U.S. advantage, it would be surprising if the Soviet Union would not seek to capture such weapons if at all possible (emphasis added)."

2) Based upon the "ordinary meaning of the term 'weapon,' missiles using weapons other than conventional or nuclear warheads would be covered" insofar as "the INF Treaty does not provide for any exceptions to the term weapon-delivery vehicle."

3) The negotiating record reportedly reveals that "neither party sought exceptions" which is said to "provide...strong evidence that the intent of both parties was indeed to cover all intermediate-range and shorter-range missiles -- those using conventional and nuclear weapons to damage or destroy targets and those using futuristic weapons to damage or destroy targets."

Based upon these considerations, the majority of the Foreign

Relations Committee saw "no firm basis to dispute the Administration's testimony that futuristic weapons would be banned by the Treaty." Interestingly, however, emphasizing the fact that the Soviets have long attempted "to capture advanced technologies -- an area of relative U.S. advantage -- [through] arms control agreements," the Committee urged the Administration to "consider seeking, through diplomatic channel [sic], explicit clarification from the Soviet Union that future weapons are covered by the INF Treaty."

On April 14, 1988, the Administration did so in the course of a meeting between Secretary of State Shultz and Foreign Minister Shevardnadze. On the following day, the Soviet Union responded to Secretary Shultz's request for clarification by transmitting a letter from the Soviet Foreign Minister which contained the following language:

> In our conversation in Geneva on April 14 you raised the question of the INF Treaty interpretation in connection with the fact that a question has arisen during the U.S. Senate debate on this Treaty as to whether the ban covers the intermediate- and shorter-range missiles that could be equipped with warheads developed with some future technologies. As you noted, in responding to senators the Administration is saying that the Treaty ban covers intermediate- and shorter-range missiles, however equipped. (Emphasis added.)
>
> * * *
>
> I would like to confirm to you once again that the Soviet side's understanding of this question is the same as that of the U.S. side. The Soviet side unequivocally assumes that the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles bans these two classes of missiles, however equipped, nuclear or any non-nuclear.

Subsequently, on April 20, Secretary Shultz wrote Senate Minority Leader Bob Dole forwarding another translation of the Shevardnadze letter. This translation substituted the English word "armed" for the word "equipped" as the correct counterpart to the Russian word "osnashcheny, osnashcheniye," ostensibly pursuant to the practice used in the Geneva negotiations. Questions have been raised, however, about the validity of this translation; in fact, some Russian linguists have contended that the proper translation -- and the one used in previous Geneva talks -- is "equipped."

On the 22nd of April, Senate Armed Services Committee Chairman Sam Nunn described in a lengthy statement on the Senate floor his concerns about developments associated with this issue. Specifically, he said the Shevardnadze letter "raised a

question as to whether the Soviet Union believes that the types of unarmed missiles [used for surveillance purposes] are covered by the Treaty." Sen. Nunn judged that it is possible to "read the phrase 'however equipped'...as including surveillance drones or remotely-piloted vehicles (RPVs) and other types of non-weapons-equipped missiles."

A second Nunn concern was that "the letter refers only to missiles which are equipped with 'warheads.' Chairman Nunn found this "troubling since, as previously mentioned, this issue arose in the first place because the [Administration's] article-by-article analysis appeared to indicate that only those INF missiles equipped with 'warheads' were covered. Finally, Sen. Nunn noted the failure of the Shevardnadze letter to "provide an explicit assurance that the Soviet Union agrees with the administration's position" on the meaning of the term "weapon-delivery vehicle."

In light of these concerns, Chairman Nunn said he believed "that a Category III understanding may be required making approval of the Treaty contingent on the President's obtaining an explicit confirmation from the Soviets that they agree with the Administration's definition of "weapons-delivery vehicle." This requirement flowed, at least in part from his view that "we can[not] trust that the Soviets might not at some future point present a different definition of 'weapons-delivery vehicle' in an attempt either to block certain types of U.S. drones or RPVs which we would not consider to be 'weapons-delivery vehicles' or to allow the Soviets to deploy INF missiles which we would consider to be banned."

In response to such concerns, U.S. and Soviet representatives met on the margins of the Shultz-Shevardnadze ministerial in Geneva and, on May 12, 1988, the United States and the Soviet Union agreed to language stipulating that:

> ...The term "weapon-delivery vehicle" in the Treaty means any ground-launched ballistic or cruise missile in the 500 kilometer or 5500 kilometer range that has been flight-tested or deployed to carry or be used as a weapon -- that is, any warhead, mechanism or device, which, when directed against any target, is designed to damage or destroy it. Therefore, the Treaty requires elimination and bans production and flight-testing of all such missiles tested or deployed to carry or be used as weapons based on either current or future technologies, with the exception of missiles mentioned in paragraph 3 of Article VII of the Treaty. [Art VII.3: If a ground-launched ballistic missile is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply].

...The parties share a common understanding that the Treaty does not cover non-weapon-delivery vehicles.

Analysis

Any analysis of this topic must begin with consideration of a threshold question: Is it in the interest of U.S. and alliance security to ban "any ground-launched ballistic or cruise missile in the 500 kilometer to 5500 kilometer range that has been flight-tested or deployed to carry or be used as a weapon -- that is, any warhead, mechanism or device [based on current or future technologies], which when directed against any target, is designed to damage or destroy it"?

As the Foreign Relations Committee majority report notes, advanced technology is a field in which we have an advantage -- an advantage the Soviets are anxious to curb through arms control. Of particular concern to the Soviet Union has been the array of emerging technologies which will offer the United States the capability to use sophisticated, unmanned missiles to perform a variety of non-nuclear missions deep behind enemy lines and without relying upon either limited numbers of vulnerable airfields or naval platforms with other, high priority missions. It is no accident, therefore, that the USSR has been interested in curbing conventionally-armed GLCMs in INF and air-and sea-launched counterpart systems in START. It is hardly surprising either that the Soviets are now willing to broaden that prohibition further to capture unconventional or futuristic U.S. weapons, as well.

The Soviet Union appreciates that such weapons have the potential to enhance enormously NATO's ability credibly to defend its territory without resort to nuclear weapons. The following are but a few of the applications of advanced non-nuclear technology actively being considered by U.S. and/or alliance military planners:

-- interrupting the marshalling, or progress, of Warsaw Pact follow-on forces deep behind the front-line;

-- destroying air-defense and other radar networks;

-- designating targets for other weapon systems;

-- attacking antennas utilized by enemy command, control, communications and intelligence systems;

-- jamming or otherwise interrupting or disabling an adversary's avionics suites, computers, fire control units or optical devices.

Indeed, the Pentagon's congressionally-mandated "Balanced Technology Initiative" is giving high priority to research and development of technologies utilizing lasers and microwave impulses.

These are all capabilities which threaten to reduce -- and possibly to neutralize -- the Warsaw Pact's conventional force superiority. A prohibition on such weapons would be in the Soviet Union's interest as it would perpetuate the present conventional force imbalance. Conversely, it would not be in the interest of the United States and its allies -- even if there were not serious problems with its verification.

What is more, such a prohibition cannot be verified with confidence. Nearly every word in the newly agreed definition is troublesome from a verification standpoint. Consider the following illustrative issues:

- Can we be sure we know what the operative "mechanism or device" is; could it be nothing more than the kinetic energy of an unarmed missile? It is simply not possible in every case to determine from the external appearance of the missile, from the test profile or from the deployment infrastructure what mechanism or device might be associated with it.

- Will we be able to determine from observing a given missile what target it is to be "directed against"? Particularly given the exclusion offered by Article VII.3, a cruise missile system which might, for example, be flight-tested and deployed apparently to jam or damage aircraft avionics may actually be optimized for interfering with ground-based electronic equipment.

- Does this definition apply only to <u>ground-based</u> "targets" as might be inferred from the reference made to the exemption of surface-to-air, ABM and ASAT systems from the Treaty's limits? If so, why does the agreement simply refer to "targets?" Will not ambiguity about this point likely exacerbate the problem noted immediately above?

- How can we be sure of the "design" or intended use of a given missile? This agreed definition would appear to be a radical departure from established U.S. Government policy, i.e., that capability -- not intentions -- must be the measure of merit in judging a system's consistency with arms control limitations. Does the new understanding effectively compel the United States to apply one standard for judging a system's performance for threat assessment purposes and an altogether

different one for verification purposes?

Is the implementation of this understanding predicated upon the idea that we would share design information on the characteristics of military systems with the Soviets? Would we have confidence in any such data that they might share with us?

- What is the definition of "damage?" If, for example, a missile-borne jammer is not "designed" to damage an adversary's radar or other systems -- but inadvertently does so (for example, due to imperfect knowledge of the other sides' equipment and its capabilities) -- would such a system be banned?

  Alternatively, if a futuristic mechanism is intended to jam proximity fuzes of enemy ordinance and the result is the explosion of such ordinance would that constitute "damage" for the purposes of the Treaty?

  What if the effect of the mechanism is to interrupt the functioning of a given target for a period of time -- minutes, hours or days; if, at the end of the period of interruption, the target system performs just as before, would it be considered "damaged"?

  How would such a regime be monitored? Would the Parties be obliged to exchange technical data about possible targets so as to establish what it would take to damage them?

This is hardly an exhaustive list of the questions and uncertainties aroused by the newly-adopted agreement broadening the INF Treaty's prohibitions. It does, however, illustrate the point that the real import of this new definition is neither self-evident nor fully thought-through. To the extent that answers do exist with respect to these and similar questions, this definition will be a compliance morass and a verification nightmare. More likely, there are no answers -- at least not agreed ones, creating the prospect of U.S. adherence to unilaterally defined criteria; even if we were to make the mistake of negotiating exacting implementing guidelines with the Soviet Union, we would be unable to ensure they were complying, given the intractable verification problems associated with such a regime.

Nearly as troubling is the manner in which this regime became U.S. Government policy. As noted above, the unhappy truth of the matter is that, in adopting its decision to prohibit conventionally-armed as well as nuclear-armed GLCMs, the Administration did not even consider -- let alone have a formal position on -- the implication of this prohibition for future

variants of ground-based missile systems not carrying conventional high-explosive warheads.

It is, consequently, neither surprising or particularly significant that the United States did not seek in the course of the negotiations to establish an express understanding with the Soviet Union about how, if at all, such systems would be affected. Similarly, one cannot read any substantive significance -- as the SFRC majority has attempted to do -- into the fact the U.S. did not seek to develop exceptions to the language of the Treaty.

In fact, it was only after the Treaty was signed, when members of the Senate asked about the extent to which futuristic systems were banned that the Administration started formally to address the issue. As mentioned earlier, the Administration was caught so unprepared for this line of inquiry that at first its representatives actually maintained that the Soviets had expressly agreed during the Treaty's negotiation to ban futuristic systems along with conventionally- and nuclear-armed missiles.

This episode has tremendously important ramifications for the proposed Biden Condition. While the implications of this condition are discussed at length in the section on treaty interpretation, the controversy over the INF agreement's impact on futuristic systems reveals in a graphic way the folly of such a stipulation. In part, the Biden Condition states:

> The United States shall interpret this Treaty in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification...such common understanding [being] based on the text of the Treaty and reflected in the authoritative representations provided by the Executive branch to the Senate and its committees in seeking Senate consent to ratification....

Had the Biden Condition been operative at the time, the controversy over futuristics may not have arisen until long after the INF Treaty was ratified. The Administration having spoken "authoritatively" on the subject, what was at the time an altogether unilateral characterization of the INF Treaty's terms would have become -- for the United States -- a binding interpretation. Whereas, in the event, a review of the negotiating record revealed that no such agreement in fact had been obtained, what the negotiating record showed about actual Soviet obligations would have been inadmissable evidence if the Biden Condition were in effect.

Even in the absence of the Biden amendment, the story of the United States' hasty and entirely ex post facto broadening of

the intended scope of the INF Treaty is not one of the shining moments in U.S. diplomatic history. The substantive problems identified above bear witness to the ill-considered and precipitous manner in which the Administration sought to dispense with the issue of futuristic systems. Unless checked, there will be a powerful incentive for dealing in a similar fashion with future INF problems should they arise. There is, moreover, every likelihood that this procedural precedent will be cited as the proper way to deal with the inevitable problems to be expected in the more complex and militarily significant START Treaty.

Conclusions

There are ample grounds for the Senate to conclude that this limitation is unacceptable.

From a military standpoint, the arguments made on behalf of interpreting the INF Treaty permanently to prohibit futuristic technologies do not stand up to scrutiny. It seems apparent that the long-term implications of such a prohibition on U.S. and allied security have not been properly thought-through. An objective analysis of all relevant technologies and all credible prospective applications of such technologies to be done would surely affirm the obvious: the INF Treaty's newly fashioned, sweeping prohibition on future technologies is not in the interest of the United States.

From a verification standpoint, this definition is, at best, a formula for endless controversy and charges of Soviet non-compliance. At worst, it will permit the Soviet Union to acquire and maintain capabilities denied the United States.

Finally, the controversy over futuristic systems -- and the manner in which the Reagan Administration has handled it -- reflect a dangerous lack of meticulousness in its management of the arms control negotiating process. This augurs ill for the much more significant START Treaty.

As with the closely related issue of the Treaty's constraints on conventional weapons technologies, the only sure way of preventing untoward limits on possibly vital futuristic systems is to delete the underlying ban on non-nuclear weapons delivery vehicles. Such a change in the INF Treaty would not signal U.S. indifference to the importance of seeking verifiable provisions in arms control agreements. Rather, it would reflect a recognition that it does not make sense to subordinate potentially crucial military options to an ultimately vain effort to enhance verification. In few areas is this proposition more compelling than in that of advanced cruise missile technologies.

Yet, if the interpretation of the INF Treaty as banning futuristic weapons holds, the United States will find itself in a situation like that of a homeowner who decides to mortgage his future salary to install dead-bolt locks, a cross-bar and an alarm system on his front door when two or three others are left permanently ajar. Such an approach is neither good security policy for the individual nor for the Nation.

ARTICLE XIV -- NEW OBLIGATIONS OR SURPLUSAGE?

Introduction

In previous arms control agreements, the Soviet Union has sought and -- to varying degrees -- obtained, commitments from the United States in effect constraining collaboration between the United States and its allies on the grounds that such collaboration would circumvent the constraints imposed by such agreements. During much of the negotiation of the INF Treaty, the Soviets argued that a provision comparable to that found in the SALT II agreement should be incorporated into the new accord. The United States strenuously resisted this proposal; in the end, the Parties agreed to the language of Article XIV. The issue now is: Given the USSR's interest in impeding U.S.-allied defense cooperation, what, if any, are the implications of this article for such cooperation?

Relevant Treaty Provisions

Article XIV

> The Parties shall comply with this Treaty and shall not assume any international obligations or undertakings which would conflict with its provisions.

Identification of the Issue

The AEI Article-by-Article Review pointed out that this article either imposed additional obligations -- such as a prohibition on various cooperative defense efforts with U.S. allies -- or it was surplusage from a legal point of view. The first AEI Review observed that:

> ...Under international law, if there is a question regarding the interpretation of a Treaty provision, then a reading which entails the creation of an additional obligation of the Parties is presumed correct as opposed to one that regards it as redundant (or "surplusage"). Consequently, if the Administration regards this provision as surplusage, then it must be clearly established now that the parties deem it as such in order to defeat the legal presumption that would

otherwise apply. If this is not accomplished, then the provision could be cited as barring various Western defense efforts that, while not prohibited by the Treaty's terms, are said to be somehow "in conflict with" them.

This is hardly a groundless concern. Administration testimony, aimed at emphasizing the United States' negotiating success, dramatized the extent to which the Soviets were, as Ambassador Glitman put it to the Senate Armed Services Committee on February 23, 1988, intent on:

> ...insert[ing] into the treaty language which they hoped could serve as either a brake on United States-NATO cooperation or at least as a basis for public accusations that we were not in compliance with the treaty.

The majority report of the Senate Foreign Relations Committee recounts that:

> The Soviets had sought language which would have provided that each Party undertake not to circumvent the provisions of the Treaty in any manner, and they specified that this would include a prohibition on the transfer of intermediate-range missiles, launchers, components of such missiles, and technical documentation....When the Soviets dropped their request for noncircumvention language, they continued to seek language to the effect that the Parties would not take any action through any state or states or otherwise which would conflict with the Treaty. The U.S. argued that the language was too general and designed to provide a basis for the Soviets to seek to interfere with NATO cooperation, including modernization of forces....[The Soviets then] pressed for language stating that the Parties would not undertake obligations contrary to [the Treaty's] provisions....The U.S. argued that "actions and activities" was too vague, and suggested "undertakings" in the sense of a formal agreement.

In short, there can be no mistaking Soviet intentions in this area. What is less clear is the question of whether, in settling for less stringent language than they originally sought, the Soviets, nonetheless, obtained a basis for challenging future U.S.-allied collaboration over and above the express prohibitions contained elsewhere in the INF Treaty. The initial Administration characterization of this provision conveyed in its Article-by-Article Analysis of the Treaty seemed to hedge somewhat on this point:

> Article XIV records the Parties' undertaking to comply with the Treaty and not to assume any international obligations or undertakings that would conflict with the provisions of the Treaty. This provision thus reflects the duty of each Party under customary international law to

> comply with the Treaty (i.e., pacta sunt servanda). This provision does not impose any additional obligation on the Parties, nor does it broaden the interpretation of other obligations in the Treaty. This provision refers only to the assumption of obligations in the future, and existing agreements are therefore unaffected. Article XIV will not affect existing patterns of defense collaboration or cooperation with our Allies. Nor will this provision preclude cooperation with our Allies in modernization. (Emphasis added.)

In other words, in precisely the area of greatest concern -- namely that of future cooperation with our allies -- it seemed the United States might run into problems with its commitments under Article XIV.

Subsequent Development of the Issue

In light of a widespread view that a clear understanding of the correct interpretation of Article XIV's import was crucial to future U.S. latitude in collaborative efforts with our allies, both the Senate Armed Services and Foreign Relations Committees took pains to clarify the Administration's position on this issue. Amb. Glitman told the SFRC:

> The language of Article XIV and the negotiating record support the conclusion that this article, as finally agreed, does not in any way constitute a noncircumvention provision nor impose any additional obligations on the Parties, nor interfere with any existing program of cooperation with our Allies, nor interfere with any provision by the United States to its Allies of any items not limited by the Treaty.

The Armed Services Committee majority stated that:

> Amb. Glitman's testimony demonstrated that the Soviets sought to insert language into the Treaty which they hoped would restrict U.S.-NATO cooperation, but the U.S. successfully resisted this effort, and the U.S. view was agreed to by the Parties (emphasis added).

Both committees went to great lengths to establish their views of the crucial importance of such representations. In fact, the SASC majority actually predicated its position that it was not "necessary to adopt a condition in the Resolution of Ratification on the meaning and effect of Article XIV" because of the explicit assurances received from the Administration "which were consistent with the negotiating materials provided to the Senate." The Armed Services Committee, nonetheless, stated its "unequivocal" understanding of this provision:

> ...Article XIV does not in any way constitute a noncircumvention provision, nor does it impose any obligations on the Parties that are not expressed elsewhere in the Treaty. Questions as to the types of assistance prohibited under the Treaty must be addressed under the specific prohibitions in the Treaty, not by reference to Article XIV. The Treaty prohibits the Parties from producing or transferring a missile, missile stage, or launcher for a treaty-limited cruise missile or ballistic missile. It does not prohibit the production or transfer of lesser components or other items, such as guidance elements, technology, or blueprints. However, it would prohibit providing another country with every component piece by piece, thereby effectively amounting to the transfer of a whole missile, missile stage, or launcher.

The Foreign Relations Committee echoed this sentiment by stating that:

> The Committee wishes to make it absolutely clear that, in its view, the transfer or production of these lesser components...are fully consistent with both the letter and the spirit of the INF Treaty. If the Soviet Union were in the future to make contrary claims, the Committee would regard them as unpersuasive and without any justification deriving from the Treaty.

The SFRC completed its consideration of Article XIV by asserting that "confirmation that the Soviets did not succeed in restricting cooperation and modernization was provided on February 9 by Foreign Minister Eduard Shevardnadze in an address" before the Supreme Soviet. He is quoted as having said:

> ...There is indeed a lot being said just now about compensation, about creating modernization, and so on, and this undoubtedly does give serious cause for concern, and it also gives our allies cause for concern. I said in my speech that it is now very important to maintain dynamism, not to permit significant pauses in problems of disarmament. If serious intervals were allowed, quite unexpected developments of events would be possible. Therefore, the Treaty itself does not give such a guarantee, but it creates good conditions to achieve progress and achieve the reductions of weapons in other fields, too. (Emphasis added.)

Analysis

While it is now reasonably clear that the Administration and the Armed Services and Foreign Relations Committees intend to treat Article XIV as surplusage, there are two important

problems with the approach adopted for doing so.

Have the Soviets Agreed?

Notwithstanding the foregoing, somewhat torturous and ultimately ambiguous statement by Foreign Minister Shevardnadze, no clear-cut evidence exists to support the view that the Soviet Union shares the U.S. interpretation of Article XIV. Indeed, the USSR has nowhere indicated that it regards this provision as redundant, meaningless or surplusage. To the contrary, it is the direct result of a consistent, unflagging Soviet campaign to obtain language that would, as Amb. Glitman said, "put a brake on United States-NATO cooperation." While it is true that the Soviets sought more explicit restrictions than ultimately emerged from the negotiations, it could be dangerous to conclude that -- absent formal agreement to the contrary -- the USSR will not construe the record to be one of ultimate U.S. accommodation to their overall objective, even if the words are not as tightly drawn as the Soviet Union would have liked.

Internal Inconsistencies Weaken the Administration's Case

The Administration's effort to minimize the potential for mischief associated with this provision is weakened by internal inconsistencies in its arguments. For example, its assertion that Article XIV merely restates the already existing obligation to comply with the Treaty seems confuted by the fact that such an obligation expressly appears elsewhere in the accord. Specifically, Article I commits the Parties to "carry out the...obligations set forth in this Treaty." Except for making clear that the Memorandum of Understanding and the Protocols are integral parts of the Treaty, Article I contains no substantive provision that is not also expressed in the requirements of Articles IV and V (namely, to eliminate intermediate- and shorter-range systems).

Therefore, the evident purpose of the highlighted language of Article I is to restate the parties' obligation under customary international law to comply with the Treaty. In that case, Article XIV would be nothing more than a redundancy of Article I, which in turn is a redundancy of existing international law. It is difficult to believe that such is the Soviet view of Article XIV.

Similarly, the Administration's argument that Article XIV "does not in any way constitute a noncircumvention provision" of the sort contained in Article XII of the SALT II Treaty could prove troublesome. First, it doubtless will be argued by some that Article XIV's ban on assuming "any international obligations or undertakings which would conflict with" the INF Treaty's provisions is not necessarily less restrictive than SALT II's requirement "not to circumvent the provisions of this

Treaty, through any state or states, or in any other manner." Indeed, the United States must expect the assertion to be made that some forms of defense cooperation with allies might fall considerably short of "circumvention," yet still "conflict with" some provisions of the INF Treaty.

Concerns over the possible unhelpful association of the SALT II "non-circumvention" formula with U.S. commitments under the INF Treaty are heightened by the Administration's own Article-by-Article Analysis which uses essentially identical language to describe the INF accord's Article XIV as that employed in the State Department's official 1979 analysis of SALT II to explain the earlier agreement's Article XII. In fact, the former seems to have been composed simply by combining the texts from the latter's treatment of SALT II's Articles XII and XIII, with the addition of the Latin phrase, pacta sunt servanda.

Conclusions

While the Administration has fairly consistently maintained that Article XIV is surplusage and Senate committees have endorsed that position, it is, nonetheless, to be expected that critics of NATO modernization will assert that Article XIV creates a legal basis for blocking necessary collaborative programs. If the United States is to minimize the political significance of such criticism throughout the NATO alliance, it will need explicit Soviet assent to the effect that Article XIV does not impose any additional obligation on the Parties, nor does it broaden the interpretation of other obligations in the Treaty. If Mr. Shevardnadze's recent statement means what is ascribed to it, there should be no difficulty obtaining such an agreement.

THE SOVIETS' RIGHT TO RETAIN "ELIMINATED" LAUNCHERS

Introduction

In the closing days of the negotiation of the INF Treaty, the United States accepted a number of Soviet demands in an effort to facilitate completion of the accord. One of the most remarkable of these came about when the U.S. agreed to grant the Soviets an asymmetric right to retain all of its mobile missile launchers by performing specified modifications, whereas the United States was obliged to cut all of its launchers in half.

Relevant Treaty Provisions

Article IV, Paragraph 1

> Each Party shall eliminate all its intermediate-range missiles and launchers of such missiles, and all support structures and support equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers, so that no later than three years after entry into force of this Treaty and thereafter no such missiles, launchers, support structures or support equipment shall be possessed by either Party.

Article X, Paragraph 1

> Each Party shall eliminate its intermediate-range and shorter-range missiles and launchers of such missiles and support structures and support equipment associated with such missiles and launchers in accordance with the procedures set forth in the Protocol on Elimination.

Section II of the Protocol on Elimination, Paragraph 10

> The specific procedures for the elimination of the items of missile systems listed in paragraph 1 of this Section shall be as follows, unless the Parties agree upon different procedures to achieve the same result as the procedures identified in this paragraph:
>
> For the Pershing II:

* * *

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis; and

(d) launcher chassis shall be cut at a location that is not an assembly joint into two pieces of approximately equal size.

* * *

For the SS-20:

* * *

Launcher:

(a) erector-launcher mechanism shall be removed from launcher chassis;

(b) all components of erector-launcher mechanism shall be cut at locations that are not assembly joints into two pieces of approximately equal size;

(c) missile launch support equipment, including external instrumentation compartments, shall be removed from launcher chassis;

(d) mountings of erector-launcher mechanism and launcher leveling supports shall be cut off launcher chassis;

(e) launcher leveling supports shall be cut at locations that are not assembly joints into two pieces of approximately equal size; and

(f) a portion of the launcher chassis, at least 0.78 meters in length, shall be cut off aft of the rear axle.

Identification of the Problem

The AEI Article-by-Article Review of the INF Treaty observed that, in contrast to the general obligation to "eliminate" (among other items) all INF missile launchers the Parties possess, the detailed provisions of the Treaty and its Elimination Protocol will only require alteration of the USSR's transporter-erector-launchers (TELs) for its mobile INF missiles. The first AEI Review noted that:

> Whereas the "elimination" procedures for all Treaty-limited U.S. systems will ensure that such systems are reduced to scrap, the procedures for several Treaty-limited Soviet launchers have been designed to allow the "eliminated" launchers to be used for other purposes. Given that these "eliminated" Soviet launchers will be permitted to operate throughout the Soviet Union, the question is whether, even if we observe them through overhead reconnaissance, we have the capability of ascertaining whether the alterations have been reversed so as to allow the item to perform a prohibited function.

The first AEI Review concluded that:

> Each exclusion from the elimination schedule, gerrymandered definition, and exception to the non-production rule may seem minor in itself, but taken together such provisions mean that the Soviets, even without violating the Treaty, can remain rather close to a militarily significant INF capability. And the violations that would be required to maintain an INF capability are less extensive (and thus easier to conceal) than the Treaty's comprehensive language leads one to believe.

Subsequent Development of the Issue

In his unclassified analysis of the first AEI Review, Defense Secretary Frank Carlucci, did not directly rebut its critique. Instead, he averred that "the [Treaty-stipulated elimination] procedures are designed to render the launchers unusable" and that it would probably take longer to reconstitute them than to build them from scratch (emphasis added)." He also notes that, as contrasted with the launchers themselves, "the erector mechanisms for the declared launchers will be destroyed" under on-site monitoring.

Interestingly, Secretary Carlucci does acknowledge the following point:

> ...It is important to remember that only the declared

final assembly facility for the launcher is subject to on-site inspection. Facilities capable of producing the launcher chassis and other components and assembling them have no uniquely identifiable features. Thus, detection of production of new launchers will be difficult. Of course, over a period of time, our confidence in detecting clandestine production will increase if the Soviets attempt to field a militarily significant force that would require a large number of launchers.

The Secretary of Defense did not address the central issue regarding this unequal treatment of Soviet mobile missile launchers -- Will the United States, upon observing SS-20 launchers throughout the Soviet Union, be able to determine with confidence whether they are: modified (i.e., "eliminated") TELs, "eliminated" launchers which have had their Treaty-mandated alterations reversed, new production, mission-capable SS-20 transporter-erector-launchers or non-declared launchers, illegally retained in an unaltered state?

The majority report of the Senate Armed Services Committee addresses the concerns expressed in the first AEI Review somewhat more squarely. Indeed, it acknowledges that an amendment to the Treaty requiring the Soviets to eliminate their mobile launchers in the same manner that the United States must (namely, by cutting them in half), would "make it virtually impossible for the Soviets to convert 'eliminated' SS-20 launchers back into operational SS-20 launchers and it would preclude the possibility of SS-20 launchers roaming in the field in the guise of pipelaying vehicles."

The SASC majority, while recognizing that "the SS-20 launcher elimination procedure specified in the Treaty complicates the monitoring tasks confronting the United States," declined to recommend such an amendment, however. They did so on the grounds that such a revised elimination procedure would not "prevent [the Soviets] from covertly stockpiling intact SS-20 launchers which had either been falsely declared to have been eliminated during the period between the signing of the Treaty and its entry into force or never declared in the first place." These Senators also sought comfort in the argument that:

> ...With or without such an amendment, the effectiveness of the Treaty's verification regime will still depend in the final analysis upon a Soviet calculation that prohibited systems would not be militarily viable due to the ban on flight testing, and/or that the political risks of detected cheating outweigh the military benefits of covertly conducting prohibited activities.

Neither the Select Committee on Intelligence in its unclassified report nor the Foreign Relations Committee in its

majority report addressed this subject.

Analysis

The foregoing arguments against correcting the inequity posed by the launcher "elimination" procedures of the INF Treaty are unpersuasive. The fact is that this arrangement is a defect in the accord, one that could substantially facilitate Soviet planning for break-out even as it makes more difficult the U.S. job of monitoring and verifying Soviet compliance.

Particularly unpersuasive is the argument found in the SASC majority report that the United States can be indifferent to the cumulative, adverse effect on the Treaty's verifiability of provisions like that governing the elimination of launchers in view of the flight-test ban and the political risks to the Soviets of detected cheating. With respect to the former, as the first AEI Review noted, the Soviet Union evidently elected for years to maintain in its inventory a significant force of SS-16 ICBM's (the three-stage version of the two-stage INF-range SS-20) in violation of the SALT II Treaty -- despite the fact that nary a flight-test took place after that Treaty was signed.

With respect to the latter, it is difficult to identify what political costs the Soviet Union has borne for its past cheating on arms control agreements. Unfortunately, this is not simply a question of the dismal verifiability of past agreements; even where such cheating has been easily detectable, as in the case of the Krasnoyarsk radar, there has been essentially no risk to the USSR attending calculated, purposeful and militarily portentous non-compliance. Given the United States' failure to respond meaningfully to previous Soviet violations, it would be naive in the extreme to expect that the Soviets will be deterred from cheating on the INF Treaty by perceived risks of our detecting them at it -- especially where we have accepted Treaty provisions which will make such detection vastly more problematic.

In fact, the real -- but unstated -- basis for the SASC's reluctance to endorse an amendment which would, admittedly, reduce appreciably some of the verification difficulties associated with this accord, is the fact that doing so would necessitate renegotiation of the Treaty. Some fear that such a step would "kill" this agreement. In our view, it is inconceivable that such a stipulation, one both entirely consistent with the general obligation of the INF Treaty and designed to eliminate predictable difficulties in the future over Soviet compliance, would result in the Treaty's rejection by the USSR.

Conclusions

Soviet agreement to eliminate its launchers in the same way as the United States is required to do appears to be the only way to avoid the consequences of the present INF Treaty language described above. Happily, such a step would not only restore equity to this provision; it would also be justifiable on the grounds of conforming the details of the INF Treaty with its general obligations and of maximizing the verifiability of this agreement.

DO UNCERTAINTIES ABOUT SOVIET MISSILE DATA MATTER?

Introduction

On the face of it, it would seem hard to disagree with the proposition that, unless the United States knows how many INF missiles are in the Soviet inventory, the U.S. will have little confidence in an agreement banning all such missiles. If, for example, the USSR were to have more SS-20's in its arsenal than it admitted to in the Memorandum of Understanding (MoU) which accompanies the INF Treaty, the Soviets could conceivably retain an illegal force of such missiles -- even if the United States were sure that every last declared SS-20 had been destroyed.

Yet, as has become apparent in recent weeks, the United States Government is not certain that it knows how many Soviet INF missiles there are. This chapter attempts, within the limitations of an unclassified discussion of intelligence-related matters, to describe the magnitude of that uncertainty and its significance for verification of the INF accord.

Relevant Treaty Provisions

Numerous provisions of the Treaty and its accompanying documents bear upon this issue in one way or another. The most directly applicable material, however, can be found in the Memorandum of Understanding Regarding the Establishment of a Data Base for the INF Treaty.

Identification of the Issue

Mobile missiles are inherently difficult to monitor. This is particularly true of those Soviet mobile INF missiles that are not "deployed," that is, those located at facilities other than operational bases which can be identified with relative ease. As made clear in the INF Treaty's Memorandum of Understanding, the USSR does possess such missiles; their exact number, status and whereabouts, however, are unknown outside the Soviet Union. These "non-deployed" assets might be used as refires, operational spares, test missiles or as wartime reserves; they need not be stored in a manner which can be identified by U.S. intelligence.

Indeed, there has long been considerable uncertainty within the United States Government about estimates of the total Soviet stockpile of mobile INF missiles, especially the number of SS-20's. For years, this uncertainty has been reflected in terms of a range of estimated force levels. As The AEI Article-by-Article Review pointed out:

> ...It should be noted that the State Department stated [publicly] in the Spring of 1987 that:
>
> > In addition to the approximately 400 SS-20 missiles now deployed, there may be as many as 200-400 (or more) such missiles in the USSR's inventory.

The first AEI Review concluded:

> Thus it would seem that our intelligence estimates on these matters fall within a wide range of uncertainty. It is also the case that our estimates have, for some time, been a matter of public record. Consequently, we should not take particular comfort from the contention that the Soviet-provided data fall within that range.

Subsequent Development of the Issue

Two related questions have emerged to date in the Senate's consideration of the data issue in the INF Treaty: 1) Is the Soviet-supplied information about the quantity of its deployed and non-deployed SS-20's accurate? And 2) Even if the United States cannot be certain that it is accurate, do the Treaty's provisions ensure that -- should the Soviets have failed to account for all of their holdings of such missiles and, therefore, attempt to retain an illegal, covertly-deployed SS-20 force -- the U.S. can have confidence that these systems will be without military or political value?

Is the Soviet Data Accurate?

In the course of the Senate's hearings on the INF Treaty, it became clear that the U.S. intelligence community's uncertainty about the number of SS-20's in the Soviet inventory had not been eliminated by the data concerning these missiles supplied by the USSR. As the Senate Select Committee on Intelligence noted in its unclassified report:

> With respect to assessing the accuracy of the numbers and locations of forces and systems declared by the Soviets in the Treaty's Memorandum of Understanding, the Intelligence Community has not resolved significant differences of view over the possibility that the Soviets may not have disclosed

their entire inventory of non-deployed SS-20 missiles. These differences represent valid analytical judgments based on the limited and inconclusive information that has been available to the Intelligence Community.

In a March 21, 1988 memorandum (whose claim to be unclassified was sharply contested by several Senators), Sen. Jesse Helms, Ranking Minority Member on the Senate Foreign Relations Committee, contrasted the following estimates with the declared Soviet SS-20 force level of 650 deployed and non-deployed missiles:

Estimated Force Level	Source
550	CIA/State (July 1987)
700	CIA/State (January 1987)
840	State public number (May 1987)
950	Majority intelligence community assessment (NIE July, 1987)
1200	Defense Intelligence Agency number (July 1987/Jan. 1988)
2250	Private assessments of intelligence experts

We cannot comment upon the accuracy or sources of this memorandum. That said, the magnitude of the discrepancy between U.S. intelligence agencies' estimates described in Senator Helms' memo -- like that revealed in the earlier Shultz letter noted above -- suggest a serious verification problem, i.e., nearly a 100% uncertainty factor if the DIA numbers are accurately portrayed.

In his analysis of the first AEI Review, Defense Secretary Carlucci stated:

> We have made it clear that there are some differences within the U.S. Intelligence Community over estimated numbers of Soviet systems. It is not surprising that there are differences of opinion. They reflect independent analyses which add to the strength of our monitoring process. The Soviet numbers for deployed and non-deployed forces are, for the most part, near the estimates of our Intelligence Community, allowing for the range of our uncertainties. However, there are some differences in agency views of the number of non-deployed SS-20's. Estimates for non-deployed systems are, of course, inherently less certain. They vary by agency, reflecting the independent analyses noted above. There are 3 agency views. Two are close to the Soviet declared number. One is not.

The Foreign Relations Committee majority reported that "Accordingly, most Members concluded that while the Soviet

figures could well be accurate, it is also possible that there are additional missiles in storage."

Does the INF Treaty Make Such Uncertainty Irrelevant?

The ease with which Soviet mobile INF missiles can be moved, concealed or otherwise deceptively operated was an important consideration behind President Reagan's decision to seek a global ban on such systems -- the so-called "zero-option." The idea was to create a set of exceedingly stringent limitations on all facets of SS-20-associated activities (e.g., complete prohibitions on production, testing, deployment, training, maintenance) such that any indication of any activity having anything to do with SS-20's would constitute a violation of the INF Treaty. Under such circumstances -- even if the United States could not be certain how many SS-20's had been produced prior to the accord -- U.S. confidence in its ability to detect illegal activity would be reasonably high. Moreover, such restrictions would, it was hoped, make maintaining an undetectable covert force so difficult that the Soviets would be deterred from trying to do so.

Indeed, the Administration, the Senate Select Committee on Intelligence and the Senate Foreign Relations Committee all averred that, with the realization in the INF Treaty of the "zero-option" and the accompanying limitations, the present U.S. uncertainty over actual SS-20 force levels was, if anything, of fleeting consequence.

Secretary Carlucci put it this way in submitted testimony to the SFRC:

> The capability of detecting covertly stored Treaty-limited weapon systems will depend on the scenario, including size of force, state of readiness, mode of operations, training requirements and a number of other factors. But the Treaty is designed to deal with possibilities such as the Soviets having more non-deployed SS-20's than we assess. Our National Technical Means can verify Soviet compliance with the Treaty's ban on INF flight testing, as well as with the Treaty's ban on INF infrastructure and activity. Testing, training and infrastructure are essential to a militarily effective force. Thus, unless the Soviets were willing to risk detection, the military effectiveness of concealed SS-20's would degrade over time.

The SSCI concluded in its unclassified report:

> Whether or not [the differences between U.S. intelligence agencies] can be resolved in the future, on the basis of new information or analysis, their potential military significance would be short-lived. This is because

> the operational reliability and military utility of any covertly maintained missiles would begin to deteriorate immediately; would seriously degrade during the first three years, when all declared missiles are being eliminated; and would vanish entirely within a decade, unless the Soviets can resume flight testing them. This would be both illegal and readily detectable.

The SFRC majority embellished this view with the following assertions:

> ...The Committee knows of no responsible official who believes that [additional Soviet] missiles in covert storage could possibly constitute a usable force.
>
> * * *
>
> While it may be possible to evade one of the verification measures in the treaty, the combination of all measures, including particularly the ban of flight training and flight testing, will ensure that any covert force would rapidly lose its military utility.
>
> * * *
>
> ...It is clear that the Soviets have little incentive to deceive with regard to SS-20's. If they value this Treaty and the prospect of further arms control agreements, they understand that any cheating is a high-risk activity. Moreover, since a covert, untested, and unexercised force could have no deterrent or political intimidation value and, given other forces still available, quite limited military value, the obvious and wise choice would be compliance with the requirement of the Treaty for complete elimination of INF systems.

Analysis

Is the Soviet Data Accurate?

It is clearly the case that the United States Government is neither able to accept as valid -- nor entirely reject as false -- the formal representations of the Soviet Union as to the number of Soviet systems that will be limited by this Treaty. This must be regarded as a rather inauspicious point of departure for such an arms control venture.

The disagreements within the U.S. intelligence community appear to be serious. According to press accounts, the Director of the Defense Intelligence Agency, LTG Leonard Peroots, has repeatedly been asked to explain why his agency's estimate of

Soviet non-deployed SS-20's is so much higher than that of CIA and the State Department's Bureau of Intelligence and Research. Reportedly, one such audience included the Secretary of Defense and Chairman of the Joint Chiefs of Staff. Gen. Peroots is said to believe that there is no basis in the information available to date that would warrant a change in DIA's estimative methodology and that, consequently, that there are no grounds for lowering that organization's assessment of the size of the SS-20 force.

Moreover, according to Sen. Helms, it appears that DIA is not -- as Secretary Carlucci's statement quoted above suggests -- alone in calculating a substantially higher quantity of SS-20's than the Soviets have declared; other intelligence agencies who participate in the construction of the National Intelligence Estimate -- the National Security Agency, the Army, Navy and Air Force Intelligence Directorates, among others -- are said to believe the Soviet figure is too low.

While it is not possible to reach a judgment about the relative accuracy of one intelligence component's assessment over another's, it is possible -- and important -- to sound cautionary notes about several aspects of this issue:

- First, a practice of entering into agreements where we have reason to disbelieve formal Soviet declarations about the forces to be limited can be a highly risky business. The INF Treaty will doubtless be cited as a precedent in urging U.S. acceptance of equally -- or even more -- suspect Soviet declarations with respect to strategic arms, chemical weapons and conventional forces. Given that agreements limiting such systems are certain to be still more difficult to verify than the INF Treaty, profound uncertainties about the USSR's actual capabilities will make the effectiveness and advisability of such accords all the more problematic.

- Second, this controversy illustrates how the very act of negotiating arms control agreements and advocating them to the public and the Congress can assist the Soviet Union in determining means of circumventing such accords. By providing insights into how the U.S. intelligence community arrives at its calculations of Soviet force capabilities, this process can inform any planning for cheating the Soviets might do.

- Third, the fact that Soviet numbers fall within our estimates should not be encouraging -- since the Soviets already were aware of the range of our estimates. Thus, their supplying a number that is within that range may only illustrate that we are susceptible to having our own assessment of their forces fed back to us.

- Finally, there is the related point of the extent to which U.S. intelligence can be suborned by the perceived political imperative of supporting the arms control process. There is often subtle -- but real -- pressure exerted on the United States intelligence community to ensure that its estimates of Soviet capabilities track with expected performance under arms limitations. Such pressures pose a serious risk to the objectivity and accuracy of vital U.S. intelligence analysis.

Does the INF Treaty Make Such Uncertainty Irrelevant?

As was noted in The AEI Article-by-Article Review, in a number of important respects, the details of the INF Treaty are such that the pristine verification scheme envisioned by the "zero-outcome" will not be realized. To the extent that these bear critically on the assertions made by the Administration and the Senate Intelligence and Foreign Relations Committees about the irrelevance of U.S. uncertainty about Soviet forces, they warrant careful examination:

1) The SS-25 Problem: Whereas the "zero-outcome" anticipated a regime in which there would be no production, no training, no deployment, no maintenance and no testing of treaty-limited items, the INF Treaty will be implemented in a very different context. By virtue of the fact that the Soviet Union derived a three-stage intercontinental-range ballistic missile, designated the SS-25 by the U.S., from the two-stage SS-20, the widespread deployment of the former will afford the USSR an infrastructure very similar to that associated with the latter. It is entirely possible that the requisite training needed to ensure basic readiness proficiency for SS-20 crews -- including that associated with maintenance and deployment -- could be obtained via the device of cycling troops from a covert storage facility through legal SS-25 installations.

Moreover, the INF Treaty permits continued production of at least parts of the SS-20. This fact flows from U.S. acceptance of the Soviets' claim made late in the negotiations that the first-stage of the SS-25 is "outwardly similar to but not interchangeable with" that of the SS-20. (The second-stages of the two missiles are supposed to be both different and non-interchangeable.) In the end, the United States decided to agree that the Soviet Union can continue to manufacture a stage which, as a practical matter, cannot be distinguished from one whose production is banned. In any event, the Treaty affords the United States no rights to inspect Soviet ballistic missile production facilities, rendering moot whatever differences do exist and complicating further U.S. monitoring tasks.

2) The "Elimination" Flim-flam: As is discussed at length

elsewhere in this study, the Soviets have the right under its detailed terms to retain their entire mobile missile launcher inventory, provided that certain modifications are effected -- notwithstanding the Treaty's requirement that all limited INF systems be "eliminated." The continued, legal presence of SS-20 launchers which may be extremely difficult to distinguish from unmodified, illegal launchers not only makes verification more difficult; it also further diminishes the effectiveness of the Treaty's prohibition on maintaining an infrastructure for limited missile systems.

3) The Flight-Test Ban: Great weight is placed by the Administration and Congressional proponents of the INF Treaty on its prohibition of flight-testing as the ultimate and highly verifiable guarantor of this agreement's limitations. As the SSCI put it:

> ...There is little apparent advantage to Soviet military commanders, and there are certainly significant risks, in developing any covert forces that cannot be exercised realistically or tested fully....
>
> Moreover, the INF Treaty's ban on the testing of any ballistic missiles for weapons delivery with ranges between 500 and 5500 kilometers can be monitored with high confidence. This makes it exceedingly difficult, costly and risky for the Soviets to develop or maintain a militarily useful, covert force of ballistic missiles, especially longer-range missiles, which violates the INF treaty.

While it is certainly the case that the Soviet missile force should experience some degradation in reliability if it is not tested regularly, several considerations may affect how decisive that degradation proves to be for Soviet planners contemplating the retention of covert INF missile stockpiles:

- The INF Treaty actually does permit the Soviets to construct what amounts to a short, concentrated flight-test program, should they wish to do so. At their insistence, the Treaty allows up to 100 missiles to be launched-to-destruction within the first six-months after entry-into-force. While it is true that certain standard practices for monitoring such missile flights -- like test-related telemetry -- are not permitted, it is inconceivable that the USSR will be unable to glean considerable performance and reliability data from 100 such flights, should they choose to do so.

- The Senate Armed Services Committee, in declining to act upon a recommendation that this allowed-launch provision be struck from the Treaty, cited the following Administration testimony:

> It is our judgment, given that launch to destroy (LTD) is limited to 100 missiles in the first six-months and the fact that the Soviets have had over 10 years to train and can continue to do so right up to elimination, that these six months of LTD would not contribute significantly to the reliability of a covert force.

In other words, the Administration and the SASC believe that the Soviet Union could not obtain increased confidence in the reliability of any SS-20's it chose covertly to retain by conducting 100 launches of such missiles. It is hard to believe the United States would be unable to obtain useful information from such a launch series and harder still to believe that the Soviets who insisted upon this arrangement will not be able to do so.

- The Administration has stated that the Soviet Union probably retained some number of the three-stage SS-16 ICBM's (from which the two-stage SS-20 was derived) in its operational force for many years after this missile was banned by the SALT II Treaty. Not once after that Treaty was signed did the Soviets flight-test this missile, suggesting that the USSR may be willing to accept a different standard of reliability for covert missile forces than the United States does for its deployed systems -- or, for that matter, than does the Soviet Union for other military assets.

- If the Soviet Union were to choose, at some point after all U.S. INF missiles had been destroyed, to resume testing of SS-20's it had covertly retained, it could quickly restore whatever diminished confidence it might have in the reliability of its remaining stock-pile. Indeed, the Soviets may be able to utilize SS-25 flight-testing to validate the performance of some SS-20 components so as to reduce the requirement for such a "breakout" even further.

Conclusions

The United States will be faced with substantial uncertainty about future Soviet compliance with the INF Treaty partly as a function of the difficulty in assessing how many SS-20's actually exist and partly because of the cumulative effect of several Treaty provisions which will make the task of monitoring the USSR's behavior considerably more difficult.

Regrettably, past behavior alone suggests that the Soviet

Union will retain SS-20's if it believes it expedient to do so, notwithstanding risks which some assert that behavior would entail. In fact, there have been few real risks associated with previous Soviet violations. The U.S. approach to arms control has failed to provide significant disincentives to the Soviet Union's cheating; as noted elsewhere in this paper, the INF Treaty itself bears witness to the fact that -- even when there is indisputable proof of Soviet cheating on arms control agreements (witness the Krasnoyarsk radar's breach of the ABM Treaty) -- the United States will enter into still further accords with the Soviet Union.

Moreover, it would be naive to accept the contention that such missiles, even if untested for a period of years, would -- if wheeled out in the midst of some future crisis -- have no "political intimidation value" in Europe and elsewhere. To the contrary, such a development could be decisive in influencing Western public and governmental opinion at a time when the Soviets will be particularly interested in doing so. This fact is not likely to be lost on the USSR and could, in and of itself, provide the Soviets with powerful incentives to cheat -- to say nothing of the war-fighting value of these mobile, survivable systems.

The risks of future Soviet exploitation of U.S. uncertainties about the USSR's INF missile force structure could be substantially alleviated were the INF Treaty to be restored to the zero-option as originally conceived. Measures that would be helpful toward this end include: prohibiting the SS-25 ICBM in START so as to eliminate its infrastructure as a vehicle for Soviet cheating; reestablishing that both sides' INF missile launchers are eliminated in the same fashion -- by being cut in half; precluding potentially useful flight-testing by excising the Treaty's provision for launching to destruction.

Furthermore, the United States should be extremely chary of getting into new agreements where the magnitude of its uncertainty about actual Soviet capabilities will be, in all likelihood, even greater than it is with respect to the USSR's INF data.

THE ASYMMETRIC "COUNTING RULE" AND ITS EFFECTS ON U.S. INSPECTION RIGHTS

Introduction

In the latter stages of the INF Treaty negotiation, the United States accepted the Soviet Union's contention that there were differences in the way the main Soviet ballistic missile covered by the Treaty (the SS-20) and the main U.S. ballistic system (the Pershing II) were assembled, stored and moved, and that those differences must be reflected in asymmetric treatment of those missiles in the agreement. Subsequent to the signature of the Treaty and in the course of negotiations aimed at establishing the precise modalities for inspections, disagreements surfaced in the respective views of the United States and the USSR about the precise application of this asymmetric treatment to the Parties' inspection rights -- especially the evident Soviet interest in making the inspection regime even more disadvantageous to the United States. These differences were among those that prompted the U.S. Senate to suspend its consideration of the Treaty until Secretary Shultz could address them with his Soviet counterpart during their meeting in Geneva in May, 1988.

The Parties have, as a result of the negotiations conducted on the margins of that meeting, effectively reaffirmed the INF Treaty's asymmetric method of counting the two sides' most important weapon systems. The Treaty, as a result, provides for inequitable arrangements which may affect the verifiability of this agreement. The present chapter suggests, however, that the principle of asymmetric verification arrangements might, if employed somewhat differently in the future, create the basis for an acceptable START agreement.

Relevant Treaty Provisions

Article VII, Paragraph 10

> Except in the case of elimination in accordance with the procedures set forth in the Protocol on Elimination, the following shall apply:
>
> (a) for GLBMs which are stored or moved in separate stages, the longest stage of an intermediate-range or shorter-range GLBM shall

be counted as a complete missile;

(b) for GLBMs which are not stored or moved in separate stages, a canister of the type used in the launch of an intermediate-range GLBM, unless a Party proves to the satisfaction of the other Party that it does not contain such a missile, or an assembled intermediate-range or shorter-range GLBM, shall be counted as a complete missile....

* * *

Section IX of the Protocol on Inspection

1. The inspected Party shall maintain an agreed perimeter around the periphery of the inspection site and shall designate a portal with not more than one rail line and one road which shall be within 50 meters of each other. All vehicles which can contain an intermediate-range GLBM or longest stage of such a GLBM of the inspected Party shall exit only through this portal. (Emphasis added.)

2. For the purposes of this Section, the provisions of paragraph 10 of Article VII of the Treaty shall be applied to intermediate-range GLBMs of the inspected Party and the longest stage of such GLBMs. (Emphasis added.)

* * *

Identification of the Issue

The AEI Article-by-Article Review noted that:

...The counting rules for U.S. missiles differ from those for Soviet missiles. They impose a more rigorous standard on the U.S. side (the largest stage of the Pershing II missile alone counts as a full-up missile) than on the Soviet side (only a fully assembled Soviet missile -- or its canister -- counts as a missile).

This asymmetric treatment, codified in Article VII, paragraph 10, turns on the premise that the Pershing II missile is stored and transported in separate stages (and assembled in the field), while the Soviet SS-20 is assembled at a "final assembly facility" (at Votkinsk) and is thereafter stored and transported as an entire missile in its launch canister.

In its Article-by-Article Analysis, the Administration

maintained that "The purpose of [this counting rule] is to facilitate verification of compliance with the Treaty by identifying those features of the missile systems most easily observable by national technical means of verification." Yet, the first AEI Review observed that:

> The difference between the counting rules for U.S. missiles and those for Soviet missiles affects the relative values of U.S. and Soviet inspection rights under the Treaty. Because of these counting rules, the U.S. side's rights to conduct continuous monitoring of a Soviet production facility apply only to a Soviet final assembly plant [at Votkinsk]. The corresponding rights of the Soviets, however, apply to a U.S. plant that actually manufactures missile stages [at Magna, Utah]. This means that the Soviet facilities that now manufacture SS-20 second stages (or first stages for that matter) are not subject to monitoring by the United States under the Treaty.

Subsequent Development of the Issue

Secretary Carlucci's analysis of the first AEI Review is the only one of the subsequently developed documents we reviewed which addressed this point. The Defense Department paper, moreover, did so only to amplify upon the procedural differences in the U.S. and Soviet production and logistical approaches which ostensibly warranted this asymmetric treatment. It concluded by asserting that:

> Additional provisions and cooperative measures (including non-destructive imaging and random opening of canisters exiting Votkinsk) will help determine that INF-limited items are not leaving the facility under the guise of other, allowed missiles....The inspection procedures at Votkinsk will help us deter Soviet cheating.

Dismissed as an issue by the Administration and unaddressed by the formal reports of the relevant Senate committees, the matter seemed to be one that would not receive serious consideration in the course of the Senate's ratification debate.

Near the end of April, however, in the course of on-going "technical" discussions intended to resolve the verification details not finished by the time the Treaty was signed, it became clear that a potentially significant disagreement existed between the Parties over the exact character of certain inspection rights under the agreement. The Soviets insisted that the United States did not enjoy the right to examine objects smaller than an assembled SS-20 or its canister at facilities associated with that missile but that they were entitled to examine any object in their inspections the size of

or larger than a Pershing II first-stage. In other words, the USSR maintained that the Treaty's asymmetric counting rule conditioned the applicability of the two Parties' respective inspection rights at facilities other than Votkinsk and Magna. They also reopened the question of the size of objects exiting Votkinsk subject to U.S. monitoring.

The United States rejected these efforts in the technical talks and insisted through diplomatic channels that the Soviets permit U.S. inspectors to examine objects smaller than assembled SS-20's or their canisters. With the support of the Senate -- which took the extraordinary step of announcing that its consideration of the INF Treaty would be deferred pending the completion of further negotiations on this and other outstanding verification points -- the Administration demanded that the Soviet Union back down.

On the margins of the May, 1988 ministerial between Secretary Shultz and Foreign Minister Shevardnadze, a new agreement was fashioned by Amb. Glitman and Col. Gen. Chervov which the Administration believes resolves these (and several other) matters in a "completely satisfactory" way. Relevant highlights from this agreement are:

> ...During baseline, close-out and short-notice inspections, the Parties will be inspecting the entire inspection site, including the interior of structures, containers or vehicles, or including covered objects, capable of containing: for the United States - the second stage of the Pershing II, and the BGM-109G cruise missile; for the USSR - the first stage of the SS-12 missile, the stage of the SS-23 missile, and the SSC-X-4 cruise missile and the SS-4 launch stand.
>
> * * *
>
> The Soviet side assured the United States side that, during the period of continuous monitoring of facilities under the Treaty, no shipment shall exit a continuous monitoring facility on the territory of the USSR whose dimensions are equal to or greater than the dimensions of the SS-20 missile without it's (sic) front-end section, but less than the dimensions of an SS-2- (sic) [presumably "SS-20" is meant here] launch canister....For the purposes of this assurance, the length of the SS-20 missile without its front section will be considered to be 14.00 meters. In the context of this assurance, the United States will not be inspecting any shipments whose dimensions are less than those of an SS-20 launch canister as listed in the Memorandum of Understanding (emphasis added).

With respect to the first point, the Parties evidently

clarified their respective rights for the purposes of baseline, close-out and short-notice inspections. The rule seems to be that Soviet objects and spaces that can contain the largest dimensions (diameter or length) of an SS-12 first stage (4.38 meters/14.36 feet in length, for example), the SS-23 missile, the SSC-X-4 cruise missile or the SS-4 launch stand. For the United States, the equivalent determinant is the size of the Pershing II second stage which is 2.47 meters long.

Regarding the matter of inspection rights at the continuously monitored facilities, for reasons that are not entirely clear, the Soviets insisted that there be a "dead zone" with respect to objects brought out of the Votkinsk facility. The United States accepted the Soviet assurance that no object would exit that facility that was in size larger than the assembled first two stages of the SS-20 (minus its front-end), i.e., 14.0 meters long, but smaller than the SS-20 launch canister, 19.2 meters long. As curious as it may seem, in exchange for this assurance, the United States agreed not to monitor what is not being brought out of the Votkinsk complex.

Analysis

Clearly, with respect to the continuous portal monitoring scheme, the United States enjoys significantly inferior inspection rights than those granted to the USSR. As things now stand, any vehicle leaving the Magna facility that can carry objects 3.7 meters (12.1 feet) or more in length must exit through the designated portal, and is subject to inspection. By contrast, only objects equal to or longer than the much bigger SS-20 canister (19.32 meters/63.4 feet) can be inspected by the U.S. officials stationed at Votkinsk. The convoluted nature of the Glitman-Chervov agreement leaves unclear what rights -- if any -- the United States would have to examine a container between 14.0 and 19.2 meters in length should one attempt, contrary to Soviet assurances, to exit Votkinsk.

This asymmetric verification regime and the recent activity involved in clarifying its implementation prompt several observations:

1) The application of Article VII, paragraph 10's asymmetric counting rule has given rise to unequal inspection rights at the Votkinsk and Magna facilities. Yet, it is not entirely clear why the Soviet SS-20 qualifies for preferential treatment; since the Soviets maintain they do not produce SS-20 stages at Votkinsk but only assemble them after producing them elsewhere, it would seem apparent that at least some storage and movement of this system occurs in stages. Consequently, this would seem to cause the SS-20 to be treated in accordance with subparagraph (a) of Article VII.10, that missile -- like its closest American

counterpart, the Pershing II. Such an arrangement would permit U.S. inspectors at the continuously monitored site in the Soviet Union to examine objects the size of the SS-20's first stage (8.5 meters/27.9 feet) instead of only those longer than its 63 foot-long canister.

2) What is more, treating the SS-20 as a missile accountable by stages could also correct another, possibly more egregious, asymmetry. Because the INF Treaty essentially limits this system only as a fully-assembled missile, the facility at which continuous portal monitoring takes place in the Soviet Union (i.e., Votkinsk) is a final assembly site, not one where SS-20's are produced. By contrast, because the Pershing II does not undergo final assembly at a facility -- such assembling of this missile's stages occurs in the field -- the Treaty establishes the counterpart permanent Soviet presence at a U.S. production site. Even more striking is the fact that the latter site, at Magna, Utah, has not been involved in Pershing II production for some time; instead it is associated with the production of other U.S. ballistic missiles not covered by the Treaty.

The asymmetry involved here may have substantial intelligence implications. When combined with the fact that the Soviet Union is permitted at Magna to observe the exiting of substantially smaller items than will U.S. representatives at Votkinsk, the inequity involved in this arrangement and the adverse implications for verification are all the more stark.

3) It is demonstrably the case that the United States can go back to the Soviets to address problems with the Treaty text without the act of doing so necessarily resulting in the "killing" of the Treaty. That said, the manner in which these recent negotiations were conducted -- like the manner in which the underlying provisions themselves were prepared in the Fall of 1987 -- is an undesirable model for drawing up arms control agreements. Indeed, had there not been an artificial deadline for the completion of the INF negotiation, the sort of problematic language that gives rise to the present controversy probably would not have found its way into the agreement. At a minimum, the technical discussions now underway which revealed this problem -- and which were, due to the summit-imposed deadline, of necessity remanded to the post-Treaty signature period -- should have been held before the accord was "finished."

4) Prudence argues not only for having this "technical" verification detail hammered out with the Soviet Union but also that the negotiations on the rest of the implementing arrangements be completed before the Senate gives its consent to the INF Treaty. Otherwise, there is little protection against the risk that other, significant differences -- at least some of

which may be of considerable importance to the future effectiveness of agreed Treaty provisions -- will emerge only after the United States has lost whatever leverage it presently enjoys with the Soviets.

Conclusion

One final observation seems in order. As it appears that the Treaty will continue to reflect this unequal monitoring regime with respect to Votkinsk and Magna, a potentially important precedent is being set for future agreements. Careful consideration should be given to a requirement that, henceforth, the United States will insist that arms control accords it signs provide for equal verification results. Indeed, it may be that the only acceptable basis for verifiably reducing strategic arms is an asymmetrical one -- but of a different kind than in the INF Treaty. The verification regimes of future arms control agreements may need to reflect the fundamental differences in monitoring an open, democratic society's compliance with its commitments on the one hand and, on the other, verifying the behavior of a closed, totalitarian state.

THE TREATY INTERPRETATION ISSUE

Introduction

In October, 1985, the question of how and by whom treaties are interpreted after they are ratified moved from the back pages of legal textbooks to the forefront of a heated national debate. At specific issue was the interpretation of the 1972 Anti-Ballistic Missile (ABM) Treaty's limitation on the development and testing of "futuristic" defensive technologies. After a review of the ABM Treaty text and negotiating record, the Reagan Administration concluded that the Soviets had not, in fact, agreed to limit such development and testing even though many in the United States had believed otherwise in 1972 and thereafter.

In short order, the question of interpreting what the United States and Soviet Union had agreed in 1972 was overshadowed by an impassioned debate over constitutional precedent and procedure. The Administration argued that the executive branch could unilaterally determine that an interpretation previously presented in connection with the Senate's consideration of a treaty, had not, in fact, been agreed to by the Soviet Union and should not be binding upon the United States. According to many Senators, the Administration's position was a fundamental challenge to the Senate's constitutional responsibility to advise and consent to treaties.

As a practical matter, President Reagan acceded to the Senatorial view when, in 1987, he signed legislation precluding -- absent Congressional approval -- any implementation in the Strategic Defense Initiative (SDI) of his interpretation of the ABM Treaty with respect to "futuristic" technologies. In developing this legislation, Senate leaders contended that the prospects for expeditious consideration of the then-emerging INF Treaty could be adversely affected by this controversy. Thus, it was perhaps inevitable that the constitutional and political issues involved in the dispute over the correct interpretation of the ABM Treaty would be revisited in the context of the INF accord.

This chapter describes how the controversy over treaty interpretation has developed in the Senate's deliberations to date on the INF Treaty. It also analyzes the implications of a condition recommended by the Foreign Relations Committee to the resolution of ratification governing Presidential authority to

interpret the INF Treaty.

Relevant Treaty Provisions

In principle, the entire INF Treaty and its associated Protocols and Memorandum of Understanding are at issue.

While not itself a Treaty provision, the condition adopted by the Senate Foreign Relations Committee (on a 12-7 vote) is as follows:

> That this Treaty shall be subject to the following principles, which derive, as a necessary implication, from the provisions of the Constitution (Article II, section 2, clause 2) for the making of treaties:
>
> (a) the United States shall interpret this Treaty in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification;
>
> (b) such common understanding is:
>
> (i) based on the text of the Treaty; and
>
> (ii) reflected in the authoritative representations provided by the Executive branch to the Senate and its committees in seeking Senate consent to ratification, insofar as such representations are directed to the meaning and legal effect of the text of the Treaty;
>
> (c) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to a subsequent treaty or protocol, or the enactment of a statute.
>
> This understanding shall not be incorporated into the instruments of ratification of this Treaty or otherwise officially conveyed to the other contracting Party.

Identification of the Issue

As noted above, the roots of the present controversy -- and, therefore, the identification of this issue -- actually are to be found outside the INF Treaty. The Senate debate on the INF agreement was, nonetheless, perceived by the majority of the Senate Foreign Relations Committee in its consideration of the agreement, to express "Senate unwillingness to acquiesce in

Administration assertions which, if not refuted, could imply acceptance of a radical aggrandizement of presidential power." Consequently, the matter of treaty interpretation became a key focus of the SFRC's deliberations.

According to the SFRC, the embodiment of this "radical aggrandizement" was to be found in the legal theory advanced by Judge Abraham Sofaer in support of the Administration's adoption of a "broad interpretation" of the ABM Treaty. This theory, labelled "the Sofaer doctrine" by the Foreign Relations Committee, was described by the Committee's majority as asserting that:

> ...the Executive is not bound, in implementing a treaty, by what it has told the Senate in seeking consent to ratification. The Executive is only bound, according to the doctrine, by a particular interpretation of a treaty's meaning if that interpretation meets three criteria: the particular interpretation must have been (1) "generally understood" by the Senate, (2) "clearly intended" by the Senate and (3) "relied upon" by the Senate.

In other words, it is not enough for the Senate to have been told by the Executive branch how the United States would interpret a treaty pending before the Senate. In order for the Senate to hold the Executive to a particular interpretation, the Senate must record in some clear, concrete way that it intends that interpretation when giving its consent to a treaty.

According to a "Chronology of Executive/Senate Action on Treaty Interpretation" included in the SFRC report on the INF Treaty, the first effort to respond to the so-called Sofaer Doctrine in the INF context was made by Senator Sam Nunn. In September, 1987, in the words of the Committee, Sen. Nunn "demand[ed] that the Administration provide the Senate with the INF Treaty 'negotiating record' as a result of the Sofaer Doctrine." His argument was essentially as follows: As long as the Administration subscribes to the Sofaer Doctrine, the Senate will be unable to rely exclusively upon its testimony in considering the forthcoming agreement. Instead, Senators would be obliged to perform their own exhaustive review of the record of diplomatic exchanges between the two sides in the course of its preparations.

While the Administration was, in principle, prepared to supply the Senate with a number of documents comprising much of the "negotiating record," it was anxious to avoid the lengthy Senate deliberation on the Treaty that Senator Nunn's position implied. Consequently, it embarked upon numerous exchanges with Senators Nunn, Robert Byrd (D-WV), Claiborne Pell (D-RI) and others in an effort to find a means of expediting the Senate's action on the INF accord. Specifically, the Senators sought a

letter from the Secretary of State containing three specific assurances:

- The testimony of all Executive Branch witnesses and any submissions for the hearing record by the Executive Branch on the INF Treaty will be authoritative and the Senate can rely on them unless indicated otherwise prior to final Senate vote on the Treaty.

- The meaning of the Treaty as presented to the Senate will be regarded by the Administration as authoritative without the necessity of the Senate incorporating that testimony and material in its Resolution of Ratification through understandings, reservations, amendments or other conditions.

- A meaning for the Treaty different from that presented by the Administration to the Senate will not be adopted without the approval of the Senate.

Senator Nunn maintained that, without such express assurances, the Senate would have to obtain from the Administration nineteen different categories of documents from the 1980-87 period when the INF Treaty was being negotiated, as well as those portions of the START and Defense and Space Talks (from 1985-1987) during which INF was discussed. These categories included, in addition to the U.S. and Soviet plenary statements and notes on conversations and negotiations during plenary sessions, the following:

- Presidentially-approved National Security Decision Documents relating to the negotiations;

- Minutes of U.S. interagency group meetings related to INF;

- Internal agency memos prepared in advance of such meetings or otherwise addressing a specific issue in the negotiations;

- Draft versions of all documents falling into these nineteen categories.

Subsequent Development of the Issue

The Administration regarded such a demand as an unacceptable breach of Executive privilege. Following protracted negotiations between Secretary Shultz and his representatives on the one hand and interested Senators and staff on the other, on February 5, 1988, the Secretary of State sent a letter to Sen. Byrd. Interested Senators considered this letter to be

inadequate; as the majority of the SFRC subsequently recounted in its report on the INF Treaty, it "merely affirms the transfer of the 'negotiating record' but does not address the question of whether Executive Branch testimony will be both 'authoritative' and 'binding.'" The majority report went on to describe how, on the same day, Sens. Nunn and Byrd responded by :

> ...threatening to hold up the ratification proceedings on the INF Treaty unless the Administration assures the Senate that the testimony of Administration officials is "authoritative" and "binding." Nunn and Byrd say that, without such assurance, the Senate will have to fully examine the "negotiating record" and attach reservations and understandings to the Resolution of Ratification on each provision of the Treaty to ensure that a future President cannot change the meaning of the Treaty as presented by the Executive.

The key stumbling block proved to be the concept of "binding" insofar as the present Administration was reluctant to accept obligations which would extend beyond its time in office, i.e. be binding upon future Presidents. In a letter to the Senators dated February 9, 1988, Secretary Shultz accepted the proposition that "the testimony of all Executive branch witnesses and any submissions for the hearing record by the Executive branch on the Treaty can be regarded by the Senate as authoritative." He also agreed that "the meaning of the Treaty as presented to the Senate can be regarded by the Senate as authoritative without the necessity of the Senate's incorporating that testimony and material in its Resolution of Ratification through understandings, reservations, amendments, or other conditions."

The Secretary of State would not, however, go further than to assure the Senators that "the Reagan Administration will in no way depart from the INF Treaty as we are presenting it to the Senate (emphasis added)." The Foreign Relations Committee noted that "While the letter states that Administration testimony is 'authoritative,' it does not state that such 'authoritative' testimony is 'binding' upon the Executive." In subsequent testimony before the SFRC, Sec. Shultz made the Administration's position explicit. He said, "Of course, we cannot bind future Administrations."

On March 17, 1988, White House Counsel Arthur B. Culvahouse provided a definitive statement of the Administration's position on the then-current draft of a resolution prepared by Senator Joseph Biden (D-DE) at the time under active consideration by the SFRC. Mr. Culvahouse expressed the view that:

> [The Biden Resolution] would change the legal rules of treaty interpretation. It would impose an unconstitutional mechanism for the alteration of a treaty interpretation.

> Moreover, it would greatly increase the risk of inflexible distinctions between the meaning of a treaty for purposes of international law and its meaning for purposes of domestic law -- distinctions that could operate to the disadvantage of the United States....Therefore we believe the Resolution is not in the best interests of the United States.

Particularly noteworthy is Mr. Culvahouse's critique of the Resolution's practical implications:

> In instances where the treaty text is not dispositive or is unclear, under international law one looks primarily to the negotiating record and the subsequent practice of the treaty parties. As a matter of domestic law, however, the President is bound by shared interpretations which were both authoritatively communicated to the Senate by the Executive and clearly intended, generally understood and relied upon by the Senate in its advice and consent to ratification. This is true even if the treaty negotiating record and subsequent practice indicate an interpretation contrary to that shared understanding. Exchanges in Senate proceedings in connection with the ratification of a treaty cannot under international law alter the meaning of a treaty where they are not officially communicated to the other treaty party prior to the exchange of instruments of ratification.
>
> The result might be two INF Treaties, one binding domestically against the President and a second one binding internationally between the United States and the Soviet Union. In our view the Resolution would substantially increase this risk of a dichotomy between the interpretation of a treaty under international law and the interpretation to which the President constitutionally is bound under domestic law.

In order to ensure there was no suggestion that his letter of March 17th conflicted with statements made by Sec. Shultz in his letter of February 9th, Mr. Culvahouse wrote once more on March 22, 1988 to make clear that "no inconsistency was intended or in fact exists between" the two. The Foreign Relations Committee wrote in its report on the INF Treaty:

> This assertion of consistency seems correct because the Shultz letter, while stating that all Administration testimony is "authoritative," did not state that all "authoritative" testimony is "binding." Indeed, the key premise of the first Culvahouse letter is that "authoritative" testimony is not binding unless the Senate has fulfilled the criteria of the Sofaer Doctrine.

In its favorable consideration of the Biden Condition (as the amended resolution has come to be called), the majority of the

SFRC described its purpose as being:

> ...to reaffirm the long-standing practice and long-standing principle that the "shared understanding" of the Executive and the Senate, as reflected in the Executive's formal representations, is indeed fully binding -- as opposed to binding only with regard to those provisions and interpretations which the Senate has gone to extraordinary lengths to brand as crucial to its consent, by formal condition or some other means.
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> * * *
>
> ...[and] to lead the Senate to affirm a set of principles which reflect long-standing constitutional practice. By so doing, the Senate can:
>
> -- avoid the need for other conditions pertaining to specific interpretations of the INF Treaty;
>
> -- repudiate a pernicious doctrine that was asserted solely for a specific purpose [i.e., the Sofaer Doctrine];
>
> -- establish a position with regard to future treaties such that the Senate can avoid repeating the inclusion of a formal condition. The Senate's [anticipated] 1988 action will have been sufficient to reaffirm fundamental constitutional principles of treaty-making.

Analysis

As the preceding discussion suggests, the factors which have led to the incorporation of the Biden Condition into the resolution of ratification are complex. They include: a constitutional struggle between the executive and legislative branches over the conduct of foreign policy (i.e., the responsibility to interpret and, therefore, in a sense to implement treaties); a partisan effort to score political points on arms control and against the Strategic Defense Initiative; and a desire to keep the Senate's role in advising on and consenting to treaties a manageable task.

Each of these factors raises issues that merit thorough consideration in the Senate's debate on the INF Treaty. Of these, the constitutional issues in our view are the most troublesome, because they call into question the fundamental constitutional mechanisms by which the United States makes and interprets treaties. The constitutional implications of the Biden Condition far transcend the INF Treaty, or arms control agreements generally.

The Constitutional Issues

We therefore concentrate our analysis on the constitutional issues. Without in any sense attempting an exhaustive constitutional discussion in this report, we outline below some considerations on the following key points:

1. The Biden Condition unconstitutionally infringes the President's authority to make treaties, by restricting his ability to assure that the United States and the Soviet Union share the same understanding of the INF Treaty.

2. The Biden Condition unconstitutionally infringes the President's prerogative to interpret and implement treaties.

1. The Biden Condition -- An Unconstitutional Infringement on the President's Treaty-Making Authority

The United States Constitution (Article II, section 2, clause 2) provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make treaties...." This provision has long been understood to mean that the President alone makes treaties, subject only to the Senate's advice and consent. The Senate does not make treaties. As stated in the Restatement of the Law (3d), Foreign Relations Law of the United States:

> Under Article II, Section 2 of the Constitution..., it is the President who "makes" a treaty by ratifying or acceding to it..., but he may do so only after the Senate consents. Even if a treaty has received the advice and consent of the Senate, the President has discretion whether to make the treaty.[1]

A corollary of this principle is that the President or his representative has sole authority to conduct the negotiation of treaties without interference by the Senate:

> The Constitution gives the President power to make treaties "by and with the Advice and Consent of the Senate," but Senate advice, as distinguished from consent, is not necessary. Presidents since the early years of the nation's history generally have refrained from formally consulting the

[1] Restatement of the Law (3d), Restatement of the Foreign Relations Law of the United States, Sec. 303, Comment d (1987) (hereinafter "Restatement (3d)" or "Rest. 3d").

Senate prior to negotiating a treaty.[2]

As part of his exclusive authority to negotiate and make treaties, the President has a duty to assure, to the extent possible, that the United States and the other treaty party share the same understanding of the treaty -- that the parties have reached a genuine "meeting of the minds" on the meaning and effect of the treaty. This duty exists not only during the negotiations leading up to the treaty text as presented to the Senate, but also with respect to any meaning the Senate intends the treaty to have as a condition to its consent to ratification. As stated in the Restatement (3d):

> When the Senate gives its advice and consent to a treaty on the basis of a particular understanding of its meaning, the President, if he makes the treaty, must do so on the basis of the Senate's understanding.[3]

In order to assure that any understanding on which the Senate conditions its consent is given effect, the President normally must take steps to obtain and record the agreement of the other treaty party to that understanding:

> Since the President can make a treaty only with the advice and consent of the Senate, he must give effect to conditions imposed by the Senate on its consent. The President generally includes a verbatim recitation of any proposed reservation, statement of understanding, or other declaration relevant to the application or interpretation of the treaty contained in the Senate resolution of consent, both in the instrument notifying the other state or the depositary of United States ratification or accession and in the proclamation of the treaty....The President may also communicate a Senate qualification separately.[4]

Including the Senate condition, understanding, etc. in the U.S. ratification instruments is a particularly significant step in the case of a bilateral treaty, because it puts the other treaty party on notice that the treaty has been revised and that such other treaty party, if it proceeds to accept the treaty, accepts it as so revised. In this manner the President may establish with substantial clarity that the Senate's condition is agreed by the other treaty party and thus "given effect" because it is part of the mutually binding rights, obligations and understandings created by the treaty relationship. Accord-

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[2] Rest. 3d, Sec. 303, Reporters' Note 3.

[3] Rest. 3d, Sec. 314(2).

[4] Rest. 3d, Sec. 314, Comment b.

ing to The Restatement (3d):

> If a reservation is attached [to a bilateral agreement] at ratification, it constitutes in effect a rejection of the original tentative agreement and a counter-offer of a new agreement. The other party must accept the agreement as revised by the reservation....[5]

Absent such an acceptance, of course, there will have been no meeting of minds between the treaty parties, and negotiations will either be broken off without a treaty being brought into force or negotiations will continue until the parties have agreed on its terms, including any understandings or the like on which the United States Senate may still condition its consent to ratification.

The precise term ("reservation," "understanding," "condition" or the like) used by the Senate in its resolution of advice and consent is not dispositive; if the Senate intends to affect the legal obligations of the United States under the treaty, its action will have the same effect as a reservation:

> When signing or adhering to an international agreement, a state may make a unilateral declaration that does not purport to be a reservation. Whatever it is called, it constitutes a reservation in fact if it purports to exclude, limit, or modify the state's legal obligation. Sometimes, however, a declaration purports to be an "understanding," an interpretation of the agreement in a particular respect. Such an interpretive declaration is not a reservation if it reflects the accepted view of the agreement. But another contracting party may challenge the expressed understanding, treating it as a reservation which it is not prepared to accept.[6]

To ensure that Senate conditions of this sort are binding on both treaty parties,

> in bilateral treaties, the United States has made it a practice to include in the Protocol of Exchange of the instruments of ratification a statement by each party expressly stipulating its acceptance of the reservations, declarations, understandings, etc. of the other.[7]

This sound practice reflects the customary appreciation of

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[5] Rest. 3d, Sec. 313, Comment f

[6] Rest. 3d, Sec. 313, Comment g (emphasis added).

[7] Rest. 3d, Sec. 314, Reporters' Note 1.

Presidents that, when the Senate conditions its consent to a treaty upon a particular understanding of its meaning, the President cannot make the treaty unless he is satisfied that as a matter of international law the treaty means what the Senate intends.[8]

In other words, this practice serves to assure that the treaty to which the Senate has consented is the same treaty that the other contracting party has accepted and hence -- in the oft-repeated phrase of the present Democratic Senate leadership -- the treaty made by the President is that treaty on which there has been "a meeting of the minds between the Senate and the President." Put another way, the President can only make that treaty to which the Senate has consented.

It is equally true, however, that the treaty made by the other contracting party must be the same treaty to which the United States Senate has consented, or else there is no treaty mutually binding on and having the same effect for both contracting parties. Thus,

> the practice of the executive branch in notifying the other signatory or signatories of any statement of understanding required by the Senate reduces the risk of a situation arising in which such a statement of understanding would

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[8] The Restatement of the Law (2d), Foreign Relations Law of the United States, which the Restatement (3d) does not purport to alter in this respect, is even more explicit on this point. It states:

> When the resolution by which the Senate gives its advice and consent to the ratification of a treaty states that its approval is given on the basis of an understanding that is set forth or incorporated in the resolution, the President, if he ratifies the treaty, must include the Senate's statement of understanding in the instrument of ratification or otherwise make it clear that the assent of the United States is subject to the understanding, unless, as a matter of international law, the treaty cannot be interpreted otherwise than as stated in the understanding.

Restatement of the Law (2d), Foreign Relations Law of the United States, Sec, 133(2)(1965) (hereinafter "Rest. 2d"). (Emphasis added.) Nothing in international law mandates the understanding stated in the Biden Condition. Thus, it is precisely the sort of understanding that, if the Biden Condition is adopted by the Senate, should be incorporated into the ratification instruments in order to assure that both treaty parties share the "common understanding" of the Treaty announced in the Condition and, therefore, are agreeing to the same set of rights and obligations.

become domestic law where it might not become effective as international law.[9]

The Biden Condition would expressly prohibit the President from incorporating the understanding it expresses into the instruments of ratification of the INF Treaty or otherwise officially conveying that understanding to the Soviet Union. The Condition amounts to an instruction to the President not to follow the established practice that Presidents have adopted to assure that Senate conditions are part of the meeting of minds between the contracting parties and thus have equal legal effect for both. In this respect the Biden Condition would infringe the President's constitutional role as the sole organ of the United States in the negotiation of treaties.

The SFRC majority report contends that the Biden Condition should not be conveyed to the Soviet Union as part of the ratification instruments because it "is not directed to U.S. obligations under international law...." Rather, the Committee majority asserted, "the Condition is binding under domestic law...."

The claim that the Condition is not directed to U.S. obligations under international law, however, is directly refuted by the terms of the Biden Condition itself. Indeed, the Condition expressly states that the understanding embodied in it derives from "the text of the Treaty" and from authoritative Executive representations "directed to the meaning and legal effect of the text of the Treaty."

The text of the treaty is the primary source of U.S. obligations under international law. And the voluminous record of authoritative Executive representations "directed to the meaning and legal effect of the text of the Treaty" scarcely, if at all, concern the meaning and effect of the Treaty under domestic law. To the contrary, the Senate's overwhelming interest, and the Administration's principal effort, throughout the hearings has been to understand and explain the rights and obligations that the United States and Soviet Union would have vis-a-vis each other under the INF Treaty. The understanding expressed in the Condition on its face goes to the meaning and legal effect of the Treaty in all its aspects and hence in its very essence is a matter of bilateral U.S.-Soviet concern.

The Biden Condition is also objectionable in that it would substantially increase the risk of inconsistent interpretations of the INF Treaty by the United States and the Soviet Union. The Committee dismisses this concern as "highly theoretical." But even the history of the last several weeks proves that the

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[9] Rest. 2d, Sec. 135, Comment a.

concern is far from theoretical. For example, the Administration during the latter stages of committee hearings assured the Senate that the INF Treaty banned "futuristic" weapons and not merely conventional munitions within the range categories governed by the Treaty. The Administration represented that this ban derived from a "common understanding" between the United States and the Soviet Union. Presumably, this "authoritative representation" as to the "meaning and legal effect" of the Treaty would have been sufficient in itself under the Biden Condition without any need to raise the matter with the Soviet Union. Instead, however, the Senate leadership wanted further assurances and, in due course, the Administration did raise the issue with the Soviet Union.

The initial Soviet response in no sense confirmed that the Soviet Union agreed with the Administration's representations to the Senate, and further discussions -- which yielded a formal written undertaking between the two contracting parties -- were required before a meeting of the minds emerged. Had the President been prohibited from raising the issue with the Soviet Union as the Biden Condition would do, it now seems evident that a common understanding between the two countries on the "futuristics" issue either would not have emerged or at best would have been a matter of uncertainty.[10]

B. The Biden Condition -- An Unconstitutional Infringement on the President's Prerogative to Interpret and Implement Treaties

The report of the SFRC majority concedes that "it is indisputable that the President alone bears the constitutional obligation to interpret and implement treaties...." It asserts that the Biden Condition is "perfectly consistent" with this constitutional principle. If there is any such consistency, it is far from perfect. To the contrary, the Condition would expressly prohibit the President from exercising his role as the sole interpreter of treaties and instead would arrogate to the Congress a role as co-interpreter insofar as the INF Treaty is concerned:

(c) the United States shall not agree to or adopt an

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[10]The various last-minute disputes between the United States and the Soviet Union over the proper interpretation of the Treaty's verification provisions teaches the same lesson: On questions concerning "the meaning and legal effect of the text of the Treaty," the President must be free to take appropriate steps to assure that the understanding shared by the President and the Senate is also shared by the other contracting party. It is illogical and contrary to United States interests to assert that such matters are of domestic legal import only.

> interpretation different from that common understanding [i.e., the one based on the text of the Treaty and on authoritative Executive representations directed to the meaning and legal effect of the Treaty text] except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute. (Emphasis added.)

Consider the situation that would arise were the Biden Condition in effect and the President found himself faced with the following circumstances: a question of interpretation under the Treaty arises that is not resolvable by reference to the text alone and that had not been addressed in any of the "authoritative" representations by the Executive branch to the Senate respecting the meaning and legal effect of the Treaty text. Since such an interpretative question would be outside the "common understanding" embodied in the Biden Condition, any resolution of that question would by definition be "different from" that "common understanding." Accordingly, the President would be barred by the Condition from resolving the question himself as envisaged by the Constitution. Instead, he would be required to pursue the cumbersome and uncertain procedures of negotiating a new treaty or protocol with the other contracting party and submitting it for Senate approval, or submitting proposed legislation for passage by both houses of Congress.

The mechanism imposed by the Biden Condition would contradict settled constitutional principles in the realm of treaty interpretation and implementation. The President is the "sole organ of the nation in its external relations," United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 319 (1936), and as such he is in foreign affairs "clearly a separate source of law since he makes treaties..., which are the law of the land."[11] The President's authority as the sole interpreter of treaties in the realm of foreign relations derives from these principles.[12] And even in the realm of domestic law, courts of the United States give great weight to a President's interpretation of a treaty. As stated in The Restatement (3d):

> (1) The President has authority to determine the interpretation of an international agreement to be asserted by the United States in its relations with other states.
>
> (2) Courts in the United States have final authority to interpret an international agreement for purposes of applying it as law in the United States, but will give great weight to

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[11] Rest. 3d, Sec. 1, Reporters' Note 2.

[12] Rest.3d, Sec. 326, Comment a.

an interpretation made by the Executive Branch.[13]

Under the Constitution, the Senate has essentially no role in the subsequent interpretation of treaties that the President has made. As the United States Supreme Court said in Fourteen Diamond Rings v. United States, 183 U.S. 176, 180, "The meaning of the treaty cannot be controlled by subsequent explanations of some of those who may have voted to ratify it." This principle is recognized in the Restatement (3d), which observes that:

> The Senate...has no special role in the implementation of the treaty after it is made....Interpretation by the Senate of a treaty after it has been concluded may have no special authority, but understandings expressed by the Senate in giving its advice and consent must be respected.[14]

The Biden Condition would fundamentally alter these settled principles of treaty interpretation and implementation, and it would arrogate to the Congress a cumbersome, intrusive role in the President's prerogatives not contemplated by the United States Constitution.

Conclusions

The cleanest and most straight-forward approach to addressing the constitutional and policy problems associated with the Biden Condition is not to adopt it. Alternatively, but far less preferable, would be the adoption of the Condition amended to reflect the requirement that the President make this Condition part of the ratification instruments and obtain express Soviet acceptance of it. In the latter event, the present Condition's clause (c) must be deleted.

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[13] Rest. 3d, Sec. 326.

[14] Rest. 3d, Sec. 326, Comment a. See also, Ibid., Reporters' Note 1 ("...later interpretations by the Senate have no special authority").

SUMMARY

As with the preceding AEI Article-by-Article Review of the INF Treaty, the present analysis is intended to contribute to the informed consideration of this agreement by the Senate and the public. Selection of these seven issues, of course, is not meant -- and should not be construed -- to suggest that other aspects of the INF Treaty do not also warrant close scrutiny. In the view of the working group, however, the topics addressed in this paper are among the most significant for the Treaty's claim of being equitable, effectively verifiable and in the interest of the United States. They are also of particular significance to the extent they will shape the terms of the strategic arms reduction agreement now under negotiation.

Chairman WARNER. Thank you.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

We have a lot of areas that we have not gotten into yet, and we have discussed quite a bit about contingency operations, about what shall we do now in Bosnia and Kosovo, but I would like to talk a little bit about a policy that we would formulate for something like this coming up in the future.

I can remember so well our resolution of disapproval back in 1995, of getting into Bosnia, and we lost it by 3 votes, and it was only because the President gave a guarantee. I remember hearing him say it, that we would be there only 12 months, and all the kids would be home for Christmas in December 1996. Of course, we are still there, and I think most of us knew they still would be there. It is easy to get in. It is hard to get out.

I think moving to Kosovo, it was purely a humanitarian motivation to send our people in there. I was over there during this time because I knew that that was going to happen, and I was trying to build a case to keep us from doing that.

I can remember a very prominent TV person was filming the burning of a mosque. It was the only mosque that was burned, it is my understanding, during that time, but from every possible angle. When he got back home you assumed every mosque was burning down, which we know what happened to 52 Serbian Orthodox Christian churches after this thing, after we got involved in it.

I guess my point is, as a policy—it sounds kind of hardened to say this. It is not that we are not all very sensitive to humanitarian problems, to genocide, to ethnic cleansing, but we are in a position where—at least I am, as Chairman of the Readiness and Management Support Subcommittee, in recognizing that we at that time are one-half the force strength that we were during the Persian Gulf War, and that means one-half the Army divisions, one-half the tactical air wings, one-half the ships floating around out there, and yet with the greater threat than immediately following the Persian Gulf War, and I think everyone agrees to that.

Things are volatile in the Middle East, volatile in Korea, and to use our limited military assets in areas like Kosovo and Bosnia and some of the other areas is wrong as policy, because now we see we can get in, we cannot get out.

I am involved in something that I guess some people refer to as mission work in West Africa. I am talking about Cote D'Ivoire, Benin, Nigeria, Togo, Gabon, both Congo, Kinshasa and Congo Brazziville, and yet during the time that we were making that decision to go into Kosovo, for every one incident of ethnic cleansing in Kosovo, there are probably 100 on any given day in West Africa.

I would like to hear—you may want to answer this for the record, but any thoughts that you have on what our policy should be, particularly during this time that we have not rebuilt our defense system, and particularly at this time with the threat that we are faced with out there that has been characterized by people like George Tenet, Director of the CIA, as being the most threatened position we have been in as a Nation, what our policy should be regarding involvement in the future in using humanitarian jus-

tifications for that involvement. Just each one of you, any comments you want to make?

Mr. RODMAN. Let me start, Senator. You have asked a good question, really, because I think all of us, the President, many people in Congress, are uncomfortable with the way we seem to get drawn into things, but many people who have attempted to draw up a list of criteria, as if a checklist would tell us in any given case whether it is a place to go in or a place to stay out, and I am not sure——

Senator INHOFE. Well, I might interrupt you at this point and say that Senator Roberts did develop one, put it into the statutes, and they were not followed anyway, so maybe that is not too important.

Mr. RODMAN. Well, it is very relevant. I remember, I read over Secretary Rumsfeld's confirmation hearing, and he had a discussion with Senator Roberts about some of the criteria that Senator Roberts had listed. For example, I do not think there is any way you can guarantee public support for an enterprise, and what Secretary Rumsfeld said was, we saw in the Gulf War that a President can help to shape public support if he educates the public that in a particular case there is a vital interest involved, and I think President Lyndon Johnson found out that you can start with public support and squander it, so I do not think there is a checklist.

Another point that Secretary Rumsfeld mentioned was, of course, as a general principle, if we go into something we should go in overwhelmingly and decisively, and that is a good principle, but the Secretary mentioned, well, there is always a case of a pre-crisis situation when maybe an application of a smaller amount of force can head off a major crisis, so the variety of cases that we are going to be confronted with, there is no way to have a procedure that is going to answer all the questions.

I think we have to pray as Americans that if another case comes along, that the President and Congress and the public will have an intelligent debate and give voice to all of these considerations, and not be driven by media pressure, and to look at it and cold—well, I will not say cold-bloodedly, but analytically, and understand what the costs would be to our readiness, because I think when a case comes along it is going to have its own unique features, and we have to have the discipline as a country to look at the situation carefully, consult among the two branches of Government to make sure there is some national unity on this.

I think the mood I sense is that as a country we are uncomfortable with how far we have been drawn into things, and that this is a time when I think the country is ready for some restraint, and to show some restraint, and to hope that other countries can be brought in, that we can share responsibility.

You mentioned Africa. I think one interesting thing that both his administration and the previous administration did was with Nigeria, to help train Nigeria to take a greater responsibility for peacekeeping in West Africa, so we have to engage other countries. Maybe that is one principle that we can count on, that we should always look in the first instance to see if others can do it, and maybe we can help them, backstop them.

Those are my thoughts on this, but it is a question that will not go away.

Senator INHOFE. Any other thoughts on this?

I always keep in mind that if you are looking at the public to see how that barometer is going out there, they are assuming some things that are not true. For example, during that time that those decisions were made in both Bosnia and Kosovo, the general public probably, in fact definitely, according to polling data, did not know the crisis that we were in, in terms of what happened to our military.

They thought, well, our cup runneth over, we have everything we need, let us take care of these poor people out there, without any knowledge of other places in the world that this is going on.

So we are dealing with a policy, and I think it needs to be specific, and any comments you want to make now, and then maybe elaborate a little bit more for the record, because it is going to happen again.

Mr. RODMAN. No, I will provide some further thoughts, Senator, if you like, definitely.

[The information referred to follows:]

HUMANITARIAN INTERVENTION

What should our policy be with respect to humanitarian intervention?

The United States should be selective in its international military interventions, especially where there is a danger of combat. As President Bush said at The Citadel on September 23, 1999, "If America is committed everywhere, our commitments are everywhere suspect." My personal view is that U.S. combat troops should generally be reserved for the most significant strategic challenges to the international order.

At the same time, the United States will not be able to, nor should it, remain indifferent to significant humanitarian crises. But in these cases, we should seek as a first resort to help develop mechanisms whereby other nations can work together and take the leading responsibility. East Timor and West Africa are examples. The United States may be willing to provide assistance but others should take the lead wherever possible.

Senator INHOFE. I will wait till the next round. My time has expired.

Chairman WARNER. Thank you very much. The chair wishes to observe the hearing has been in progress now for 2½ hours. We have present a number of wonderful children who have joined us. It may be in the interest of all if we took about a 3- to 4-minute break so that maybe the children could say goodbye, daddy, you are on your own. [Laughter.]

Whatever the case may be with your families, and then we will resume, so let us just take 3 or 4 minutes.

Senator ROBERTS. We appreciate the break for additional reasons, Mr. Chairman. [Laughter.]

Chairman WARNER. Thank you very much. I hope the Senator from Georgia would understand. [Recess.]

Thank you. We will resume the hearing, and the chair recognizes the Senator from Georgia.

Senator CLELAND. Thank you very much, Mr. Chairman. I just want to echo the thoughts of the distinguished Senator from Oklahoma, Senator Inhofe, about the ease in which a major power can get drawn into conflicts abroad.

Mr. Chairman, you like quotes, and there are a couple of quotes I have on that point. Napoleon once said that wars are easy to get into and hard to get out of, and second, Wellington once said that

no great nation can have a little war, so there is no such thing as a little engagement for the United States.

I will say, Mr. Feith, you mentioned that the President's national missile defense program was not aimed at Russia and China. Who is it aimed at?

Mr. FEITH. Senator, the President has said that the purpose of the missile defense program will be to deal with the missile threat from rogue states, and the threat from accidental or unauthorized launches.

Senator CLELAND. Let me get into this now. I mean, it is pretty obvious that the rogue state might be a North Korea. I want to get into the whole North Korea issue, Dr. Crouch.

In 1995, you wrote in the *Journal of Comparative Strategy,* the Bush administration—this is President Bush, Sr.—the Bush administration's decision to withdraw tactical nuclear weapons from South Korea was a major geopolitical mistake. Do you believe that now?

Dr. CROUCH. I believe that at the time, Senator, that the United States had nuclear weapons on the South Korean peninsula for many decades. My sense was that at a time when the North Koreans were developing their own nuclear capability, that it was not prudent, it was not wise for the United States to withdraw in effect its tactical nuclear systems that were deployed there, because I believed those represented the best, most effective deterrent to the use, not only of a potential North Korean nuclear weapon, but also the use of at the time North Korea's overwhelming conventional capability.

Senator CLELAND. Let us just look at it. I mean, it is no secret that we ring the Korean peninsula with substantial sea forces, both submarine forces and other forces, and that we pose a powerful deterrent to any action that the North Koreans might pursue.

But let me ask you again, do you believe the Bush administration's decision to withdraw tactical nuclear weapons from South Korea was a major geopolitical mistake, and do you believe that now?

Dr. CROUCH. As I said earlier, at the time, I stand by my statement, I believed it was. Today, I believe the circumstances have changed dramatically. I mentioned a few of those changes. One, I would say, that I think is very important, in addition to the lessening of tensions between the North and the South, is the fact that the South Korean military is in a much better position to withstand an attack from North Korea. That is to say, the conventional disparity that existed 10 years ago is not the same as it is today, so today I do not believe it is critical to reintroduce tactical nuclear weapons in South Korea.

Senator CLELAND. Your article was written 6 years ago, not 10 years ago, and in that same article just 6 years ago you recommended the U.S. redeploy nuclear weapons to South Korea to demonstrate our nuclear commitment to a U.S. ally and maintain the means at hand to respond to the North Korean nuclear attack. Do you think we ought to introduce tactical nuclear weapons in South Korea now?

Dr. CROUCH. When I said 10 years ago, Senator, I was referring to the approximate time frame when they were withdrawn, not the time of the article.

As I said, I believe—if you go back to 1994, the situation then was very different than it is now. It was the end of the Kim Il Sung regime, tensions were high between the North and the South we had discovered, the Clinton administration had discovered a major nuclear program, and were very concerned about that program, and I believed that in light of those discoveries, at the time, yes, it was a geopolitical mistake.

I believe the circumstances have changed today, and consequently, today I would not be arguing for the reintroduction of tactical nuclear weapons into South Korea.

Senator CLELAND. In 1995 you also recommended the United States, quote, set a firm deadline for the destruction of North Korea's nuclear complex and its long-range missile production facilities, absent positive visible steps from the North Korean regime towards this end, authorize the destruction of as much of this complex as possible by U.S. and allied air power.

Do you think we ought to do that today?

Dr. CROUCH. Senator, I think again circumstances have changed, so the answer would be no.

Senator CLELAND. Were you ever in the American military?

Dr. CROUCH. No, sir.

Senator CLELAND. In 1993, you criticized Senators Hatfield, Mitchell, and Exon for their amendment to the Energy and Water Appropriations bill that led to a moratorium on nuclear testing in the United States, saying those who supported a ban on nuclear testing—this is 1993 now—were using, quote, Luddite logic, end of quote.

Now, President Bush has indicated during his campaign that he supported the current U.S. moratorium on nuclear testing. Is he a Luddite? Is he using Luddite logic?

Dr. CROUCH. No, sir. My concern about nuclear testing that was evinced in that article is simply that nuclear weapons are the most awesome explosive power that man has yet invented, and hopefully we will not invent one that is more awesome, or more explosive, but that we continue to rely on nuclear weapons, and I believe this position was reaffirmed by President Clinton. We continue to rely on nuclear weapons as a primary deterrent of aggression, deterrent to the use of nuclear weapons against the United States, as well as against our allies, as well as the use of conventional weapons against the United States and our Armed Forces.

My view was that we needed to know, and continue to know, as much as we can about those weapons, and what, in fact, a ban on nuclear testing was, was a ban on knowledge about this very awesome capability, so my argument really was that nuclear testing per se, as long as we are going to continue to rely on nuclear weapons, was an important part of understanding and enhancing the safety and reliability of that force.

Senator CLELAND. Do you support the Comprehensive Nuclear Test Ban Treaty?

Dr. CROUCH. No, sir.

Senator CLELAND. You also refer to economic sanctions as, quote, that great panacea of western inaction. We have economic sanctions on Cuba, Iraq, Iran, and Libya. Do you think we ought to lift those sanctions? Do you think that is the great panacea of western inaction?

Dr. CROUCH. When I use the term panacea in that context—the direct answer to your question is no, I do not believe we ought to. What I think I was pointing out is that sometimes democracies have a tendency to use sanctions, and to have a belief in sanctions as the only possible response to things.

I believe that sanctions have an important role. They can send many signals. They may, in fact, be sending a moral signal about a particular issue. They may in certain particular cases be able to be applied and be effective, and so I support that use of it, but I think sometimes, in some cases, sanctions are utilized when we simply cannot figure out what else we want to do.

Senator CLELAND. Well, Dr. Crouch and Mr. Feith, your answers have been very troubling to me, and I want you to know that, and it is going to be an agonizing thing to go over your testimony. There are numerous questions I have which I will not ask now, my time is up, but I would like the opportunity to submit some questions to you in writing.

Thank you, Mr. Chairman.

Chairman WARNER. I thank my good friend and colleague from Georgia. I do wish to say the following. You have referred to these nominees, which is your right, with regard to their previous military experience, or the absence of that. They have responded.

I wish to note that in the 23 years that I have been privileged to be in Congress I have seen a steady decline within the ranks of our Congress of those who have had military service, and I think the nominees coming before the Senate today, whatever their positions are, reflect, again, the generational changes.

You and I are of a different generation. Your service is extraordinary. Mine was very modest to the country, two opportunities, but I do not know the details of these gentlemen, but I just observe it seems to me their demographic backgrounds parallel in many respects the decline in Congress of the United States.

On the question of testing, I followed that very carefully, those important questions by my colleague from Georgia, but I have grave concerns about the future of the stockpile stewardship program into which we are plowing billions of dollars in the hopes that generations of computers can at some point in time give us the same reassurance that you mentioned.

Most importantly, Dr. Crouch, that it is the safety and reliability of our stockpile, 1) to the people who must deal with the weapons every day in one fashion or another, 2) to the environs in our country and elsewhere in the world where there are other persons in the proximity of the storing or otherwise deployment of these weapons, and 3) the credibility of the doctrine of deterrence on which these weapons are the very foundation, and that comes to the heart of stockpile stewardship and testing and credibility, so I must say, I think your responses are consistent with the views held by the chair.

Also, with reference to the ABM Treaty, I think it is a very important issue. We have covered it thoroughly. I mentioned some modest association I had back in 1972. I was not a principal, but I was in a position to observe how this thing evolved within the Department of Defense over the 2 years, roughly, 1969 to 1972, when I was there, the importance of this treaty to the overall stability between the Nations. I think our President is pursuing this issue in the right way, and I wish to read his comments into the record on this.

President Bush said, and I quote him, "we need a new framework that allows us to build our missile defenses to counter the different threats of today's world. To do so, we must move beyond the constraints of the 30-year-old ABM Treaty. This treaty does not recognize the present or point to the future. It enshrines the past. No treaty that prevents us from addressing today's threats and prohibits us from pursuing promising technology to defend ourselves, our friends, and our allies, is in our interests, or the interests of world peace."

I agree with every word of that, and I commend our President for his initiatives in this area, and I intend to strongly support him.

Let us return to this issue of the NATO expansion. I just wish to make one further observation. My concern, Dr. Crouch, is with the Baltics, and I really believe that before we give serious attention to their admission we had better have behind us a resolution of the ABM issues. I just make that observation for the record.

The general subject of civilian oversight of the military and most particularly the engagement of policy, this committee looked into and continues to look at aspects of the U.S.S. *Cole*, and we had as our first witness a man in whom I repose great confidence and respect for his judgment, General Zinni. He fully accepted his role of accountability for selecting that port, or accepting a recommendation within the administration for the use of that port for a refueling mission.

Now, hindsight tells us a lot of things we could have done and perhaps should have done, but the point is, I think, Mr. Feith, we want to make certain that the missions of our forward-deployed forces receive the constant scrutiny and oversight by the civilian side of the Department of Defense.

We do not want to micro-manage, of course, what the CINCs are doing. We chose them carefully, put them in those positions because of the capability we repose in them to handle those responsibilities, but I just think this record should reflect your own views on the necessity for constant civilian oversight and monitoring with respect to our forward-deployed missions and forces.

Dr. CROUCH. Mr. Chairman, the strength of civilian oversight of the military is, I think, an important part, attributable to the work that this committee has done, and the Goldwater-Nichols legislation has made the point in principle, and has created the means by which there could be more effective civilian control of the military. This is the point that I know I, and I believe my colleagues also have taken to heart, and we can assure you that this is a part of our responsibility that will be at the fore of our minds, if we are confirmed for these positions.

Chairman WARNER. I thank you on that. I think it is important that our record today take note of the very serious developments with regard to the security of the State of Israel. I think that I would like to ask each of you to give your views as to what this country should do, and are we doing that in your judgment at this time to hopefully bring about a cessation of the hostilities and to foster such formal agreements as really those two nations can evolve in the future?

Mr. Feith.

Mr. FEITH. Mr. Chairman, I agree that we have an important relationship with Israel that is based on our shared culture, a common commitment to democracy, and shared strategic interests. President Bush referred to the U.S. commitment to Israel as rock-solid, and Congress has been for decades an important and effective champion of close U.S.-Israeli strategic and political ties.

I share your concern about the current situation, which is really dreadful. I think that President Bush and Secretary of State Powell have played a delicate and intelligent role in stressing that any hope for fruitful diplomacy hinges on a cessation of the violence. I believe this morning's newspapers highlighted the very sharp message that this administration is sending to the Palestinian authority to bring the violence to an end.

I think that President Bush and the entire administration is handling this difficult matter as well as one can under the very unfavorable current circumstances.

Chairman WARNER. Mr. Rodman.

Mr. RODMAN. I want to second what Doug said about the American commitment to Israel. The Department of Defense, of course, has a significant role to play in giving content to that support.

As for the diplomacy, it is clearly the State Department, Secretary Powell, that takes the lead under the guidance of the President. They are putting the emphasis correctly on an end to the violence. If I should be confirmed, and if I have any role to play in ISA in support of administration policy, it would be definitely in support of what the State Department is pursuing. I hope I can contribute to some coherent American strategy for strengthening peace, promoting some diplomatic progress.

Chairman WARNER. Dr. Crouch.

Dr. CROUCH. Senator, this is not an area that will be in my area of responsibility, but I think it is so important that you should have my views on it. I think it is extremely important that the United States continue to support Israel.

I have held that view for a very long time, and I think that we really need to maintain that support for a whole host of reasons, but the ones that are based in our national interests, but at the same time I think it is important to recognize the importance of Israel as a democracy, a functioning, vital democracy in the Middle East, in a place where democracy is not flourishing in many respects.

So I commend the President. I think he has struck the right balance. I think calling for an end to the violence is exactly the beginning, but it of course is just the beginning of coming to some sort of genuine resolution to the conflict. Like I said, I am not going to

be involved in these issues very much directly, but I certainly would echo the views of both of my colleagues.

Chairman WARNER. Thank you very much.

Senator Levin.

Senator LEVIN. Mr. Chairman, thank you. On the chemical weapons issue, Mr. Feith, you wrote the following about the Chemical Weapons Convention.

You said it would cheapen the currency of international law, that it was junk arms control, that President Bush, obviously, you argued made a mistake in negotiating it. You also stated in another article that it was modeled after a concept in the Nuclear Nonproliferation Treaty which aims to reward States that renounce chemical weapons by providing them with chemical technology and material for, quote, peaceful purposes, close quote. Then you referred to those provisions as the poisons for peace provisions, and you said that the provisions would require the sale to Iran of an advanced chemical plant.

Given your strong rhetoric against that convention, which had been negotiated by President Bush, do you believe we ought to withdraw from it? You have indicated, well, it is law, it is done, but there is a withdrawal clause, and you obviously disagreed with President Bush when you attacked that treaty, called it junk arms control, called it cheapened the currency of international law. Should we withdraw from it under its withdrawal provision?

Mr. FEITH. Senator, I do not advocate withdrawing from the agreement. The point about cheapening the currency, though, I would like to say a word about, and that is, I really do value and take seriously international law, and that is the reason—the fact that I respect international law and think that we as a country have to respect it, and that I take diplomacy and treaties seriously, is what gives rise to the comment that we, if we make agreements that we cannot enforce, and that we have good reason to believe are going to be violated and are going to be open to countries that enter them cynically and in bad faith, the overall consequence of that over time is to cheapen the currency that we should really be preserving the value of.

It is out of respect for the idea of diplomacy and agreements that we enter into that I am unhappy when I see that we are entering into an agreement that I know is going to bring the whole field of international law into problems.

Senator LEVIN. But specifically you did say, did you not, that the Chemical Weapons Convention will cheapen the currency of international law? As applied to that treaty, which had been negotiated by President Bush, you said that convention will cheapen the currency of international law, and was junk arms control. I am just asking you, is that accurate?

Mr. FEITH. Yes, that is accurate.

Senator LEVIN. But you still think we ought to not pull out?

Mr. FEITH. As I said, Senator, the ratification process ameliorated some of the problems with the convention, and also the set of considerations that would go into pulling out of a treaty once one is in it are somewhat different from the set of considerations that govern the decision whether to enter into it in the first instance.

Senator LEVIN. Chairman Warner asked each of you about the position towards Israel. I want to ask you a slightly different question. I agree, by the way, with your answers, but this question is a little bit different.

Mr. Feith, you wrote that Israel should consider developing a credible strategy to repudiate Oslo. This was in an article that you wrote, *A Strategy for Israel,* and is it true that you then urged Israel to develop a credible strategy to repudiate Oslo in light of the Palestinian Authorities' irredeemable malfeasance? Is that what you were recommending, that they develop a strategy given the PA's activities?

Mr. FEITH. Senator, what I was recommending was that the Israelis work on devising a means to deal with what I considered to be one of the major problems that was undermining the Oslo process, and that was the problem of unremedied violations, systematic violations that the United States and Israel both were trying to remedy, but were trying unsuccessfully.

What I had in mind was, to use an analogy, if somebody goes into a car dealership to buy a car, and the car salesman knows that the customer cannot possibly leave the showroom without buying the car, that customer has no leverage. Only the threat that an unsatisfactory resolution of a problem or an unsatisfactory agreement will lead one party to walk away gives the party leverage. What I was saying is, after years of violations and compliance disputes and unsuccessful efforts to enforce the agreements, if the Israelis do not have a credible strategy for doing something outside the process, they will have no leverage to fix the process. It is crucial to the success of the process that the Israelis in my view have appropriate leverage to deal with the violations problems.

Senator LEVIN. Very specifically, what you were recommending, though, in order to achieve that leverage, was that Israel develop a credible strategy to repudiate Oslo, or in your own words, abrogating Oslo, is that correct?

Mr. FEITH. As I said, if they do not have any credible strategy for doing that, they have no leverage, and then the process dies of the violation problem.

Senator LEVIN. I am first trying to make sure that I understand. So it is clear that you were recommending that they have a strategy to repudiate or abrogate Oslo?

Mr. FEITH. Yes.

Senator LEVIN. Now, do you believe they should, under these circumstances that exist today, abrogate or repudiate Oslo?

Mr. FEITH. Senator, I would be very pleased, and I think that the United States would be benefitted, if the Oslo process produced a consensual resolution of the Arab-Israeli conflict, but the Oslo process is in bad shape right now.

Senator LEVIN. I could not agree with you more. My question, though, is, are you recommending that Israel repudiate or abrogate Oslo?

Mr. FEITH. No, Senator. What I am recommending is that serious attention is required to do what needs to be done to fix the situation, and there is a problem of leverage. There is a problem of how one goes about fixing the situation. If the status quo is simply maintained without serious thought about alternatives that are

better, different, the current situation will simply deteriorate, in my view.

Senator LEVIN. I do not disagree that the status quo is unacceptable, that the situation has deteriorated. I have no difficulty with that. I just want to get real clear, because I think once you write these kind of words, it is important, given the position to which you have been nominated, that you be clear on whatever your point of view is, you be clear on this question, so I am going to ask you again, under all of these circumstances, given all of the deterioration, given all the facts, that the status quo is horrific, do you at this time recommend that Israel abrogate or repudiate Oslo? That is my question.

Mr. FEITH. No, Senator, I do not, nor did I advocate that in that article. I said that they needed to have a credible strategy to do that in order to remedy the problem.

Senator LEVIN. Mr. Rodman, do you want to comment? Do you recommend that?

Mr. RODMAN. No, I do not. I was caught by surprise by Oslo when it was signed. I had been for many years hoping that we could find some other leadership of the Palestinians to deal with, other than the PLO, but I think once Oslo was a reality, particularly since Prime Minister Rabin was somebody I had enormous respect for, I thought that the task of our diplomacy was to somehow make it work.

Senator LEVIN. Dr. Crouch.

Dr. CROUCH. Senator, this is not an issue I have given a great deal of thought to. I am not an expert specifically on the Oslo Accords.

Senator LEVIN. Thank you. My time is up. Thank you.

Senator INHOFE. Thank you, Mr. Chairman. Several questions have been asked during the last 2 or 3 hours about the amendments proposed by President Bush to the ABM Treaty. Does either one of you know of any specific amendments that the President has proposed to the ABM Treaty?

Mr. FEITH. Senator, I do not believe he has proposed any specific amendments.

Senator INHOFE. Do the rest of you? OK.

Chairman WARNER. Excuse me, I think that is an important clarification. I certainly know of none, and I would have thought he would have some——

Senator INHOFE. Nor do I, Mr. Chairman.

Dr. Crouch, I think when Senator Cleland asked a question, it was a very good question, he said, national missile defense system against who, and I think you answered it, but it was not quite as elaborate as I would like to get into.

You place emphasis on the actions of China and North Korea and Russia regarding the sale of weaponry all the way around the globe recently, or in the first part of this year. The Chinese personnel were found in Iraq upgrading their IAD, their integrated air defense system network with fiber optics. We are talking about SAMs, we are talking about artillery, and we are also talking about the fact that nearly every day they are using this to fire on our pilots that are over there.

North Korean weapons are scattered around the Middle East, posing a threat to United States servicemen and women and our allies. Most notably, are Russia's close military ties with Iran, selling diesel submarines and technology for their Shehab III and IV missiles. Now, those are medium-range missiles which work very good with the guidance systems that they will get, that we assume they are getting from Russia. They are good. I mean, they are accurate, much more accurate than they were.

So I would hope, Dr. Crouch, that you would keep that in mind. I hear so many times, they say, well, China is not going to do anything, Russia is not going to do anything, North Korea is not going to do anything. Now, I am not ready to assume that, but even if we did assume that, it is very specific that these systems that these countries have, and this technology, is being readily traded with countries like Iraq and Iran and Syria and Libya and other countries. Do you have any comments about that, Dr. Crouch?

Dr. CROUCH. Yes, Senator. If confirmed, one of my responsibilities will be, in addition to overseeing policy having to do with missile defense, overseeing policy having to do with counterproliferation. I see these two issues as very integrally linked, and I think the President has also demonstrated that in looking forward at the potential emerging threats, that missile defense can help to play a role in our counterproliferation strategy.

As you pointed out, it may well be that Russia and China, or even North Korea, do not use their missiles, but it may well be that their missiles fall into the hands, or missile technology falls into the hands of others who will.

Senator INHOFE. Others who have said they would, such as Saddam Hussein said 10 years ago.

Dr. CROUCH. Right. I believe Mr. Quaddafi also made a similar statement, so it seems to me that to the extent that a missile defense system can help to devalue ballistic missiles, to the extent that the United States can demonstrate that its forward-deployed forces, its friends, its allies and, indeed, the United States itself, is defended against these missiles, it seems to me it places downward pressure on the interests of these countries in investing their scarce resources into these technologies. It is not a solution, but it is part of the solution.

Senator INHOFE. I would like to mention one other thing I do not think has been mentioned during the course of this hearing, and that is the quality of our intelligence.

I think as you make policy, you are going to have to make policy predicated on information that we have, and I do not think it has been—it has not been good. I can remember the National intelligence estimate of 1995, I guess it was, that talked about how long it would be before various countries, including North Korea, would have the capability of an ICBM, and they were off by about 15 years, and then they qualified that by saying, well, we were talking about an indigenous system.

I am not concerned about indigenous systems. I am concerned about a rocket that comes over here that is going to be just as devastating, whether it is indigenous or came as trading technology with some other country. There are no two people in the United States Senate who are more familiar with this than Don Nickles

and myself from what happened in Oklahoma City. I always comment that the damage that was done, which is the most devastating domestic terrorist attack in the history of this country, in Oklahoma City, was done with the explosive power comparable to 1 ton of TNT.

I think it is accurate to say that we do not know, at least I do not know of any nuclear warheads of less than a kiloton, so it would be a thousand times that power, so it is a great concern of mine, and it was a concern of mine back when we asked the question, back in 1998, of how long it would be before North Korea would be able to have the capability of a multiple stage rocket.

A letter that was signed by Henry Shelton—and I do not blame him for this, because he was depending on information that he got from our intelligence community, saying it would be a matter of years before they would have that capability—was dated August 24, 1998, and 7 days later they fired one. So do any of you want to comment on plans that you have to upgrade the level of information that we get from our intelligence community?

Dr. CROUCH. Senator, the subject that you have highlighted is absolutely crucial to the making of policy, and I know that it is a subject that is front and center in Secretary Rumsfeld's view, and Deputy Secretary Wolfowitz, as I have heard them publicly and privately both stress the importance of precisely the points that you are making about the need to improve our collection capabilities and our analysis in the intelligence field.

Senator INHOFE. That is good, and I am certainly hopeful that the three of you will be confirmed, and that we will be able to address that so that you will be able to perform your duties predicated on accurate information.

Since my time has expired, I do have one question that I would like to ask, and then you could answer it for the record. Some of us around here are old enough to remember the Cuban missile crisis, and there was recently a movie that was written about it called Thirteen Days, Mr. Chairman, which I have not seen, but was about waking up one morning finding that several of our American cities were targeted by Russian missiles located on Cuba. At that time hysteria hit the street and everyone was concerned, and this movie is about 13 days during that hysteria, and also about the fact that our President then, President Kennedy, did a very fine job of getting us out of that mess. Yet today we have in 1998, there was a release, an accidental release, I might add, of a CIA report that showed that around 13 American cities are currently targeted with Chinese missiles, and we have the same defense system today that we had back during the Cuban missile crisis. We do not have the capability of knocking down one that is incoming.

That, coupled with the statements that have been made by various Chinese officials, one back during the elections, when the Chinese were demonstrating off the Taiwan Straits, I think to try to intimidate that election, when the statement was made that we will not worry about the United States coming to our aid because they would rather defend Los Angeles than Taipei. Then even more recently, the defense minister of China said that war with America is inevitable. I would like to have you respond for the record your

opinion as to the relative risk that this Nation is facing now versus during the Cuban missile crisis.

[The information referred to follows:]

NATIONAL THREATS

How would you compare the relative risk that this Nation is facing compared to that faced during the Cuban missile crisis?

The CIA's National Intelligence Council has acknowledged, in its September 1999 response to the Rumsfeld Commission Report on the missile threat that, "the possibility that a WMD-armed missile will be used against U.S. forces or interests is higher today than during most of the Cold War." This refers mainly to U.S. forces abroad or allies and friends, and reflects the proliferation of ballistic missiles and WMD capabilities into unfriendly hands.

As for the risk to U.S. territory, this in my view is less today than in 1962, but is certain to increase over the next 5–10 years. The U.S.-Russian relationship is far more benign today. The number of weapons on both sides is greater but the ideological conflict has disappeared. It is hard to imagine a political issue or dispute that could lead to a U.S.-Russian military confrontation like that over Cuba in 1962.

Other countries, however, have or are developing ICBMs that can reach the United States. China, for example, has a small ICBM force that it is modernizing. Other states like Iran and North Korea also are intent on acquiring ICBMs.

Mr. Chairman, I know my time has expired, and I do have other things which I am going to submit for the record, because I will be presiding probably for the last time for a few months, and I do not want to miss that opportunity.

Chairman WARNER. I thank the Senator from Oklahoma.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

I want to go back, Dr. Crouch, to the Korean issue. You have been asked about your statement that the Bush administration's decision to withdraw tactical nuclear weapons was a major geopolitical mistake, and in that same article you recommended U.S. redeployment of nuclear weapons to South Korea. The tensions were high when you made those recommendations. The South Korean Government did not support the redeployment of nuclear weapons to the peninsula, did it?

Dr. CROUCH. I do not know that the South Korean Government was ever asked about that question.

Senator LEVIN. Was it not their goal to denuclearize the peninsula?

Dr. CROUCH. I am certain that was the South Korean goal. I think that was also the U.S. goal.

Senator LEVIN. Are you saying that you recommended that we redeploy nuclear weapons to North Korea without knowing their position?

Dr. CROUCH. No, I was trying to answer, Senator, your question, which I thought was, what was the position on the reintroduction of South Korean nuclear weapons. I do not believe the question was—at least, I am unaware. I was out of Government at the time. I am unaware of the position that the South Korean Government had on that, if they were even asked. I suspect they were not, so they may not have had to formulate a position.

Senator LEVIN. Do you think it is relevant as to what their position was at the time as to whether we reintroduce nuclear weapons?

Dr. CROUCH. Absolutely. In fact, I think, obviously that either the introduction or reintroduction of nuclear weapons on an ally's

soil is something that would have to be determined based on mutual agreement between the parties.

Senator LEVIN. But when you made the recommendation that we reintroduce it, are you saying that you made that recommendation without even knowing what the position of South Korea was?

Dr. CROUCH. No. My recommendation, I believe, would have been, if, in fact, that recommendation had been taken up, that we would have sought that agreement from the South Korean Government.

Senator LEVIN. Is that what was in your article, that we seek agreement from South Korea?

Dr. CROUCH. I do not have a copy of the article in front of me, sir.

Senator LEVIN. Did you support the Framework Agreement?

Dr. CROUCH. My view on the Framework Agreement——

Senator LEVIN. No, not now. Did you support the Framework Agreement when it was entered into?

Dr. CROUCH. No.

Senator LEVIN. Your language was that the United States was—and this is an article you wrote in 1995, after the Framework Agreement—excuse me. This was after the Framework Agreement was signed in October 1994. You wrote that the United States was seeking to collude with the North Koreans. Did the U.S. Government collude with the North Koreans?

Dr. CROUCH. I believe that the U.S. position was not the right position to take. I mean, I think that the——

Senator LEVIN. I am not arguing that. I am just talking about the use of the word collude. You wrote that the U.S. Government was seeking to collude with the North Koreans.

Dr. CROUCH. Right. I think the point in the article was simply that—and my criticism of the administration was simply that the administration was not taking this particular threat as seriously as it should have. I guess my rhetorical way of stating that was that they were in fact colluding with the North Koreans.

Senator LEVIN. You also wrote that, again, this was in 1995, after the Agreed Framework was entered into in October 1994, that absent positive viable steps by the North Korean regime towards the destruction of their nuclear complex, that you would authorize the destruction, bombing of that complex.

Now, they are in the middle of a very tense situation on that Korean peninsula, and you are urging us to bomb North Korea if they do not comply with our demands. What was South Korea's view about that?

Dr. CROUCH. Again, I was not inside the Government. I do not know specifically what South Korea's view was. I know that the president at the time, the president of South Korea at the time considered it, and stated publicly so, that the development of weapons of mass destruction and the targeting of those weapons on South Korea was not something that the Government of South Korea would tolerate, but beyond that, it is very difficult for me to state what the internal views of the Government of South Korea——

Senator LEVIN. Or stated views, relative to bombing North Korea if they did not comply. This was after the Framework Agreement was entered into. You wrote in January 1995, 3 months after the

Framework Agreement is entered into, that we ought to bomb them if they do not comply with our demands, and in a tense situation. Not knowing what the Government of South Korea even favors, you recommend bombing. It is such a reckless comment.

Dr. CROUCH. Senator, I think that if I may say a few things on that, I do not believe that—number 1, if you will look at the record, the article was actually written in 1994. Unfortunately, I am in a position where yes, it was published in 1995. That is the way academic journals—there is usually a 3- to 6-month delay in these things.

Senator LEVIN. Did you ask them to hold off publication?

Dr. CROUCH. No, I did not. No, I did not, obviously, all right, but I want you to understand that the recommendations were made in that context, and so—but more to the point, I think that the concern that was evinced within that Government by, I believe, Members of the Senate at the time, and certainly even by Secretary Perry, who I believe testified before the Senate Foreign Relations Committee that he was considering options to do just this, is evidence of the serious nature of this.

I am not suggesting that it was an easy decision, and it may well have been that if different facts had come to light that I was not aware of because I was out of Government, I may have made a different decision, but given what I knew at the time, I stick by the recommendations.

Senator LEVIN. All right, but then you are saying that Secretary Perry made the same suggestion that you were making in this article?

Dr. CROUCH. No. What I said was that I believe that Secretary Perry testified in front of the Senate Foreign Relations Committee that he had considered and in fact had ordered that options for doing just that be drawn up.

Senator LEVIN. Just that.

Dr. CROUCH. But—well, not specifically that. The "just that" is attacking, the bombing, if you will, of North Korean nuclear weapons and missile complexes.

Senator LEVIN. Under what circumstances?

Dr. CROUCH. But he decided against that.

Senator LEVIN. All right. You are not suggesting that he and you had the same position?

Dr. CROUCH. No, but I am trying to suggest that the position of considering doing that was not a reckless position.

Senator LEVIN. You wanted to authorize it. That was your word, right?

Dr. CROUCH. Absent getting an agreement from the North Koreans——

Senator LEVIN. Which you opposed.

Dr. CROUCH. No. The kind of agreement that I would have sought—and I think one of the problems we have today with the Framework Agreement is that we are not getting the kind of transparency that is necessary to feel confident that the North Koreans are no longer developing weapons of mass destruction, in particular, nuclear weapons.

Senator LEVIN. Do you think we should continue to support the Framework Agreement now?

Dr. CROUCH. I know that the Framework Agreement is something that is, along with our entire relationship with North Korea, something that is currently under review by the administration. One of the things that—and principally this will—I will be involved in this, if confirmed, but I think it would be best if I were to know what the other considerations are, be involved in those deliberations, before making a determination on that. Ultimately the President, I believe, will make that decision, and I can certainly support whatever decision the President makes.

Senator LEVIN. Well, the decision has already been made. According to the letter that Deputy Secretary Armitage took to South Korea, we expect that among the things that our policy review would show would be that we would continue to support the Agreed Framework, so it has already been made, but you are still uncertain as to whether you support the extension of it.

Dr. CROUCH. Well, my reading—I have not seen that letter. I have not been privy to it.

Senator LEVIN. Perhaps you could for the record, then, take a look at the letter and give us your answer.

Dr. CROUCH. I would be happy to do that, Senator.

[The information referred to follows:]

I support the administration's position on abiding by the Agreed Framework. The administration has decided to undertake discussions with North Korea on a broad agenda that includes improved implementation of the Agreed Framework. I believe that the international situation has changed greatly since 1994 when I first wrote about the Agreed Framework. The June 2000 inter-Korean summit is one example of this change. In coordination with our Asian allies, the administration will hold discussions with North Korea aimed at reaching verifiable arrangements that enhance our national security and that of our allies.

Senator LEVIN. I think my time has probably long gone.

Chairman WARNER. Take another minute. Well, I will take a few points. I just want to follow on. I have had the privilege of working with Dr. Perry when he was in positions in the Department of Defense, particularly that of Secretary. I have a very high personal regard for him, and he, as you recall, Senator Levin, in the course of his trips to both Koreas would come and offer himself to consult with the Members of the Senate Armed Services Committee. I think he provided some very useful breakthroughs.

I am not going to get into specifics, but I am also an adherent of the doctrine, the more openness that we try to share with a nation that is so isolated as North Korea is to the overall advantage to the United States, so I am hopeful that the Bush administration will continue to pursue such opportunity as we may have to alleviate the stresses between the North and the South and, indeed, the isolation of that country. Their people are suffering tragically in North Korea now.

I want to shift to the subject of our relationship with Taiwan and that of the People's Republic of China. I will just make an observation of my own. I have followed this for many years here in the Senate. I strongly support and adhere to the law of the land whereby we have indicated that in certain circumstances we would first see that Taiwan is adequately armed to defend itself, and if necessary we would engage our forces if the President of the United States at that time felt that that obligation was in fulfillment of the law of the land.

On the other hand, I feel very strongly that implicit in the law of the land, our land, the United States, with regard to the relationship with Taiwan, implicit therein is the obligation of the Taiwanese elected persons and others who are in official positions to restrain their rhetoric and their actions so as to not incite additional stresses between Taiwan and the People's Republic of China. I think that is very important, and I always lay down that cautionary note, and I just wondered if you share a similar view with that of the chair.

Mr. Feith?

Mr. FEITH. Yes, Mr. Chairman. I think that working the relationship with Taiwan so that we provide the support that we should, and help keep the situation there secure, and at the same time work on cooperating with them to make sure that Taiwan's own position does not become a destabilizing element in the area is—I think both of those points are worth stressing.

Chairman WARNER. Thank you. Do either of you wish to comment on that?

Mr. RODMAN. I agree with that. I think the United States is not looking for a crisis with China over Taiwan, and the Taiwan Relations Act reflects the American commitment, but I think our objective is to deter a crisis, and the way you expressed it I think is the right approach.

Chairman WARNER. Thank you.

Dr. Crouch.

Dr. CROUCH. I agree. I think the President's position on this has been that he is going to speak clearly on the subject so that both parties, the PRC in particular, knows about our commitment, but on the other hand I think it would be wrong to try to artificially solve that problem or to create stresses between those two States.

Chairman WARNER. Turning to the subject of Iraq, the administration is actively trying to reengage our allies. Great Britain has loyally stood by our side. It has certain initiatives in the United Nations, and before the Security Council, which I commend Great Britain for taking.

At the same time, we have a daily responsibility to enforce the no-fly zones, and the risk to aviators, be they U.S. or British or, should others fly of our allies, is increasingly risky to them, and we must take cognizance of this. I am confident that Secretary Rumsfeld in his most recent visit through the region has enunciated our adherence to protecting the concept of the no-fly zone, and doing everything we can, the United States, to enforce the sanctions which prohibit the importation into Iraq of raw materials and/or technology, or to add to the weapons of mass destruction, which I am sure Saddam Hussein daily tries to create in his own country. This is a keen balance that we have to recognize today with the clear indication that Saddam Hussein is stepping up the activity against the aviators. I just wondered if, Mr. Feith, you agree with my views on this.

Mr. FEITH. Yes, I do, Mr. Chairman. I believe it was yesterday Secretary Rumsfeld visited the Incirlik Air Base in Turkey, and made points very much in line with those you just expressed.

Chairman WARNER. I see Turkey is continuing to give its support to the missions, and I think that is important.

India and Pakistan, countries which we have had a long and valued relationship with both nations, they are a tinder box, regrettably, because of their ability to have some capabilities with nuclear weapons. I think it is important that we maintain engagement with both nations, and do what we can on matters of counterterrorism, peacekeeping, regional security, and the like. Do you agree with my views on that, Mr. Feith?

Mr. FEITH. Mr. Chairman, South Asia is rapidly growing in strategic importance and U.S. relations with the States there are going to be an important part of shaping the strategic environment for the 21st century. It is going to influence our relations with Russia and China. Our relations with India and Pakistan help contain the danger of conflict between them, which is especially important, given the nuclear capabilities and missile capabilities of each of the States.

I would say simply that, if confirmed, I would enter into the review that I know is underway of our policies towards South Asia, and would be looking forward to working with the committee on how we could best weave together our security and economic and political interests in both of those important countries.

Chairman WARNER. Do either of you wish to add to that?

Dr. CROUCH. I agree with that.

Chairman WARNER. Thank you. The subject of persons who are missing in action, commonly referred to as the POW/MIA issue, is one that I feel very strongly about that our country should at no turn in its relationships, particularly with Vietnam and, indeed, Korea—I had a brief tour of service with the Marines there in 1951–1952, and I have friends who are unaccountable to this day. I think there are several thousand in the Korean conflict, and an equal number, if not greater, in Vietnam. Do I have the assurance of all of you, as you pursue your official duties, if confirmed, that you will in every way assist in terms of our official efforts, as well as the efforts of other recognized and responsible organizations, to solve the mysteries and the family stress associated with POW/MIA?

Mr. FEITH. Yes, sir.

Dr. CROUCH. Absolutely, sir.

Mr. RODMAN. Absolutely.

Chairman WARNER. Thank you.

Senator Levin.

Senator LEVIN. Thank you. The chairman asked about amendments—I think it was the chairman. It may have been Senator Inhofe—asked about the amendments to the ABM Treaty which had been offered, or were talked about as possibly being offered to Russia by President Bush, and I think you all indicated that you do not know of any amendments—maybe Mr. Feith, you said you do not know of any amendments that have been proposed, is that correct?

Mr. FEITH. That is correct.

Senator LEVIN. Is it your understanding that amendments to the ABM Treaty will be proposed by the Bush administration to Russia?

Mr. FEITH. What I understand, Senator, is that the President has said that he wants to create a new framework for the relationship

between the United States and Russia, and it is my understanding that the administration right now is in consultations with the allies and with the Russians and I am confident with Congress, is working on refining the idea of framework. The President said in his National Defense University speech that he is looking at a wide range of ideas for that framework, and whether amendments of the type that you are referring to are going to be part of it or not I am sure will be part of the consideration.

Senator LEVIN. At The Citadel in 1999 he said that we will offer Russia the necessary amendments to the ABM Treaty. Do you remember that?

Mr. FEITH. I had not remembered that.

Senator LEVIN. All right. He did say that. Now, whether he does that or not, you do acknowledge that either he is going to be offering a totally new framework to substitute for the ABM Treaty, or amendments to the ABM Treaty. Is that a fair statement of what your understanding is of the Bush administration?

Mr. FEITH. My understanding is that he is considering all sensible options for a framework.

Senator LEVIN. Which may include——

Mr. FEITH. Which may include that, which may include lots of other ideas.

Senator LEVIN. OK. Dr. Crouch, on the question of economic sanctions, in the article which has been referred to where you were critical of the Framework Agreement and made the other statements which have been quoted, you said the following, that the administration is predictably turning to that great panacea of western inaction, economic sanctions. When you were asked about it earlier this morning you sounded very different from that, I must tell you. You said, sanctions have an important role. I did not catch any of that in this article, the important role of economic sanctions. They were just labeled a great panacea. Have you changed your mind since you wrote that?

Dr. CROUCH. No, Senator.

Senator LEVIN. So they still are a great panacea, or "that great panacea?" Is that still a fair summary of where you stand in terms of economic sanctions?

Dr. CROUCH. I think they can be a panacea, yes.

Senator LEVIN. I would agree with that, but you labeled economic sanctions as a whole, as a group, generically, as "that great panacea of western inaction." Is that a fair characterization of your view of sanctions generically now, at this point, that they represent a great panacea of western inaction?

Dr. CROUCH. The point I was trying to make in the article, Senator, is that they have been, or have operated as a panacea of western inaction in the past, and I suppose that this was my rhetorical way of describing it, and I stick by that statement.

What I wanted to be clear on, however, was that I am not suggesting that economic sanctions have no value, nor am I suggesting that in combination with other actions they may not be able to be part of a comprehensive policy in dealing with problems like the one I discussed in the article.

Senator LEVIN. Are there any current sanctions that you would repeal?

Dr. CROUCH. I cannot think of any, no.

Senator LEVIN. On the nuclear testing issue, you talked about those who supported a testing as using Luddite logic, and when asked whether or not President Bush's decision to continue the moratorium that exists now on testing represented Luddite logic, you did not give an answer. You sort of laughed. Does it represent Luddite logic?

Dr. CROUCH. I thought I said no.

Senator LEVIN. Why does it not, given your views back in this article?

Dr. CROUCH. As I stated in the article, I believe, my view on nuclear testing is that it formed an essential component to us being able to understand nuclear weapons technology, that as long as the United States continues to rely on that technology as a principal basis for its defense, that we need to understand as much as possible about it, and so I think that that is about as clear as I can get on it.

Senator LEVIN. Are you recommending we resume testing?

Dr. CROUCH. I am not recommending anything at this point, Senator.

Senator LEVIN. Why?

Dr. CROUCH. Pardon me?

Senator LEVIN. Why do you not recommend it? For the reasons you just gave, why should we not resume testing?

Dr. CROUCH. Well, I think that whether we resume testing, particularly given the fact that the CTBT is a negotiated treaty, given—this is an issue that has to be looked at in the context of our entire international commitments, has to be looked at in terms of what requirements we may have in the future for nuclear testing, and I think it is an issue that the administration is going to be looking at very hard in its strategic review.

Senator LEVIN. I do not understand how you label it Luddite logic to stop testing, but not now say that you recommend we resume it. I do not get it.

Dr. CROUCH. The reason I labeled it that is that I think that, why should we not have as much information as possible?

Senator LEVIN. Then why should we not resume testing?

Dr. CROUCH. I did not say that we should not resume testing.

Senator LEVIN. Should we resume testing? You do not say we should, and I am asking it the other way, why should we not resume testing, given your position?

Dr. CROUCH. Well, I think that considering the resumption of testing is something that the administration ought to consider.

Senator LEVIN. My time is up. Thank you.

Chairman WARNER. I would like to follow up on that. This stockpile program, which is the substitute for testing, was very carefully evaluated by this committee in the context of the review of the Comprehensive Test Ban Treaty and the Senate rejected that.

Now, until such time as there is greater clarity to the success of that program, and in the judgment of this Senator that clarity has not been brought forth by the technical people as yet, we should not foreclose any options, because we have a convergence of the aging of the nuclear stockpile. I am repeating myself, but the safety of those in our armed forces and civilians who must deal with these

weapons, the proximity of these weapons, which are aging, to communities in the United States and other places in the world, we have to keep open the option of some alternative program to get the safety issue and the credibility of our deterrence clearly established. Because as time goes on I think the Nations of the world could attach some lack of faith in our stockpile of weapons unless we have some clear documentation that these weapons, no matter how awesome they maybe, no matter how much I and others hope they will never be used, but nevertheless they have to be maintained safely, and they have to provide a credible deterrent.

So in my view, the question of testing is an open one, and it is dependent on the success or the failure of this stockpile program that is underway at the cost of an enormous amount of money, which is basically a computer program, and we have to be aware of what other nations may be doing with respect to their testing procedures.

I certainly am not in a position to say unequivocally that Russia—we accept their representations, but documentation as to whether to not they are or they are not doing any testing is an open question in my mind.

I just have one more question on Latin America. It is very important to this hemisphere. I think we must be ever cognizant of the importance of the relationships between this nation and those in Central and Latin America, and there is considerable instability in a number of the Nations. I just wish to have your commitment that that is a priority that you will address from time to time. Mr Rodman.

Mr. RODMAN. Yes. It is an area that the President is giving priority attention to, and if I am confirmed, it is an area that I will give the same attention to.

Chairman WARNER. Good. Any others wish to comment on that?

Mr. FEITH. Mr. Chairman, I agree with that.

Chairman WARNER. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Dr. Crouch, on missile defense I just want to ask you a few questions. One of the chief U.S. objectives in START II is to eliminate Russia's S–18 missiles and all of its MIRV'd ICBMs. Do you believe it is in our interest for Russia to eliminate all of its MIRV'd ICBMs?

Dr. CROUCH. Yes, I do, sir.

Senator LEVIN. If we determined that unilaterally deploying a national missile defense, assuming we tried some new framework and it failed to be achieved, or we tried to modify by amendment the ABM Treaty, and we failed, if we determined that unilaterally then deploying a national missile defense would result in Russia keeping their MIRV'd ICBMs, would that fact be worthy of consideration by us relative to the question of whether we would be more or less secure with a unilateral deployment?

Dr. CROUCH. I certainly think it would be worthy of consideration.

Senator LEVIN. All right. Is it in our national interest for Russia to cooperate with us on nuclear nonproliferation?

Dr. CROUCH. Yes.

Senator LEVIN. The same question. If we assess that there would be proliferation dangers by a unilateral deployment of a national missile defense, would that make it worthy of consideration, the question of whether or not to deploy, if it led to that? Is it just worthy of consideration? I am not asking you to reverse your position on national missile defense. I just want to know whether or not you think it is worthy of consideration.

Dr. CROUCH. I absolutely think it is worthy of consideration.

Senator LEVIN. All right. Is it in our interests that Russia not provide advance missile defense countermeasures to other nations?

Dr. CROUCH. Certainly.

Senator LEVIN. If we determined that a unilateral deployment of a national missile defense would result in Russia transferring advanced countermeasures technology to other countries, would that be worthy of consideration on the question of whether to unilaterally deploy a national missile defense?

Dr. CROUCH. Yes.

Senator LEVIN. Is it in our interest that Russia and China not join together to oppose U.S. interests generally?

Dr. CROUCH. Generally, yes.

Senator LEVIN. If we assess that deploying a national missile defense unilaterally would result in Russia and China joining together to oppose U.S. interests, or make it more likely that they would join together to oppose our interests, would that be worthy of consideration on the issue of whether or not to deploy unilaterally a national missile defense?

Dr. CROUCH. I think all of those issues are worthy of consideration.

Senator LEVIN. I will just give you another, then. You can add any additional considerations for the record. Is it in our national interest that China not expand its nuclear forces beyond a reasonable deterrent level from their perspective?

Dr. CROUCH. Yes. I think it is in their interests, too.

Senator LEVIN. If we assess that deploying a national missile defense in the way that I just previously described would result in China expanding its nuclear forces further than they otherwise would, would that be a consideration, do you believe, that ought to be taken into account on the decision whether or not to deploy a national missile defense?

Dr. CROUCH. Yes.

Senator LEVIN. One last question now, and the other ones I will save for the record. Actually, there are two more questions, and the others will be saved for the record. This goes to Mr. Rodman.

In your article in the *Los Angeles Times* on May 7, 1999, you wrote that NATO's original demands for a reversal of ethnic cleansing, withdrawal of the Yugoslav army and police from Kosovo, and a NATO military protectorate to speed the return of refugees, is a key benchmark by which to judge any negotiated outcome, and then you wrote, the outcome is likely to be a diplomatic compromise superficially confusing enough to allow some in the West to claim success. What is your view now as to the success of the diplomatic and military outcome in Kosovo?

Mr. RODMAN. I was wrong, Senator. I predicted that it would not—that the bombing campaign would end inconclusively, and I was, I say, pleasantly surprised by the outcome.

Senator LEVIN. Then one question on the Sinai peacekeeping. If confirmed as Assistant Secretary, you are going to be responsible, I believe, for advising the Secretary of Defense on U.S. policy in the Middle East. Do you believe that the Middle East should withdraw its forces from participation in the Sinai peacekeeping force?

Mr. RODMAN. I know that Secretary Rumsfeld has expressed a general interest in reviewing the kind of commitments we have in many parts of the world, and I would not want to prejudge the outcome of a review because I do not think he is prejudging the outcome.

I regard the Sinai agreement, the peace treaty between Egypt and Israel, as one of the most important achievements of the peace diplomacy. I realize the great role that the MFO has fulfilled, but I have to say that I think the Secretary is right to look at these and just to see if they are still essential. I certainly agree that the peace agreement and maintaining stability in the Sinai are definitely essential.

Senator LEVIN. Do you have an opinion as to whether we should withdraw those forces?

Mr. RODMAN. I do not know enough about it. I do not know whether there are other options that might be available.

Senator LEVIN. Thank you.

Mr. Chairman, I and a number of my colleagues have some questions for the record. I would ask that it be kept open for 24 or 48 hours so that we can get those questions in. There have been a number of things requested of our nominees, including the paper that was written for the American Enterprise Institute, and so I would ask that the record be kept open for a reasonable length of time so that we can get the answers to those questions.

Chairman WARNER. Senator Levin, I assure you we will do that. I will do the appropriate thing to consult with you as to when both sides of the aisle here have had the full opportunity to submit and get the responses. Of course, we are anxious—you have been a tremendous team player in getting the nominations of the Secretary of Defense to the floor expeditiously, and I expect we will do the same in this case, but there are a number of questions, and we should get those answered for the record.

This has been an excellent hearing. It may well be my last for an indefinite time as the chairman, but I think we have very thoroughly and fairly and objectively looked into all issues that relate to the Senate's very important responsibility of advice and consent. I am optimistic that each of you will receive the advice and consent of the Senate, but that remains to be seen. Certainly your responses to this Senator confirm the wisdom of the Secretary of Defense and the President in selecting you.

In closing, I say to my good friend, Senator Levin, we came to the Senate some 23 years ago. We have worked together these many years. We will continue to work together, and throughout my period of 2 years plus as chairman, Senator Levin, you have accorded me every courtesy and plus some, and I intend to do the same whenever the time occurs for the passing of the mantle, this

one, which will be, I presume, in the next 48 hours or so. I wish you luck.

Senator LEVIN. Mr. Chairman, let me just say that you have always been, as long as I have known you, a fair person. We have always operated in a bipartisan manner. You as chairman have carried out a great tradition of bipartisanship on this committee. One never knows what the future holds. We have learned that many times in politics, so you cannot predict how long anybody will be here, much less how long anybody will be chairman.

Chairman WARNER. That is true.

Senator LEVIN. I just want to thank you for your continuing stretching out your hand to this side of the aisle. We will do the same when the gavel passes. I again just want to thank you and assure you that I will be just as bipartisan, and try even to somehow or other be more so, even though that may not be possible, than you have been. You have been a wonderful role model for anyone who aspires to be chairman of this committee.

Chairman WARNER. I thank you. I accept that with great humility, and I extend the hand. Good luck. Thank you very much.

The hearing is concluded, we are adjourned.

[Whereupon, at 1:40 p.m. the committee adjourned.]

[Prepared questions submitted to Douglas Jay Feith by Chairman Warner prior to the hearing with answers supplied follow:]

May 18, 2001

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

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

Yours Truly,

DOUGLAS J. FEITH.

cc: Hon. Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

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

Answer. From my point of view, the most important aspects are the clear responsibility and authority given the CINCs for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can

be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am unaware of any major changes that are needed to Goldwater-Nichols. Before any modifications are suggested, the Department should consult closely with Congress, especially this committee.

DUTIES

Question. Section 134 of Title 10, United States Code, provides that the Under Secretary of Defense for Policy shall assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans and in reviewing such plans.

Additionally, subject to the authority, direction and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of the Department of Defense relating to export controls.

Department of Defense Directive 5111.1 reiterates these duties and specifically notes that the Under Secretary of Defense for Policy is the principal staff assistant and advisor to the Secretary of Defense and the Deputy Secretary of Defense for all matters on the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives.

What is your understanding of the duties and functions of the Under Secretary of Defense for Policy under current regulations and practices?

Answer. If confirmed, I will perform the duties provided by statute and regulation, as set forth in the Directive. The Under Secretary of Defense for Policy serves as the principal assistant and advisor to the Secretary and Deputy Secretary of Defense for all matters concerning the formulation of national security and defense policy and the integration and oversight of DOD policy and plans to achieve national security objectives.

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

Answer. I would expect Secretary Rumsfeld to look to the Under Secretary of Defense for Policy to fulfill all the duties assigned to that office by statute and regulation—in particular, assistance and advice on the formulation of national security and defense policy. This would likely include: oversight of DOD policy and plans; DOD relations with foreign governments and international organizations; and DOD participation in the interagency process of the U.S. government.

Question. How do you see the civilian role, as opposed to the military role, in the formulation of strategy and contingency planning?

Answer. As I understand this activity from the briefings I have received, the Under Secretary of Defense for Policy office, on behalf of the Secretary, initiates the contingency planning process though its preparation of the Presidentially-approved Contingency Planning Guidance. The Under Secretary of Defense for Policy staff follows the development of actual plans which are developed by the military over the 18–24 month deliberate planning cycle and then conducts a formal review of the final products. Final plans as well as preliminary strategic concepts are briefed to the Under Secretary of Defense for Policy for approval, and a number of key plans and strategic concepts are brought to the Secretary for his approval.

CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase attention on the formulation of strategy and contingency planning. The Under Secretary of Defense for Policy is specifically directed to assist the Secretary of Defense in prepar-

ing written policy guidance for the preparation and review of contingency plans and in reviewing such plans.

In your opinion, does the civilian leadership currently have an appropriate level of oversight of contingency planning?

Answer. I am not able to judge at this time, but I am told that civilian oversight of the contingency planning process is at its most mature state since enactment of Goldwater-Nichols. I have been told that the Office of the Under Secretary of Defense for Policy has good relations with the Joint Staff and CINCs' planning staffs that facilitate oversight.

Question. What steps do you believe are necessary to ensure effective civilian control and oversight of contingency planning?

Answer. If confirmed, I will be able to gain a more detailed understanding of OSD's oversight processes and how it might be improved.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges confronting the Under Secretary of Defense for Policy?

Answer. The Under Secretary of Defense for Policy must strive to ensure that the U.S. military maintains the ability to deter the range of threats we face and defend our national interests in a world of diverse and not necessarily predictable threats. We face major challenges in properly supporting our forces today while transforming the military to deal effectively with future uncertainties. Another major challenge is dealing with so-called emerging threats—the ability of hostile forces (states and terrorist organizations) to cause serious damage on U.S. territory even though they cannot defeat our armed forces. This field of emerging threats deserves the most serious attention of defense policy makers.

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

Answer. If confirmed, I will work to ensure that we have a defense strategy and appropriate policies and plans to address the threats we face and capitalize on U.S. strengths.

EUROPEAN SECURITY AND DEFENSE POLICY

Question. A major challenge facing the United States and NATO in the months and years ahead will be the European Union's (EU) implementation of its European Security and Defense Policy (ESDP), that is, an EU capability to conduct military operations in response to international crises in cases where "NATO as a whole is not engaged." Many in Congress have expressed concern that ESDP could emerge as a competitor, rather than a complement, to the NATO Alliance.

Do you share these concerns? What steps do you believe that the United States and NATO must take to ensure that ESDP is implemented in a way that strengthens the Alliance?

Answer. The United States and our NATO Allies must ensure that ESDP preserves NATO's integrity as the primary instrument of transatlantic security and does not diminish the Alliance's military operational effectiveness. ESDP could increase European military capabilities, complementing and reinforcing NATO to balance better the transatlantic relationship; however, with historically low levels in Europe of investment and public interest in security, ESDP could also pose a resource diversion risk and undermine NATO's ability to undertake effective collective defense.

IRAQ POLICY

Question. The administration is currently conducting a comprehensive review of U.S. policy toward Iraq. Secretary of State Powell recently raised the possibility of changing the sanctions regime against Iraq to ease economic sanctions in return for strengthening the implementation of sanctions on military-related items.

What elements do you think should be part of the administration's policy to ensure Iraqi compliance with the obligations Iraq accepted at the end of the Gulf war?

Answer. U.S. policy toward Iraq aims to ensure that the Baghdad regime does not threaten U.S. interests in the Gulf region or the Middle East as a whole. That objective is consistent with the aims of the Gulf War cease-fire resolution and the other UN Security Council resolutions dating back to the initial invasion of Kuwait-all of which are intended to ensure that Iraq can no longer be a threat to peace and security.

I am advised that the ongoing administration review of Iraq policy focuses on three main elements: (1) refocusing sanctions to target Iraqi military and WMD capabilities; (2) using the military more effectively to support our policy objectives, in-

cluding enforcing the no-fly zones; and (3) promoting conditions in which the Iraqi people might be able to free themselves of Saddam's tyrannical regime. These elements are linked to each other and our challenge is to bring all three together while addressing the complex task of rebuilding consensus in the region and in the international community.

ENGAGEMENT POLICY

Question. President Bush has directed the comprehensive review of all U.S. military deployments abroad. In his September 1999 speech at the Citadel when he announced his intention to have such a review, then-Governor Bush spoke of problems with "open-ended deployments and unclear military missions."

What do you believe are the proper criteria to apply when deciding whether or not to involve the U.S. Armed Forces in military operations overseas?

Answer. The decision to employ U.S. military forces in support of our national interests is one of the most important that a President has made. Each case is unique. The assessments on the use of force should consider what interests are at stake, whether the goals we seek are achievable, and at what cost and how we would characterize success. It is important that the mission be defined so that we know when it is over and when we can bring our forces home.

Question. If confirmed, would you support continued engagement activities of the U.S. military?

Answer. Engagement activities, if conducted wisely and at appropriate levels of effort, can serve useful purposes including: strengthening alliances; deterring threats; and enhancing U.S. military access in key regions. I support such U.S. military activities for these useful purposes. If confirmed, I will assist in reviewing engagement activities to ensure that they support our goals.

Question. Do you believe that these activities contribute to U.S. national security?

Answer. These activities can serve the national interest, demonstrating U.S. commitment, deterring aggression and adventurism, and helping ensure a rapid and decisive response in the event of crisis.

Question. Would you assure the committee that there would be adequate civilian oversight of these activities?

Answer. If confirmed, I assure the committee that there will be adequate civilian oversight of engagement activities.

INVOLVEMENT IN THE BALKANS

Question. Since the United States first deployed ground troops to Bosnia in December 1995, there have been dramatic changes in the Balkans. Although ethnic tensions remain high throughout the region and ethnic conflict has flared in the Former Yugoslav Republic of Macedonia (FYROM), the major source of instability in the Balkans, Slobodan Milosevic, is out of power and under arrest in Serbia, and a new, democratically elected government is now in charge in the Federal Republic of Yugoslavia.

Given recent changes, should the United States and the international community re-evaluate its policies in the Balkans, to include a re-evaluation of the need for a large U.S. and NATO-led presence in the region?

Answer. Military forces are being used to secure the environment in which civil implementation of the Dayton Accords and of other peacekeeping arrangements can take place. Decisions on the circumstances and timing of continued military presence will result from the regular alliance processes reviewing the missions. I understand that we have underway an assessment of the need for military forces in these missions, and we are committed to act as a member of the alliance in defining any reductions in our presence.

PEACEKEEPING OPERATIONS

Question. What is your view as to the value of U.S. forces' participation in peace operations?

Answer. U.S. forces' participation in peace operations can serve the national interest and strengthen military skills in several areas, such as operating in coalitions, providing logistics, communications, engineering and medical support, small unit leadership and civil affairs. Readiness benefits have to be balanced against the readiness detriment inherent in any use of military forces for operations other than war. Both of these factors are part of the broader national interest cost-benefit analysis required regarding peace operations.

ASYMMETRIC THREATS

Question. What are the asymmetric threats you see to the United States and its interests, and what are the appropriate responses to these threats?

Answer. Asymmetric threats to the United States include nuclear, biological and chemical (NBC) weapons and their means of delivery, terrorism, threats against our space and information systems, and a range of conventional capabilities intended to deny U.S. access to key regions in times of crisis. In light of these threats, President Bush has made the development and deployment of missile defenses a priority for his administration. Also, the Department is preparing U.S. forces to deter such threats and, if deterrence fails, to fight and win despite the threat or actual use of NBC weapons against them.

As part of the administration's response to emerging threats to U.S. use of space, Secretary Rumsfeld announced several major organizational changes designed to improve the effectiveness of U.S. space capabilities.

Countering anti-access and area-denial capabilities, such as submarines, anti-ship cruise missiles, advanced surface-to-air missiles, and advanced sea mines, requires ongoing investments to transform the weapons and the doctrine, organization, training, logistics, and procedures of our armed forces.

Question. Do you think policies are required to address this emerging threat and growing biotech capability?

Answer. Yes. Please see answer to 10A.

Question. In your view, it is possible to develop and implement policies that will address this growing biotech capability?

Answer. Yes. Please see answer to 10A.

COUNTER-NARCOTICS

Question. In your view, what is the appropriate role of the Department of Defense in U.S. counter-drug efforts?

Answer. As the President recently said, a successful counter-drug (CD) effort depends on a thoughtful and integrated approach. The Department's CD activities support a range of programs in the administration's overall National Drug Control Strategy. The Department is reviewing all its missions, including CD-related support to other Federal Agencies. I am ready, if confirmed, to oversee the support the President and the Secretary deem required to assist other agencies in their counter-drug efforts.

Question. Do the Department's efforts contribute to the defense of our vital national interests?

Answer. The Department's CD activities play a significant role in contributing to the administration's overall National Drug Control Strategy.

Question. What role do you believe the United States should play in the implementation of Plan Colombia?

Answer. The Department of Defense supports U.S. Government efforts to assist President Pastrana's Plan Colombia. The Department of State is the lead Federal Agency for coordinating these efforts. Both the President and the Secretary of State have made it clear that the new administration will support Plan Colombia by assisting the Colombians in their counternarcotics efforts. The Secretary of State and his team can best address in detail USG support to Plan Colombia.

NORTH KOREA

Question. Please outline your views with regards to the situation on the Korean Peninsula. In particular, discuss your thoughts on the implementation of the 1994 Agreed Framework and on the missile proliferation talks between the United States and North Korea.

Answer. With regard to the Agreed Framework, I believe our goal must be a complete and verifiable end to the North Korean nuclear program. If there are ways to improve upon the Agreed Framework that enable us to have more confidence in achieving that goal, they should be considered. Regarding North Korean missiles, please see 12 B.

Question. Do you believe U.S. policy should continue to seek an end to North Korean's nuclear weapons and ballistic missile programs?

Answer. Yes. North Korea continues to pose a significant military threat to U.S. and South Korean forces. North Korea has been actively producing and exporting missiles and missile-related equipment and technology to other countries for more than a decade. These activities pose a threat to regional security and stability and to U.S. forces, allies, and friends.

Question. Should these efforts include talks and negotiations with North Korea?

Answer. North Korean activities and capabilities—regarding WMD and missiles, as well as conventional artillery—warrant intense attention. We must take the necessary steps to address these threats. I understand that the North Korea policy review, now underway, is considering various options. I look forward to becoming involved in this process if confirmed. If we engage in talks with the North Koreans, I believe we should do so with clearly defined objectives and a realistic assessment of our chances of achieving them.

AFRICA POLICY

Question. The Defense Department is currently involved in a number of initiatives in Africa to help certain nations be better prepared to provide their own regional peacekeeping forces and humanitarian missions. The African Crisis Response Initiative and the ongoing training of several Nigerian army battalions for peacekeeping duty in Sierra Leone are two examples of this policy.

Do you support these initiatives?

Answer. Yes. The United States has an interest in the development of a peace operations and humanitarian response capacity in Sub-Saharan Africa. We can promote this interest by developing defense partnerships with important states and sub-regional organizations. The concept is to help regional actors deal with regional problems. One such actor is Nigeria, with whom the United States is currently conducting peace operations training to support UNAMSIL in Sierra Leone (Operation FOCUS RELIEF, or OFR), training that also includes Senegal and Ghana.

MISSILE DEFENSE

Question. The President has made clear his commitment to the deployment of a limited missile defense system to protect the American people and our overseas interests and allies.

In your view, to what extent should the United States utilize the ground-based architecture developed under the previous administration as a starting point for implementing the President's missile defense plans?

Answer. The President has established missile defense as a top priority. Our policy is to deploy ballistic missile defenses based on the best available options, at the earliest possible date, that are capable of defending not only the United States but also friends and allies and U.S. forces overseas. Before it decides on deployment, I understand that the administration will examine all available options and basing modes that can contribute to defense.

Question. Do you believe that system can meet the operational requirement for defending all 50 States against ballistic missile attack?

Answer. The ground-based system advocated by the previous administration was being developed to meet the defined requirement of defending all 50 states. It would not have been capable, however, of defending allies and friends. Other system architectures could be more effective overall and capable of defending our allies, friends and forces abroad.

Question. If that system can meet this operational requirement, what would be the rationale for expanding beyond the land-based system?

Answer. That system was designed so its development (and even its deployment) could take place largely within the constraints of the ABM Treaty, which prohibited us from pursuing promising new technologies. It is not clear, therefore, that the system is based on the best available options. As noted above, that system would lack the robustness of a system that also included other types of defenses, and would not provide protection to allies and friends. I understand that the administration, before it decides on deployment, will examine all available options and basing modes that can contribute to defense including land-based options.

Question. Is it your view that the administration is committed to deploy a national missile defense system without regard to the ABM Treaty and without regard to the views of our allies, Russia or China?

Answer. The President has made clear that he is not interested in defenses that would separate us from our allies. The principle of shared risk is not in doubt or open to question. As demonstrated by the most recent round of consultations, the President and the Secretary of Defense are committed to substantive and meaningful dialogue with our allies.

We have diplomatic challenges to work through regarding Russia and the ABM Treaty. The President has said we will address Russian concerns about the impact of defenses on their deterrent. We have had serious discussions with Chinese officials and listened to their views. Missile defense is not a threat to China—rather, it is intended to defend against the newly emerging ballistic missile threat resulting from proliferation and also against accidental and unauthorized launches.

Question. What are the advantages of eliminating distinctions between "national" and "theater" missile defense systems?

Answer. The President has said we will deploy defenses capable of defending the United States and our allies and friends. Whether a particular system is a "national" system or a "theater" system depends on where you live and how close you are to the threat. Some systems—boost-phase systems, for instance—may be effective against short-, medium-, and long-range ballistic missiles, whether they are directed at the United States or at allies in theater. These systems should be used where they are effective.

Question. Does the administration intend to continue pursuing missile defense systems specifically for tactical or theater applications?

Answer. Yes. U.S. and Allied forces already face threats from shorter-range ballistic missiles. It is important to pursue existing programs to address these threats.

Question. To what extent do you believe that multi-layered missile defenses are necessary for dealing with the emerging ballistic missile threat?

Answer. The administration has made clear that more work is needed to determine the final form defenses might take. In this process, it might draw on established technologies to intercept in boost-phase, mid-course, or after reentry vehicles enter the atmosphere. In principle, I believe a multi-layered defense is the most robust approach.

Question. Will space-based defenses be needed in the future?

Answer. As the President indicated in his May 1 speech, we have more work to do to determine the final form a missile defenses might take. The administration says it will continue to explore all options. I think it is well-advised to do so.

Question. Does the administration intend to continue pursuing missile defenses specifically for applications against missiles with ranges from 300 to 3,500 kilometers?

Answer. Yes. The United States and its allies will likely face threats from the full spectrum of ballistic missiles—short-, medium-, intermediate- and long-range. Therefore, the administration believes that it is imperative to continue programs designed to combat short-, medium-, and intermediate-range threats, as well as long-range threats.

Question. Can the existing set of theater and national missile defense programs provide effective defenses against missile attack, as planned, or do you believe that space-based defenses will also be needed?

Answer. As the President indicated in his May 1 speech, there is more work to be done to determine the final form a missile defense architecture might take. I believe we should continue to explore all options.

Question. Critics of ballistic missile defense occasionally point out that such systems would not be able to defend against weapons of mass destruction delivered by non-missile systems such as ships or trucks. In your view does this fact detract from the case in favor of deploying defenses?

Answer. No. The United States currently has efforts underway to address non-missile threats (e.g., intelligence, border controls, etc.), but now has no defenses against long-range ballistic missiles. Leaving ourselves vulnerable to ballistic missiles, does not diminish other threats. Rather, it encourages countries to obtain long-range ballistic missiles for potential coercion or blackmail of the United States and its allies to deter us from intervening in regional conflicts.

Question. What programs will the administration implement to defend against non-ballistic missile attacks with nuclear, chemical or biological warheads?

Answer. I believe we should pursue improvements in threat reduction, export controls, border controls, detection, decontamination, protective clothing, shelters and equipment, vaccines, antidotes, antibiotics, and other emerging technological advances.

Question. Do you agree with President Bush that the goal of a missile defense protecting our nation is to defend against limited missile attacks, or do you believe that goal should be to defend against large scale attack, long-range, missile attacks?

Answer. I agree with the President. Defense of the United States should be designed to deter and defend against limited threats, in particular, attacks from states that are currently attempting to develop or acquire long-range ballistic missiles, and against accidental or unauthorized launches.

Question. Do you believe an appropriate justification for a national missile defense system is to protect against accidental or unauthorized ballistic missile launches?

Answer. Yes.

ABM TREATY

Question. Why do you believe the ABM Treaty no longer exists?

Answer. The Bush administration has not promulgated a judgment on the treaty's legal status, but it has declared that it is treating the Treaty as being in effect. I support the administration's approach.

Question. In your view, does the 1997 ABM multilateral Memorandum of Understanding have any force or effect, legal or moral?

Answer. The United States signed the 1997 Memorandum of Understanding (MOU), but the Clinton administration did not send it to the Senate for approval of ratification. The Bush administration has not announced a specific decision on what it will do with the MOU. The question will be considered in the context of the President's statement that we should replace the ABM Treaty with a new framework that reflects a break from Cold-War thinking and facilitates development of a new, cooperative relationship between the United States and Russia.

STRATEGIC NUCLEAR FORCES

Question. The National Defense Authorization Act for Fiscal Year 2001 requires the Secretary of Defense to conduct a new nuclear posture review.

When would you expect this review to be completed and to what extent will this review encompass the views expressed by the President in his May 1, 2001, speech?

Answer. I understand that the Defense Authorization Act states that the review must be completed in December 2001. I have been told the Department intends to submit the report by that date. I am unfamiliar with the details of the review. However, if confirmed, I would recommend that the study, as emphasized by President, recognize that although nuclear weapons still have a role to play in our security and that of our allies, the Cold War is over and the nature of the threat has changed. The administration has said it is aiming to achieve a credible deterrent with the lowest possible number of nuclear weapons consistent with our national security needs.

Question. As the President pointed out in his National Defense University speech, "nuclear weapons still have a vital role to play in our security and that of our allies." Would you describe your view of what that role is?

Answer. Nuclear weapons remain important as a deterrent to threats and, if necessary, a response to use of nuclear, biological, or chemical weapons against the United States, its deployed forces, or its Allies and friends. Nuclear weapons also serve as a means of upholding U.S. security commitments to our Allies, as a disincentive to those who would otherwise contemplate developing or acquiring their own nuclear weapons, and as a hedge against an uncertain future.

Question. What changes to our alert posture would you recommend, if any, to enhance security and stability?

Answer. It is my understanding that the Department of Defense will review all aspects of nuclear forces and their posture as a part an overall review of our nuclear deterrent. I am not aware of any results of this review to date.

Question. How do you define "hair trigger alert" and what U.S. weapons fit the description of being "on hair trigger alert?"

Answer. As President Bush said in his speech on May 1, at the height of the Cold War the Soviet Union and the United States had "thousands of nuclear weapons pointed at each other on hair-trigger alert." This meant first, that large numbers of ICBMs, SLBMs, and strategic bombers carrying thousands of warheads were maintained by both sides in an alert status that would have allowed their execution within minutes; and second, that the overall U.S.-Soviet strategic relationship was so characterized by distrust and potential for conflict that there was significant concern about the possibility of a first strike in a crisis. Clearly, the latter condition does not apply to the current U.S.-Russian relationship.

Question. Do you believe that United States strategic systems are on "hair trigger" alert status today?

Answer. As noted above, the overall U.S.-Russian relationship is not characterized by the same level of distrust that was present during the U.S.-Soviet standoff in the Cold War. In addition, changes have been made since the end of the Cold War that have altered the status of U.S. forces. For example, strategic bombers no longer stand alert on a day-to-day basis, and would require a few days (as opposed to minutes) before the force could be launched on a mission. The President has made clear his determination to change further the size, composition, and character of U.S. nuclear forces in a way that recognizes that the Cold War is over.

Question. Would you support prompt de-alerting of any Russian or U.S. weapons that are to be retired?

Answer. De-alerting of U.S. strategic systems scheduled for retirement is not without precedent. In 1991 former President Bush, as a part of the Presidential Nuclear Initiative, ordered the de-alerting of all Minuteman II ICBMs scheduled for

deactivation under START I. I understand that this is an issue that will be carefully examined in the nuclear posture review.

Question. What other weapons would you recommend come off "hair trigger" alert?

Answer. As I have not been confirmed, it would be premature for me to recommend specific changes to the composition and character of U.S. forces. This issue will be considered in the review of U.S. nuclear forces.

Question. Do you support repeal of section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998?

Answer. If confirmed, I will work with the committee to review the provision.

Question. Do you support prompt retirement of the Peacekeeper ICBM?

Answer. This is an issue that should be examined in the context of the review of U.S. nuclear forces.

Question. Do you support unilateral reductions in strategic nuclear forces and if so, to what levels?

Answer. The Bush administration has stated its intention to reduce the U.S. nuclear arsenal to the lowest level consistent with our national security requirements, including our commitments to our allies.

The Presidential Nuclear Initiatives of 1991 and 1992 resulted in significant unilateral reductions to our tactical nuclear forces, and termination or curtailment of modernization programs for our strategic forces, without requiring years of detailed negotiations in the context of the Strategic Arms Reduction Treaties. This is an option for making reductions that warrants serious consideration.

Question. Would you support reductions below START II force levels?

Answer. I support reductions significantly below existing levels, which are a vestige of the Cold War. How far to reduce U.S. nuclear forces is being addressed in the review of nuclear forces.

Question. Do you support dismantling warheads removed from deployment?

Answer. I believe we need to address the dismantlement of warheads removed from deployment on a case-by-case basis.

Question. In your view what is the appropriate size of the nuclear arsenal?

Answer. As noted above, the Bush administration has stated its intention to reduce the U.S. nuclear arsenal to the lowest level consistent with our national security requirements, including our commitments to our allies.

Question. Do you support a hedge strategy and if so for what purpose?

Answer. We cannot reliably predict the future. Unforeseen circumstances will arise, despite our best efforts to anticipate them. The United States needs to take steps to reduce its nuclear forces, while at the same time ensuring that we have the needed flexibility and capacity to deploy an effective deterrent against any potential aggressor.

TECHNOLOGICAL CAPABILITIES OF TERRORISTS

Question. A key disadvantage of the proliferation of information technology is that potential and acknowledged adversaries can now gather data, imagery, and intelligence updates from many of the same sources and means that the U.S. military uses. The ability to counter these emerging capabilities is a great concern for this committee.

What would you propose the United States do to address this problem?

Answer. The power of the Internet to access and assimilate data rapidly is a double-edged sword for the U.S. military—it provides opportunities and challenges. A search for information that previously would take days or even weeks to assemble can now be retrieved in hours through sophisticated data mining. But in any event, open source collection is not on the level of U.S. intelligence capabilities.

While there are some circumstances where commercial availability of high quality satellite imagery may become a concern, we have commercial remote imagery policies in place to address these concerns. But I believe these policies should be reviewed. Regarding monitoring commercial open source intelligence analysis and commercial satellite imagery, it is useful for the Department to be aware of the information that is being disseminated and who the recipients are.

I understand that DOD has included operational security (OPSEC) as a core capability of its Information Operations policy and implementing doctrine.

Question. Open sources have reported recently that Usama Bin Laden's communications network "is getting tougher to crack. He is using powerful encryption devices that can be bought on the open market. . . Usama Bin Laden has better communications technology than the U.S." These reports demonstrate that this growing technological capability is being and will continue to be used against U.S. interests by known terrorists.

How would you address this growing terrorist technological capability?

Answer. It is my understanding the Department does not agree that Usama Bin Laden has better communications than we do. Nevertheless, the worldwide proliferation of encryption, particularly on the Internet, underscores the need to ensure that the intelligence community has the necessary resources.

Most of what is on the Internet is beyond the control of DOD or the U.S. Government, including the proliferation of encryption technology. In any event, we must take steps to keep pace with the changing environment.

EXPORT OF SENSITIVE TECHNOLOGIES

Question. In his October 1999 speech on high tech issues, then Governor Bush stated that, as President, he would safeguard sensitive high technology exports, while letting Americans sell what is already widely available elsewhere. He stated that wherever there is no security interest at stake, exports would be permitted. Wherever security is truly a stake, exports would be barred, with serious penalties for violations.

If confirmed as Under Secretary of Defense for Policy, what policies and procedures do you believe need to be changed in the export license control process to reflect the proper balance between national security and commercial interests?

Answer. Exports of sensitive technology affect U.S. national security interests in many ways. First, we must protect our military personnel and our security interests by ensuring that sensitive technologies are not exported to potential adversaries or to foreign entities that represent a significant diversion risk. Second, we must have sensible policies and procedures to ensure authorization of appropriate transfer of military and commercial systems and technologies that support our coalition warfighting objectives. Finally, we must be mindful that the United States is not the only country with advanced military and commercial technology. So, we need to work with our allies and friends to ensure that their policies and approaches toward the export of such technologies meet our common security interests. The Department of Defense has an essential role to play in designing and implementing export control policies. If confirmed, I will be working closely with Congress and my administration colleagues on these important matters.

Question. Do you believe the Department of Defense should play a greater role in the export licensing process than it currently does in determining whether sensitive technologies should be exported overseas?

Answer. The Defense Department must have a strong role in the export control policy process. Defense has talent and technical expertise in the export control area and should have the ability to apply these assets to the overall process. If confirmed, I will review the licensing process and determine whether to recommend specific changes in how DOD participates.

COOPERATIVE THREAT REDUCTION (CTR) PROGRAM

Question. Given the increase in Russia's GDP during the past year and the subsequent increases in its military spending and arms exports, what is your view regarding Russia's ability to assume more of the cost share associated with threat reduction efforts?

Answer. Russia should do more to fund the reduction of the weapons of mass destruction left by the Former Soviet Union. Part of the ongoing administration review of assistance programs to Russia is to identify whether Russia is doing as much as it can to fund these reductions. The recent upturn in Russia's economic situation and increase in military spending should be taken into account.

Question. What is your view regarding the fungibility of U.S. funds associated with threat reduction assistance in light of Russia's priority on military spending?

Answer. Investment in the CTR program and other U.S. nonproliferation programs should not become a means by which Russia frees resources to finance its military modernization programs. The current review of these programs should look at such questions.

Question. Do you support the CTR Program?

Answer. Yes. The elimination of former Soviet strategic nuclear weapons, other weapons of mass destruction, and their delivery vehicles funded by the CTR program has benefited U.S. national security. The United States also has an interest in ensuring that Russia eliminates its stockpile of chemical munitions and biological agents. At the same time we do not want the CTR program to become a means by which Russia frees resources to finance its military modernization programs.

Question. Do you support funding for the Russian chemical weapons destruction facility at Shchuch'ye?

Answer. I have been advised that U.S. funding for the construction of a chemical weapon destruction facility at Shchuch'ye is under review. Many complex issues are involved in this program, including Russian and international commitments to this program. Such a review will help inform a decision on how the administration wants to proceed with this and other assistance programs.

Question. Do you believe the CTR programs are making a long-term contribution to increasing the security of the United States?

Answer. Yes. Please see answer to 19 C.

Question. Do you believe the CTR programs are reducing the probability of an accidental or unauthorized launch of a Russian ballistic missile?

Answer. The CTR program does not address directly the issue of accidental or unauthorized launches. To the extent that the program funds the elimination of former Soviet strategic nuclear weapons and their delivery vehicles, it can be said to contribute to the reduction of that danger.

Question. Do you support increasing funding for the CTR programs as necessary to improve control over all aspects of Russia's nuclear arsenal including dismantlement of nuclear warheads, accounting storage and control of weapons-usable plutonium and uranium, and shutting down the last three Russian plutonium producing reactors?

Answer. I have been briefed that the administration is currently reviewing the efficiency and effectiveness of all Russian assistance programs, including the CTR program. Upon completion of this review, a decision will be made regarding the scope of the program and related funding issues.

COMPREHENSIVE TEST BAN TREATY (CTBT)/NUCLEAR TEST MONITORING

Question. In the CTBT Task Force report that was released in January 2001, General Shalikashvili notes that the U.S. should take whatever steps are necessary to deter or detect any nuclear explosions that could decrease national security, regardless of what it decides about the CTBT.

What is your view of this statement?

Answer. In principle, I agree that the United States should have the capability to deter or detect, identify, locate, and attribute any nuclear explosion that could decrease national security. In practice I believe that the Unites States needs to decide how much detection capability is possible and how much it is willing to pay, taking into account all defense and intelligence budget priorities.

Question. Do you believe that our existing nuclear monitoring capabilities are sufficient to deter and detect any nuclear explosions?

Answer. I understand that the Department deems our existing monitoring capabilities sufficient to detect some, but not all, nuclear explosions. The risk of detection will not necessarily deter testing. Whether a country will be deterred depends on its own calculation of whether the benefits of the test exceed possible penalties resulting from possible detection.

Question. Are there steps that should be taken to enhance our nuclear monitoring capabilities?

Answer. An answer to this question would require an examination of U.S. nuclear monitoring requirements and the extent to which current capabilities can satisfy them. If confirmed, I would review the adequacy of our ability to detect foreign nuclear tests and the cost-effectiveness of potential improvements.

Question. What should be the policy within the Department of Defense regarding programs that support the CTBT, e.g., the Center for Monitoring Research funded by the Department?

Answer. Secretary Rumsfeld has said that he has concerns with CTBT: in particular, the risks to the reliability and safety of our nuclear weapon stockpile and the difficulty of verification. Secretary of State Powell has made clear the administration does not intend to pursue ratification. If confirmed, I would support a review of all planned DOD activities associated with the CTBT.

Question. Do you support continued and full funding for the International Monitoring System?

Answer. The U.S. contribution to the CTBT Organization, which includes support for the International Monitoring System, or IMS, is in the Department of State's budget. If confirmed, I would support a review of all DOD activities associated with the CTBT.

Question. Do you support the Department of Energy's Stockpile Stewardship program?

Answer. Yes, I support the Department of Energy's Stockpile Stewardship program for its contribution to maintaining a credible nuclear deterrent. Ensuring the safety, reliability, and effectiveness of U.S. nuclear weapons is important to the Na-

tional security interests of the United States. If confirmed, I would support an administration review of the Stockpile Stewardship Program.

REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY (OUSD(P))

Question. At the beginning of the Clinton administration, Secretary of Defense Aspin undertook a major reorganization of the OUSD(P). There are reports that the Bush administration is currently planning another reorganization of this office.

If confirmed, what changes would you propose to the current organization of the OUSD(P)?

Answer. If confirmed, I may propose a modest restructuring of the current organization to address better the concerns and priorities of the President and the Secretary of Defense and would look forward to consultations with this committee on those changes.

ARMS CONTROL

Question. Are arms control treaties, either bilateral or unilateral, in the national interest of the United States, and, if so, under what circumstances?

Answer. Arms control agreements and actions can be in the national interest of the United States. Each proposed treaty or unilateral action needs to be evaluated to determine whether it is in the U.S. national interest. Relevant considerations regarding treaties include: Is a proposed treaty's purpose in our national interest? Will the proposed terms accomplish the purpose? Is the proposed treaty verifiable? How likely is it that other parties will comply? How effective are efforts likely to be to enforce compliance if the treaty is violated? Are there collateral benefits of the proposed treaty even if its terms are violated by other parties?

INTERMEDIATE NUCLEAR FORCES (INF) TREATY

Question. In April 1988 you co-authored an article in which you concluded that the INF Treaty does not accomplish its stated purpose: "the complete, verifiable elimination of U.S. and Soviet intermediate and shorter-range ground-based nuclear missiles." You also wrote that "various [INF] provisions would actually facilitate the creation of maintenance of a covert Soviet force of SS–20's, the most threatening of the Soviet missiles covered."

Answer. First, allow me to comment directly about the 1988 article on the INF Treaty, which I co-authored. This article highlighted a study of the INF Treaty performed by a six-person group of which I was a member. The study group did not oppose the treaty or take a position against ratification. One study member, Richard Perle, testified before Congress in favor of ratification. I did not oppose the treaty. In my view, the treaty has contributed positively to U.S. national security, and I think the Senate acted wisely in approving ratification.

Also related to my past writings, questions have been raised about a 1997 article I wrote on the Palestinian-Israeli "Oslo" accord. The main theme of my several articles on that subject has been that the accords have been violated systematically and efforts to remedy the violations have proven ineffective. This point should not be taken as opposition to Oslo or peace negotiations as such. What I oppose are the violations, which have done harm to the negotiating process, to the Israeli and Palestinian victims of violence, and to U.S. interests.

My criticisms over the years of the Oslo process specifically, and the arms control process in general, have all arisen from my conviction that such negotiations should take full account of the difficulties of enforcing compliance. This problem is closely tied to the character, stability, political organization and other traits of the parties. Each negotiation and each proposed agreement requires careful, pragmatic judgments by policymakers.

Question. Do you believe that the Senate's ratification of the INF Treaty was a mistake?

Answer. In that April 1988 article, my co-author and I examined drafting defects in the INF Treaty in the context of the Cold War, a period of hostility and suspicion on our part regarding the Soviet Union. The Cold War is over and our relationship with Russia is fundamentally different from and better than our relationship with the Soviet Union. As I stated above, I did not oppose the INF Treaty. In my view, the treaty has contributed positively to U.S. national security and I think the Senate acted wisely in approving ratification.

CHEMICAL WEAPONS CONVENTION

Question. The United States is a party to the Chemical Weapons Convention. During the floor debate on this treaty, you wrote urging opposition to it.

What are your views of the Chemical Weapons Convention today?

Answer. The United States is a party to the Chemical Weapons Convention and has accepted legal obligations under the Convention. The Department of Defense will implement its obligations fully, including those spelled out in the Senate Conditions to the Resolution of Ratification. If confirmed, I will work to make the Convention as effective as possible in eliminating the danger of chemical weapons.

Question. Will you fully implement the terms and conditions of this treaty?

Answer. Please see answer to 24 A.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

TREATIES/AGREEMENTS

1. Senator LEVIN. Is it your opinion that all bilateral non-dispositive treaties and agreements between the U.S. and the Soviet Union automatically lapsed in December 1991, or just the treaties?

Mr. FEITH. A number of the questions in this new set ask about my opinions on legal matters. Before I answer the specific questions, I wish to make some general comments. I recognize that the position for which I have been nominated—Under Secretary of Defense for Policy—is responsible for policy, not legal judgments. The administration will take positions on legal questions based on the advice of officials functioning as lawyers. The Under Secretary of Defense for Policy is not such an official. Even though I am a lawyer, I know that, if confirmed as Under Secretary, I would not be making legal judgments for the administration.

I want also to note that, as Under Secretary, I would (if confirmed) do my policy work within the bounds of legal judgments made by other administration officials (and, of course, the courts). That would be true with regard to the ABM Treaty and all other law-related matters. I foresee no difficulty operating in this fashion even if those legal judgments differ from mine, let alone from an opinion I formulated in the private sector.

Regarding in particular the legal memorandum I co-authored on whether the ABM Treaty of 1972 became, upon the U.S.S.R.'s demise, a treaty between the United States and the Russian Federation, I wish to note that that work was an attempt to describe the law, not to advocate what the law should be. As a practical matter, I think the controversy over the treaty's legal status has been overtaken by events, for this administration has made clear that it is respecting the terms of the ABM Treaty. President Bush has also stated that "we must move beyond the constraints of the 30 year old ABM Treaty," but he has made it clear that he seeks to do so cooperatively with Russia. The issue of the ABM Treaty is, I recognize, essentially political and diplomatic in nature.

On the issues of missile defense, arms control in general and, indeed, all defense policy matters, I believe that it is important to think questions through pragmatically, non-ideologically, with an appreciation that reasonable people differ on such important topics. If confirmed, I would see it as my responsibility to ensure that policy making at the Defense Department is an open-minded, comprehensive and honest process conducted in close consultation with Congress.

Now, specifically in answer to Question 1: Based on legal research I did a few years ago, I concluded that, as a matter of international law, all bilateral, non-dispositive treaties and all other bilateral, non-dispositive agreements between the United States and the U.S.S.R. automatically lapsed upon the U.S.S.R.'s dissolution in December 1991. (*See Attachment hereto, which reproduces from the legal memorandum I co-authored the section describing the relevant legal doctrine.*) I appreciate that reasonable people differ on this question. In any event, in my view, nothing prevented or prevents the U.S. Executive Branch from deeming Russia the substitute for the U.S.S.R. with regard to U.S.-U.S.S.R. agreements that had come into force without Senate approval of ratification. It is my understanding that the U.S. Government deems such executive agreements as continuing with Russia as the substitute party.

EXCERPT

MEMORANDUM OF LAW

DID THE ABM TREATY OF 1972 REMAIN IN FORCE AFTER THE USSR CEASED TO EXIST IN DECEMBER 1991

AND

DID IT BECOME A TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION?

Douglas J. Feith
and
George Miron

January 22, 1999
(Revised May 21, 1999)

> author concerning what the law ought to be, but for trustworthy evidence of what the law really is.[103]

Courts continue to look to distinguished commentators for aid in ascertaining customary international law. [104]

D. *The Works of Scholars Support the Conclusion That a Bilateral Treaty Other than a Dispositive Treaty Does Not Survive the Extinction of One of the Treaty Partners*

In very general terms, a dispositive treaty is one that creates a disposition – as of a political boundary, for example – that is intended to be perpetually respected. That the ABM Treaty is not a dispositive treaty is shown at Part IV.K below. A treaty that is not dispositive is called a "personal" or a "real" or "political" treaty.

A widely-quoted author on the law of State succession is D.P. O'Connell. According to Professor O'Connell:

> There has been, at least since the late nineteenth century, almost unanimous agreement that personal treaties of a totally extinguished State expire with it because they are contracted with a view to some immediate advantage, and their operation is conditional on the nice adjustment of the political and economic relations which they presuppose. When this adjustment is upset the rationale of the treaty is destroyed.[105]

The principle that bilateral treaties of a State lapse on the State's extinction became a part of the scholarly tradition of international law even before the United States was founded, and European scholarly works on international law were well known in the United States in the early

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[103] *The Paquete Habana*, 175 U.S. 677, 700 (1900) (citation omitted).

[104] *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398, 423 (1964); *See also Hilton v. Guyot*, 159 U.S. 113, 163 (1895); *United States v. Nippon Paper Indus. Co.*, 109 F.3d 1, 10-11 (1st Cir. 1997).

[105] D. P. O'CONNELL, THE LAW OF STATE SUCCESSION 16 (1956) (footnotes omitted). The rationale for treaty lapse has also been characterized as a case of "impossibility of performance," *i.e.*, it is impossible for an extinct State to do anything; *ergo*, it is impossible for an extinct State to perform its predecessor's treaty obligations. The principles of impossibility-of-performance are elaborated in a Memorandum from the law firm of Hunton and Williams to the Heritage Foundation, *The Collapse of the Soviet Union and the End of the 1972 Anti-Ballistic Missile Treaty* 4-10 (June 15, 1998) (David B. Rivkin, Jr., Lee A. Casey, Darin R. Bartram, authors).

Nineteenth Century. The most prominent work was by Emmerich de Vattel, a Swiss scholar who wrote in the second half of the Eighteenth Century. Vattel wrote:

> In the same manner as a personal treaty expires at the death of the king who has contracted it, a real treaty is dissolved, if one of the allied nations is destroyed, – that is to say, not only if the men who compose it happen all to perish, but, also if, from any cause whatsoever, it loses its national quality, or that of a political and independent society.[106]

Another of the prominent early works was Frederic de Martens' *The Law of Nations*, published in 1788. Martens' career included professorships of law at the Imperial School in St. Petersburg and at the University of Gottingen; as representative of Russia at many official conferences; and as an arbiter in international disputes, for which he became known as "Chief Justice of Christendom."[107] An English translation of Martens' work was published in Philadelphia in 1795, dedicated to President George Washington. Martens wrote:

> TREATIES, properly so called, cease to be obligatory when the foreign power with whom they were concluded ceases to exist, and when the state passes under the dominion of another power.[108]

Henry Wheaton made the same point in his *Elements of International Law* in 1836, perhaps the first treatise exclusively on international law written in the United States. Wheaton was Justice of the Marine Court of New York. Later, as the official reporter of the U.S. Supreme Court, he edited twelve volumes of the Supreme Court's reports. He then became, in succession, Charge d'affaires of the United States to Denmark, U.S. Minister to Prussia, and Lecturer on International Law at Harvard University.[109] Professor Wheaton wrote:

> *Treaties*, properly so called, or *fodera*, are those of friendship and alliance, commerce and navigation, which even if perpetual in

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[106] EMMERICH DE VATTEL, THE LAW OF NATIONS, Book II, Chap. XIII, sec. 203, 215 (in English translation 1833). Vattel's work was first published in French, *Le droit de gens, ou, Principes de la loi naturelle, applique a la conduite and aux affaires des nations and des souverains* (1758). Vattel was published in English (in New York), at least as early as 1787 (for Berry and Rogers). Vattel has been cited in 148 cases in the Supreme Court, from *Miller v. The Resolution*, 2 U.S. (Dall) 1, 15 (1781) to *New Jersey v. New York*, 523 U.S. 767 (1998).

[107] GEORGE A. FINCH, THE SOURCES OF MODERN INTERNATIONAL LAW 40-41 (1937); TERRY NARDIN, LAW, MORALITY AND THE RELATIONS OF STATES 64 (1983).

[108] GEORG FREDERICK VON MARTENS, THE LAW OF NATIONS, Book II, Sec. 8, 56 (trans. from the French by William Cobbett, 1795).

[109] FINCH, *supra* note 107, at 35-36.

> terms, expire of course . . . in . . . case either of the contracting parties loses its existence as an independent State.[110]

In 1889, the State Department stated as a "principle of public law" that a treaty expires when one of the parties "loses its existence."[111] In support, the State Department quoted from General Henry W. Halleck's *International Law*,[112] written in 1861:

> The principle of public law which causes Treaties under such circumstance [*i.e.*, the cessation of a State's existence as an independent State] to be regarded as abrogated is thus stated: "The obligations of Treaties, even where some of their stipulations are in their terms perpetual, expire in case either of the contracting parties loses its existence as an independent State . . . ." [113]

In 1897, U.S. Secretary of State John Sherman invoked scholarly works to explain to the Government of Japan why the treaties made by the Kingdom of Hawaii would not survive the U.S. treaty of annexation of the Kingdom's territory, *i.e.*, "[t]he treaty of annexation does not abrogate [the Kingdom's treaties], it is the fact of Hawaii's ceasing to exist as an independent contractant that extinguishes those contracts."[114]

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[110] HENRY WHEATON, ELEMENTS OF INTERNATIONAL LAW 191 (1836) (unabridged republication by Da Capo Press 1972). "Fodera" are treaties. A "fodus" is a treaty, a league or a compact. BLACK'S LAW DICTIONARY 770 (rev. 4th ed. 1968).

[111] United States Department of State, *Treaties and Conventions Concluded Between the United States of America and Other Powers Since July 4, 1776*, 1236 n.2 (1899), quoting HALLECK'S INTERNATIONAL LAW 899, which is materially the same as HENRY W. HALLECK I INTERNATIONAL LAW 316 (G.S. Baker ed., 4th ed. 1908).

[112] Halleck, the adopted son of Baron Frederic von Steuben, was a career soldier and lawyer. He was General-in-Chief of the United States Army in the Civil War until replaced by General Ulysses S. Grant. In 1861 he wrote his first book on international law. It was updated in 1866 and has appeared in many subsequent editions. Halleck's career as soldier and lawyer is sketched in Scott R. Morris, *The Laws of War: Rules by Warriors for Warriors*, 1997 ARMY LAW. 4, 10 (1997).

[113] United States Department of State, *Treaties and Conventions Concluded Between the United States of America and Other Powers Since July 4, 1776* 1236 (1899).

[114] United States Secretary of State John Sherman, *Note to the Minister of Japan* (June 25, 1897), *quoted in* JOHN BASSET MOORE, V DIGEST OF INTERNATIONAL LAW 349, 350 (1906). The treatises invoked in the Note were HALLECK'S I INTERNATIONAL LAW OR RULES REGULATING THE INTERCOURSE OF STATES IN PEACE AND WAR 316 (4th ed. 1908) and WILLIAM EDWARD HALL, A TREATISE ON INTERNATIONAL LAW 96-97 (4th ed. 1895). Secretary Sherman was a lawyer who had been a Senator and a Representative. He is remembered as the author of the Sherman Antitrust Act, 15 U.S.C. § 1 *et seq.*, and the Sherman Silver Purchase Act, 26 Stat. 289 (1890). *See also Territory of Hawaii v. Osaki Mankichi*, 190 U.S. 197, 198-211 (1903) (describing the termination of the Kingdom of Hawaii's treaties with other States after it was annexed by the United States).

Likewise, in 1902 Charles E. Magoon, Law Officer in the Office of the Secretary of the War Department, submitted a Report to Secretary of War Elihu Root, which Secretary Root ordered to be published. On the subject of the treaty obligations of extinct States, the Report states:

> But where there is a complete change, not only of sovereigns but of sovereignty, of necessity the agreement ends, for each sovereignty must exercise its grace in accordance with its own constitution, laws, and customs.[115]

In addition, in 1895 Captain Edwin F. Glenn, Acting Judge Advocate General of the United States Army, in his *Hand-Book of International Law*, wrote:

> When some of the stipulations of a treaty imply perpetuity, even though the act mentioned to be performed has been accomplished according to the letter of the agreement–as, for instance, in the recognition of a new state,–the act of recognition is complete when accorded; but the state of things contemplated implies permanency, and a state is not authorized to disregard the obligation imposed. If, however, one of the contracting parties loses its existence, or its interior constitution undergoes a change of such a nature as to render the treaty inapplicable to the new state of things, the contract expires.[116]

Also, William Edward Hall (1895) and Max Huber (1899) published treatises expressing the view that upon a State's extinction, its personal treaties lapse.[117]

British scholar Arthur Berriedale Keith assessed the evidence of State practice in 1907. Soon after the dissolution of the Dual Monarchy of Norway and Sweden, he stated: "The evidence, from the practice of nations, is all in favour of the lack of continuity in treaty obligations."[118]

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[115] Charles E. Magoon, Law Officer, Division of Insular Affairs, Office of the Secretary, War Department, Report to Secretary of War, Elihu Root, *The Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States* 304 (1902).

[116] EDWIN F. GLENN, HAND-BOOK OF INTERNATIONAL LAW 151-52 (1895).

[117] HALL, *supra* note 114, at 97; MAX HUBER, THE SUCCESSION OF THE STATES, INTERNATIONAL AND NATIONAL PRACTICE IN THE NINETEENTH CENTURY 191-92 (1899).

[118] KEITH, *supra* note 3, at 19.

Similar observations include the following:

> [T]here is no legal resurrection in international law. Once a State has become extinct, it cannot resume a continued existence. Professor Krystyna Marek, Graduate Institute of International Studies, Geneva, 1968.[119]
>
> When a State is dismembered into new independent States, its *treaties* as a rule become null and void without descending to the new States. Treaties are generally personal in so far as they presuppose, in addition to the territory, also the existence of a certain sovereign over the territory. To the succeeding States the treaties concluded by the former State are *res inter alios acta*. Professor Erik Castren, University of Helsinki. 1951.[120]
>
> It is clear that political (including personal and dynastic) treaties of the extinguished state fall to the ground. Professor Amos H. Hershey, University of Indiana, 1911.[121]
>
> The extinction of the personality of a state results traditionally in an abrogation of all political and military treaties concluded between the now extinct entity and other states. Professor Gerhard von Glahn, University of Minnesota – Duluth, 1962.[122]

Many other scholars have expressed the same opinion.[123]

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[119] MAREK, *supra* note 78, at 6.

[120] Erik Castren, *Obligations of States Arising from the Dismemberment of Another State*, XIII ZEITSCHRIFT FUR AUSLANDISCHES OFFENTLICHES RECHT UND VOLKERRECHT 753, 754 (1951). "*Res inter alios acta*" literally, "a thing done between others," BLACK'S LAW DICTIONARY 1470 (4th ed. 1951), is used figuratively, as "it's no concern of ours," EUGENE EHRLICH, AMO, AMAS, AMAT AND MORE 249 (1987).

[121] Amos S. Hershey, *The Succession of States*, 5 AM. J. INT'L L. 285, 287 (1911). *See also id.* at 291-92.

[122] GERHARD VON GLAHN, LAW AMONG NATIONS 117 (6th ed. 1992).

[123] *See, e.g.*, UN GAOR, 1st Comm., 2d Sess., Annex 14g at 582-83, U.N. Doc. A/C.1/212 (1947) (Letter of October 11, 1947 from the Chairman of Sixth Committee to the Chairman of the First Committee); RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 210(3) (1986); J. L. BRIERLY, THE LAW OF NATIONS 153 (6th ed. 1963); CRAWFORD, *supra* note 78, at 408; GREEN HAYWOOD HACKWORTH, I DIGEST OF INTERNATIONAL LAW 297 (1943); HANS KELSEN, PRINCIPLES OF INTERNATIONAL LAW 382-87 (2d. ed. 1966); NOYES E. LEECH, ET AL, THE INTERNATIONAL LEGAL SYSTEM: CASES AND MATERIALS 980 (1973); WERNER LEVI, CONTEMPORARY INTERNATIONAL LAW, A CONCISE INTRODUCTION (2d ed. 1991); JOHN BASSETT MOORE, I DIGEST OF INTERNATIONAL LAW 248 (1906); O'CONNELL, I INTERNATIONAL LAW, *supra* note 39, at

2. Senator LEVIN. Why would treaties lapse and not agreements?
Mr. FEITH. Please see answer to Question 1.

INF TREATY

3. Senator LEVIN. Is the treaty between the United States and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles together with the Memorandum of Understanding and the two protocols thereto collectively referred to as the INF Treaty (Entered into force December 11, 1988) still in force?

Mr. FEITH. My understanding is that the United States is committed to complying with the terms of the INF treaty. I understand further that the Clinton administration stated that the 12 newly independent states that arose on the territory of the former U.S.S.R. "remain subject to the [INF] Treaty's indefinite ban on the posses-

sion, production, and flight testing of intermediate-range and shorter-range missiles." No succession agreement has ever been signed, though my understanding is that the Clinton administration sought unsuccessfully to negotiate a succession agreement with the Russian Federation, Kazakhstan, Belarus, and Ukraine.

The heads of state of ten of the twelve members of the Commonwealth of Independent States adopted the October 1992 Bishkek Resolution, to which the United States was not a Party. That Resolution declared that its signatories "will implement the provisions of the INF Treaty with respect to their territory and taking into account their national interests."

If confirmed, I would support U.S. Government policy regarding the treaty, deferring on legal questions to the administration's legal counsel.

ABM TREATY

4. Senator LEVIN. Both President Bush and President Clinton operated on the general principle that the treaty rights and obligations of the former Soviet Union had passed to the successor States, unless the terms or the purpose of the treaty required a different result. Edwin D. Williamson, the Legal Advisor to the State Department during the former Bush administration, confirming the idea that the Russian federation and the other Republics were successors to the treaty obligations of the former Soviet Union, wrote:

> "Perhaps most importantly, however, continuity has been supported by the republics themselves, who affirmed this approach in the Alma Ata Declaration when they guaranteed the "fulfillment of international obligations stemming from the treaties and agreements of the former U.S.S.R."

Would you then agree that the views of the Executive Branch, as dispositive of this issue, are that the U.S. and Russia are bound by the ABM Treaty?

Mr. FEITH. The Bush administration has declared that it is treating the Treaty as being in effect. I support the administration's approach and would, if confirmed as Under Secretary of Defense for Policy, defer on legal questions to the administration's legal counsel.

ALMA ATA DECLARATION

5. Senator LEVIN. What, in your view, is the effect of the Alma Ata Declaration of December 21, 1991 made by the States of the Former Soviet Union that ". . . the States participating in the Commonwealth (of Independent States) guarantee in accordance with their constitutional procedures the discharge of the international obligations deriving from treaties and agreements concluded by the former Union of Soviet Socialist Republics. . ." and the January 13, 1992 note in which the Russian Federation informed the U.S. that it . . . "continues to perform the right and fulfill the obligations following from the international agreements signed by the Union of Soviet Socialist Republics . . ."?

Mr. FEITH. The December 21, 1991 and January 13, 1992 declarations of the newly independent states did not, I believe, impose any obligations on the United States. I believe this has been the consistent view of the U.S. Government since the declarations were made.

CHEMICAL WEAPONS CONVENTION

6. Senator LEVIN. Under what circumstances would you advocate withdrawing from the Chemical Weapons Convention?

Mr. FEITH. I do not advocate U.S. withdrawal from the Chemical Weapons Convention and cannot foresee the circumstance under which I would do so.

NUCLEAR NONPROLIFERATION TREATY

7. Senator LEVIN. In an article you wrote for *The Washington Quarterly,* Spring 1986, you state that you are a strong supporter of the Nuclear Nonproliferation Treaty. Nevertheless in your article discussing and opposing the Chemical Weapons Convention on April 21, 1997 in *The Washington Times* you write "CWC Articles X and XI have become the main focus of the critics' case that the CWC will do more harm than good. These provisions, modeled on the 'atoms for peace' concept of the NNPT (Nuclear Nonproliferation Treaty), aim to reward states that renounce chemical weapons by providing them with chemical technology and material 'for peaceful

purposes.' You then refer to these provisions as the "poisons for peace" provisions and state that these provisions would "require the sale" to Iran of "an advanced chemical plant."

In making this statement, do you believe that the Nuclear Nonproliferation Treaty "atoms for peace" provisions have encourage or required proliferation? Do you have evidence that this has occurred?

Mr. FEITH. The NPT has been an important "net plus" for U.S. national security interests. The treaty embodies a number of bargains: For example, first, a bargain among the nuclear-weapons states. Second, a bargain between the nuclear-weapons states, on the one hand, and the non-nuclear-weapons states on the other.

It has impeded (albeit not prevented altogether) the proliferation of nuclear weapons capabilities. The treaty's requirement (based on "atoms for peace") to share nuclear technology "for peaceful purposes" and the related inspection regime have created problems, however. For example, before the Gulf War, Iraq was accepted as a participant in good standing in the International Atomic Energy Agency (IAEA) inspection program. After the Gulf War, our intelligence community ("IC") was surprised when U.N. weapons inspectors discovered just how effective Iraq had been at concealing the Iraqi nuclear weapons program, which was much further along than the IC had thought. Iraqis told the U.N. inspectors that they had learned concealment techniques by participating in the IAEA inspection program under the NPT.

Regarding my April 21, 1997 *Washington Times* article on the CWC, I did not state that Article XI would require the sale to Iran of an advanced chemical plant, but that Article XI might be cited as a pretext. I wrote:

> Article XI prohibits—or at least expresses disapproval of—export restrictions in the chemical field among treaty parties. . . . If a German or a Chinese company arranges to sell an advanced chemical plant to Iran and the U.S. government protests that this would enhance Iran's chemical weapons program, *we can expect the German or Chinese government to cite Article XI, arguing* that the CWC not only permits but requires the sale, for Iran will be a treaty party in good standing (or, in any event a party against whom no violation has been proved). [Emphasis added.]

INF TREATY

8. Senator LEVIN. In April 1988 you coauthored an article with Frank Gaffney in *The Christian Science Monitor* in which you criticized the Intermediate Nuclear Forces Treaty negotiated by President Reagan's administration which was pending before the Senate. You wrote: "Despite the general ban on INF systems, various treaty provisions could actually facilitate the creation or maintenance of a covert Soviet force of SS–20s, the most threatening of the Soviet missiles covered. While each such provision may seem a minor problem in its own right, taken together they mean that the Soviets, even without violating the specific terms of the treaty, could retain a militarily significant INF capability." In your view did the INF Treaty facilitate a covert force of SS–20s?

Mr. FEITH. No.

MISSILE DEFENSE

9. Senator LEVIN. The current and former Commanders in Chief of the Strategic Command have both said that the Russian command and control system over its nuclear weapons launch capability is intact and the possibility of an accidental or unauthorized launch is virtually non-existent. Do you agree that Russia should not be a justification for an NMD system?

Mr. FEITH. I am not familiar with any such statements from the current or former Commanders in Chief of the Strategic Command. In any event, the primary purpose of U.S. missile defense, according to President Bush, would be to defend against the emerging ballistic missile threat from rogue states. Such defenses, however, would also help protect against accidental or unauthorized launches. Though the probability of an accidental or unauthorized launch may be very low, the consequences would be extremely grave, so serious that the United States should, in my view, assess the risk as warranting defensive measures, which could be cooperative in nature.

CHINESE ICBM LAUNCH

10. Senator LEVIN. The Chinese ICBMs are not maintained on a high alert status. Would you agree that the possibility of an accidental or unauthorized launch of a Chinese ICBM is remote?

Mr. FEITH. I have not been briefed on the PRC command and control system for nuclear weapons. My understanding is, however, that the primary purpose of U.S. missile defense, according to President Bush, would be to defend against the emerging ballistic missile threat from rogue states. Such defenses, however, would also help protect against accidental or unauthorized launches. Though the probability of an accidental or unauthorized launch may be very low, the consequences would be extremely grave, so serious that the United States should, in my view, assess the risk as warranting defensive measures, which could be cooperative in nature.

START I/START II

11. Senator LEVIN. Do you support repeal of section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 that requires the U.S. to maintain a START I stockpile until START II enters into force?

Mr. FEITH. I understand that the administration (1) is now reviewing nuclear forces and arms control policies as a part of the strategic review and (2) supports repealing this section of the Authorization Act. I have not been briefed on the underlying considerations and, therefore, cannot offer a personal view.

The President has said he wants to reduce the number of U.S. nuclear weapons to the lowest level consistent with our national security, a policy that I support.

If confirmed, I would work with the committee to review legislation that requires the United States to maintain defined levels of nuclear forces, and to reach a position that is consistent with the results of the strategic review recommendations.

PEACEKEEPER ICBM

12. Senator LEVIN. Do you support prompt retirement of the Peacekeeper ICBM?

Mr. FEITH. This is an issue that will be examined in the Nuclear Posture Review. I am aware that the President has said that he wants to reduce nuclear forces, a policy that I support. If confirmed, I would need to be briefed on the Peacekeeper issue before I could form a personal opinion on it.

STRATEGIC NUCLEAR FORCES

13. Senator LEVIN. Do you support unilateral reductions in strategic nuclear forces? To what levels? Would you support reductions below the START II force levels? Would such reductions be unilateral, pursuant to treaty, or other government-to-government agreement?

Mr. FEITH. This administration has stated its intention to reduce the U.S. nuclear arsenal to the lowest level consistent with our national security requirements. I support this policy and, in particular, support reductions below existing levels. But whether it will be possible to reduce to below START II levels is a question on which I have not yet formed a personal opinion. I understand that the ongoing nuclear forces review is addressing that question.

Nor do I yet have a personal view on how best to pursue reduction goals. This is a complex question that hinges on many military and diplomatic considerations. If confirmed, I would get briefed on all the relevant facts and considerations and would look forward to working with this committee in thinking through the best course of action for arms reductions.

NUCLEAR ARSENAL

14. Senator LEVIN. Do you support dismantling warheads moved from deployment? In your view what is the appropriate size of the nuclear arsenal? Do you support a hedge strategy and if so for what purpose?

Mr. FEITH. I cannot now offer a personal view on dismantling warheads, the appropriate size of the nuclear arsenal or the hedge strategy. These are complex issues on which, if confirmed, I would have to be briefed regarding all relevant facts and considerations.

NUCLEAR FORCES

15. Senator LEVIN. How do you define "hair trigger alert" and what U.S. weapons fit the description of being "on hair trigger alert?"

Mr. FEITH. I do not have a personal view on this issue nor am I in a position to define the term "hair trigger alert." If confirmed, I would need to be briefed on the posture of our nuclear forces before taking a position. The President has made clear his determination to change further the size, composition and character of U.S. nuclear forces in a way that takes full account of current international circumstances.

RUSSIAN/U.S. WEAPONS

16. Senator LEVIN. Would you support prompt de-alerting any Russian or U.S. weapons that are to be retired?

Mr. FEITH. This measure is not without precedent. I understand this issue will be examined as a part of the nuclear posture review. If confirmed, I would have to be briefed on all relevant facts and considerations, but my present inclination is to look favorably at the suggestion.

NUCLEAR POSTURE

17. Senator LEVIN. What other weapons would you recommend come off "hair trigger" alert?

Mr. FEITH. I do not now have a personal view on this issue. I understand that this issue will be considered during the nuclear posture review and, if confirmed, I would study this issue carefully before making a recommendation to the Secretary of Defense. My present inclination is to look favorably at prudent de-alerting proposals.

ABM TREATY

18. Senator LEVIN. In your view does the 1997 ABM multilateral MOU have any force or effect, legal or moral?

Mr. FEITH. The 1997 ABM multilateral MOU is an agreement that the United States signed but has not ratified. The Executive Branch has never submitted it to the Senate for approval of ratification, so the MOU is not in force. In any event, customary international law prohibits a signatory from defeating an agreement's object and purpose unless and until the signatory makes clear its intention not to become a party.

19. Senator LEVIN. Would you, if confirmed, recommend to the Secretary of Defense or others that if negotiations to modify the ABM Treaty are not successful, that the Treaty could or should be viewed as no longer in force? If confirmed, will you advocate this position?

Mr. FEITH. Regarding your first question: As I understand it, within the administration, this question, if it should arise, would be resolved by the President on the basis of legal advice from the administration's legal counsel. Please be assured that I appreciate that the Under Secretary of Defense for Policy should not render legal opinions.

As I noted in my answer to Question 1, as a practical matter, I think the controversy over the treaty's legal status has been overtaken by events, for this administration has made clear that it is respecting the terms of the ABM Treaty. President Bush has also stated that "we must move beyond the constraints of the 30-year-old ABM Treaty," but he has made it clear that he seeks to do so cooperatively with Russia. The issue of the ABM Treaty is, I recognize, essentially political and diplomatic in nature. Even though I am a lawyer, I know that, if confirmed as Under Secretary, I would not be making legal judgments for the administration. As Under Secretary, I would (if confirmed) do my policy work within the bounds of legal judgments made by other administration officials (and, of course, the courts). That would be true with regard to the ABM Treaty and all other law-related matters. I foresee no difficulty operating in this fashion even if those legal judgments differ from mine, let alone from an opinion I formulated in the private sector.

MISSILE DEFENSE

20. Senator LEVIN. In your view, to what extent should the United States utilize the ground-based architecture developed under the previous administration as the

primary element for implementing the President's missile defense plans, if, as currently, that system can meet the operational requirement for defending all 50 States against ballistic missile attack? What would be the rationale for expanding beyond the land-based system?

Mr. FEITH. The question of alternative architectures for missile defense is complex and I have not been briefed to the extent that would permit me responsibly to form a judgment on the question.

NORTH KOREA

21. Senator LEVIN. Do you believe U.S. policy should continue to seek an end to North Korea's nuclear weapons and ballistic missile programs? Should these efforts include talks and negotiations with North Korea?

Mr. FEITH. My answer to both questions is yes.

COOPERATIVE THREAT REDUCTION

22. Senator LEVIN. Will you support the Cooperative Threat Reduction programs, increasing the funding as necessary to improve control over all aspects of Russia's arsenal including dismantlement of nuclear warheads, accounting storage and control of weapons usable plutonium and uranium, and shutting down the last three Russian plutonium producing reactors?

Mr. FEITH. I strongly support the CTR program. As to the particular elements of the program, I would, if confirmed, get briefed on all relevant facts and circumstances to allow me to formulate views on an appropriate funding level.

23. Senator LEVIN. Do you support CTR funding for the Russian chemical weapons destruction facility at Shchuch'ye?

Mr. FEITH. I do not have a personal opinion on Shchuch'ye. I would, if confirmed, get briefed on all relevant facts and circumstances to allow me to formulate a view.

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

TREATIES

24. Senator BYRD. The article you co-authored in 1988 on the Intermediate-Range Nuclear Forces (INF) Treaty was critical of Senate action to clarify the terms and obligations of the treaty. What is your understanding of the role of the Senate in the making of treaties? To what degree do you believe the Senate is bound by international law, as opposed to the Constitution, in its consideration of treaties?

Mr. FEITH. My 1998 INF article, cited in the question, did not oppose Senate action to clarify the terms and obligations of the treaty. Rather, it urged the Senate to clarify those items with the administration and then also to ensure a meeting of minds on the clarifications between the U.S. and U.S.S.R. governments.

Treaty ambiguities gave rise during the Cold War to many bitter U.S.-Soviet exchanges that strained relations and eroded respect for arms control and international law. I believe that efforts to craft precise language should be as serious in the field of international law as they are in the field of ordinary U.S. domestic law.

I view the Senate as having a crucial role to play, through the exercise of its constitutional treaty-making authority, in clarifying the meaning of international agreements negotiated by the Executive Branch.

The Constitution of the United States, Article II, section 2, paragraph 2 vests in the President the power "by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; . . " Article VI, paragraph 2 provides that "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the Land; . . " Accordingly, as a matter of internal law, an agreement that would constitute a "treaty" for purposes of Article II, section 2, paragraph 2 cannot constitutionally bind the United States if it has not been concurred in by a two-thirds vote of the Senators present.

With respect to the second question, it is my understanding that international law does not bind the Senate in its consideration of treaties. The Senate has a crucial role under the Constitution in the making of treaties, so it is important that the Executive Branch give the Senate an accurate understanding of the terms of a treaty when the Senate deliberates on whether to provide advice and consent to ratification.

25. Senator BYRD. May authoritative representations made before the ratification of a treaty later be altered without the further advice and consent of the Senate?

Mr. FEITH. Please see my answer to Question 1 as to the fact that the Under Secretary of Defense for Policy has responsibility to give policy but not legal advice.

In his confirmation process, Mr. William Taft, IV, now State Department Legal Adviser, made the following statements:

"The Constitution's scheme of sharing the treaty-making power requires that mutual understandings on treaty interpretation reached with the Senate in the ratification process must be respected. . . . My view is that modifications or amendments to treaties should be submitted to the Senate for its advice and consent."

I concur with these statements.

26. Senator BYRD. Do you believe that the Senate gives its advice and consent to a treaty irrespective of representations made to it by the Executive Branch?

Mr. FEITH. Treaty-making is a power shared by the President and the Senate. During the process of advice and consent, I believe the Executive Branch is obliged to provide information necessary to allow the Senate to fulfill the Senate's constitutional role. Such information should be complete and accurate and the Senate should be able to rely upon it.

SOFAER DOCTRINE

27. Senator BYRD. Did you participate in the formulation of the "Sofaer doctrine?"

Mr. FEITH. I had no official or formal involvement in the formulation of the "Sofaer doctrine," nor do I recall any particular informal role.

28. Senator BYRD. At the time you wrote the article on the INF Treaty, what were your views on the "Sofaer doctrine?" Have your views on this doctrine changed?

Mr. FEITH. I did not perform independent legal research on the matter and do not recall ever having formulated a definite opinion.

TREATIES

29. Senator BYRD. If you were to be called to testify before a Senate committee, can you give an authoritative reading of any provision of any treaty that might affect the Department of Defense?

Mr. FEITH. I do not know under what circumstances the Under Secretary of Defense for Policy would be called upon to give an authoritative reading of a treaty provision. In any case, if I were called upon to do so, I would rely upon guidance provided by administration legal counsel.

QUESTIONS SUBMITTED BY SENATOR MAX CLELAND

ABM TREATY

30. Senator CLELAND. Your position regarding the ABM Treaty seems to be that it has no legal force as of the dissolution of the USSR, but that the U.S. and Russia have chosen to continue it in the absence of a legal requirement to do so. Would you recommend that the U.S. abrogate the treaty unilaterally without a successor agreement and over the strenuous objections of a significant number of our Allies?

Mr. FEITH. The Bush administration has declared that it is treating the ABM Treaty as being in effect, an approach I support. The President seeks to work with Russia to replace the ABM Treaty with a new framework that reflects a break from Cold War thinking and a new, cooperative relationship. The administration is in consultations with the Russians and with the allies on the framework. The President has said we will address Russian concerns. The President has also emphasized that we are not interested in defense that would separate the United States from our allies. It is clear that this administration values our allies and appreciates the importance of creating as broad a base of support as possible for U.S. policies. If confirmed, I would work toward achieving that new framework and the support of our allies.

MISSILE DEFENSE

31. Senator CLELAND. The term "international cooperation," like "bipartisan cooperation," implies that the parties in such a cooperative relationship cannot always

have it their way. Is it appropriate for a nation such as the United States to surrender some of its prerogatives because of the preferences of its avowed allies? Under what circumstances would you disregard the preferences of allies? In your mind, is the deployment of a National Missile Defense system important enough to pursue even over the objections of allies? Why?

Mr. FEITH. I believe that in the area of missile defense, the United States and our allies have fundamentally harmonious interests. In my view, the United States should proceed in this area in accordance with its national interests, taking into account the views of our allies. Good alliance relations are an important element of U.S. national interests. I think there are reasonable grounds for hoping that the United States and our allies will work closely and cooperatively in coming years to protect against the threats resulting from the proliferation of weapons of mass destruction and missile capabilities. The United States has begun a cooperative allied consultation process. As a result of the first round of consultations in May and Secretary Rumsfeld's recent June visit to Europe, I think the administration has a better understanding of allied views, both supportive and skeptical. I know that the administration welcomes the allies' input and intends to continue the consultations. The desirable outcome, I believe, is alliance consensus, which enlightened U.S. leadership has often over the years been able to produce.

IRAQ POLICY

32. Senator CLELAND. Will you actively oppose any efforts to employ U.S. ground forces in efforts to replace the current regime in Iraq with one more favorable to U.S. interests? Under what circumstances would you consider supporting the commitment of American ground forces to areas in and around the Persian Gulf in which hostilities are ongoing or imminent?

Mr. FEITH. I do not favor—indeed I oppose—sending U.S. ground forces into combat in Iraq to overthrow Saddam Hussein.

At the same time, I agree with Section 3 of the Iraq Liberation Act (Public Law 105–338), that it should be U.S. policy "to promote the emergence of a democratic government to replace [the Saddam Hussein] regime."

I cannot now identify what circumstances in the future might justify a commitment of U.S. ground forces in hostilities in the Persian Gulf area. I did, however, support the use of U.S. forces to liberate Kuwait in the 1990–1991 crisis. I supported President Clinton's decision in 1994 to deploy U.S. ground forces in Kuwait to deter another Iraqi invasion. But I always consider any decision to commit U.S. forces of any kind a matter of the profoundest seriousness which must be considered rigorously and thoroughly on the basis of its own particular circumstances.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

ISRAELI POLICY

33. Senator THURMOND. The fiscal year 2000 Omnibus Appropriations Act provided $1.2 billion to assist the Government of Israel with implementation of the Wye River Accords, a peace agreement signed October 23, 1998. Specifically, the U.S. aid was to provide funding to move Israeli troops and military installations out of the occupied territories, as called for in the agreement. As part of this assistance, the U.S. Army Corps of Engineers is tasked to construct two infantry-training bases, and a Reserve division storage/logistics base in Israel. The program, estimated to cost $233 million, is funded with Foreign Military Financing.

Considering the current turmoil in Israel, should the United States continue supporting the construction of these bases? Have the Israeli troops been withdrawn from the territories, as required by the Wye agreement?

Mr. FEITH. I have not yet been briefed on this legislation and the implementation issues. If confirmed, I would review this matter and consult with the committee about it.

NORTH KOREA

34. Senator THURMOND. Recently President Bush implied that continuing the peace talks with North Korea were not "worthwhile."

What are your views on the role North Korea has in maintaining peace and stability in the Pacific region?

Mr. FEITH. The administration has stated it plans to resume negotiations with North Korea. As I understand it, the President has directed his national security

team to undertake discussions with North Korea on a broad agenda, including: improved implementation of the Agreed Framework relating to North Korea's nuclear activities; verifiable constraints on North Korea's missile programs and a ban on its missile exports; and a less threatening conventional military posture. As the President stated, the approach will offer North Korea the opportunity to demonstrate the seriousness of its desire for improved relations. I support the President's approach.

PERSIAN GULF POLICY

35. Senator THURMOND. The presence of U.S. military forces in the Persian Gulf region is seen as an important factor in maintaining stability in the region by our strategic planners. However, some of our allies in the region are under considerable internal pressure to reduce or eliminate the presence of our forces.

In your view, what are the long-term implications of maintaining large numbers of our forces in the Persian Gulf region?

Mr. FEITH. Since 1990, most U.S. forces in the Persian Gulf region have been there to carry out missions arising from Iraq's failure to abide by the terms of the 1991 Gulf War cease-fire. The requirement to maintain the U.S. presence depends in large measure on developments in Iraq.

In general, I believe the U.S. military presence in the Gulf should take account of the evolution of threats to U.S. interests and should be shaped through continuing consultations with our allies and partners in the Gulf. The U.S. presence in the region contributes to deterrence, regional stability and U.S. interests generally.

RUSSIA/CHINA

36. Senator THURMOND. Both Russia and China have expressed their concern regarding the United States sole super power status. There are some foreign policy experts who believe that these two nations may join others to check U.S. influence throughout the world.

In your judgment, is there a basis for such concerns and is there a potential that we could enter another Cold War era?

Mr. FEITH. In my view, as the United States contributes to shaping the international security environment, we should work to avoid creating incentives for other states to coalesce in opposition to our interests and those of our allies. The concern reflected in the question is an important one, and I know that the administration is intent on developing relations with Russia and China that are nonconfrontational.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

CHINA MIL-TO-MIL

37. Senator SMITH. I'm directing this comment to you because I'm sure you're aware of controversy over the U.S./China military-to-military exchanges—I authored the fiscal year 2000 DOD restrictions on these exchanges.

I have requested a briefing on the department's perspective of the value of these contacts, the lack of reciprocity on the part of the Chinese, and to discuss how we might improve the program—if it is going to continue—so that it meets some clear objectives and is not divulging militarily useful information to the Chinese military.

Can you comment on the administration's change in the mil-to-mil program—how the new "case-by-case" review differ from the previous program under the Clinton administration?

Specifically, are we still trying to have the PRC observe at the COBRA GOLD exercises, as CINCPAC Admiral Blair stated?

Mr. FEITH and Dr. CROUCH. We have been advised that the Department of Defense began in January a series of broad policy reviews. One of the areas to be examined in detail was the program for military-to-military exchanges with the People's Republic of China. The first step in this process was to undertake a serious review of the schedule of military-to-military events with the PLA planned for 2001.

As we understand it, since the April 1 EP–3 incident over the South China Sea, business with China has not been as usual. Steps have been taken to limit the travel of DOD personnel to China and to limit contact with PRC officials, especially PLA personnel. The military-to-military program has been conducted on a case-by-case basis, with special emphasis on (1) benefit to U.S. interests and (2) reciprocity.

The PRC, along with other countries in the region, was invited to observe the command post portion of EXERCISE COBRA GOLD. The PRC, however, declined the invitation.

TAIWAN POLICY

38. Senator SMITH. I would also like to raise with you in the future the issue of closer ties between U.S. and Taiwan military forces—I believe we should lift the petty and counter-productive restrictions on U.S. military officer travel to Taiwan and allow more U.S. military personnel to train Taiwanese military personnel in Taiwan.

We should also be establishing direct and secure communications between Taiwan and the U.S. military, linking PACOM and Taiwan's defense ministry.

I urge you to undertake a review of U.S. military policy towards Taiwan. Not taking these steps could be disastrous in the event of another crisis in the straits.

Mr. FEITH and Dr. CROUCH. It is our understanding that the Department of Defense is reviewing a range of issues associated with our defense relationship with Taiwan, including enhancing our training programs. If confirmed, we would give serious consideration to the issue of U.S. military visitors to Taiwan.

COOPERATIVE THREAT REDUCTION

39. Senator SMITH. In your responses to the committee's questions, you were asked about the Cooperative Threat Reduction (CTR) program. There have been ongoing concerns, some lodged by the GAO, others by experts on Russia, that the program has failed to meet its objectives—that it has freed up Russian resources to remove obsolete weapons systems while the Russian continue with military modernization and proliferation of weapons of mass destruction to rogue nations.

I have also been told that there might be some confusion over CTR's accomplishments because of use of the terms "deactivation, dismantlement and destruction." Shouldn't we be focusing on destruction of warheads as opposed to simply their deactivation or dismantlement? Can you comment further on CTR and whether the program warrants an overhaul and how can we go about clarifying program objectives and evaluating success or failure?

Mr. FEITH. I do not have a personal view on this issue. If confirmed, I would expect to be briefed on these important issues and would look forward to consulting with you on the development of policy in this area.

ASIA PACIFIC CENTER

40. Senator SMITH. Are you familiar with the Asia Pacific Center for Security Studies? The center was mentioned in a recent *New York Times* article, "Rumsfeld Limiting Military Contacts with the Chinese."

Could you inform the committee as to any reason why the Asia Pacific Center for Security Studies does not list Taiwan on its website's "List of Countries in the Asia Pacific Region?"

Could you inform the committee as to why, after having been advised by the Secretary of Defense to invite a Taiwanese scholar to a May conference, the Asia Pacific Center then postponed the conference?

Are you aware of whether the Pentagon felt undercut on its missile defense agenda by the Director's (Asia Pacific Center) recent arguments in Australia against missile defenses?

Mr. FEITH. I do not have a personal view on this issue. If confirmed, I would expect to be briefed on these important issues and would look forward to consulting with you on the development of policy in this area.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

CONTINGENCY OPERATIONS

41. Senator COLLINS. As Secretary Rumsfeld recently told the press, contingency operations is one of several issues under examination in the ongoing Rumsfeld Strategic Review. Given that one of your oversight responsibilities is to assist the Secretary of Defense in preparing written policy guidance for the preparation and review of contingency plans or crisis management models, will you give us your

thoughts on the possibility of having a standing joint task force that would be established solely to deal with contingency operations?

Mr. FEITH. I do not have a personal view on this issue. This issue is now under review by the Secretary. If confirmed, I look forward to participating in the review and working with this committee on the issue.

DEPLOYMENT OF OUR ARMED FORCES

42. Senator COLLINS. I would like to briefly discuss your views on the Department's engagement policy. The decision to employ our troops in support of our national interests is one of the most important decisions that a President has to make. It is imperative that we not only carefully assess the use of force, set achievable goals, and determine the cost, prior to deploying our troops; but that we effectively characterize success criteria before placing them in harms way. If confirmed, how will you establish such criteria to ensure that when our U.S. military forces are employed, that the mission is clearly defined and a definite end is identified so we can bring our forces home at the appropriate time, limiting the number of continuous and indefinite military operations? Further, on the subject of continuous operations, would you identify for the committee, operations in the past decade involving overseas deployments, which you believe have contributed to engagement activities, strengthened alliances, deterred threats; and enhanced U.S. military access in key regions?

Mr. FEITH. As you state, deploying U.S. armed forces in support of our national interests is one of the President's weightiest decisions. It is important that we carefully assess the use of force, set realistic goals and determine the risks involved before sending our troops into harm's way. The considerations you have laid out in your question are, I believe, valid. While there may not be any objective criteria applicable to all circumstances, and each contingency must therefore be addressed on a case-by-case basis, it is necessary to have definite political and military objectives before forces are deployed. If confirmed, I will work with DOD officials, others in the administration, and this committee to help ensure that when we deploy our armed forces, the mission is justified and well-defined and the strategy is well-conceived.

Our deployments in the Persian Gulf area and in the Balkans are examples of overseas operations that have served the kind of U.S. interests specified in the question.

[The nomination reference of Douglas Jay Feith follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2001.

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

Douglas Jay Feith, of Maryland, to be Under Secretary of Defense for Policy, vice Walter Becker Slocombe.

[The biographical sketch of Douglas Jay Feith, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DOUGLAS J. FEITH

Douglas J. Feith is currently the Managing Attorney of the law firm of Feith & Zell, P.C., of Washington, DC. He founded the firm in 1986.

Mr. Feith began his professional career as an Attorney with the Washington, DC, law firm of Fried, Frank, Harris, Shriver & Kampelman (1978 to 1981). In 1981–1982, he served on the staff of the National Security Council as a Middle East specialist, working primarily on Arab-Israeli, Persian Gulf and energy security issues. From 1982 to 1984, he was Special Counsel to Assistant Secretary of Defense Richard Perle.

In 1984, Mr. Feith was appointed Deputy Assistant Secretary of Defense for Negotiations Policy. In that position, he was responsible for policy for various arms con-

trol negotiations, including those on conventional force reductions, Confidence, and Security-Building Measures in Europe, chemical and biological weapons and nuclear testing, nuclear non-proliferation issues, and East-West political relations. For his work, he received the Defense Department's highest civilian award, the Distinguished Public Service Medal.

A native of Philadelphia, Pennsylvania, Mr. Feith received an A.B. degree *magna cum laude* from Harvard College in 1975 and a J.D. degree *magna cum laude* from the Georgetown University Law Center in 1978. Mr. Feith has published extensively on matters of international law and on foreign and defense policy. His writings have appeared in *The New York Times, The Washington Post, The Wall Street Journal, Commentary, The New Republic* and elsewhere. In addition, he has contributed chapters to a number of books, including James W. Muller, ed., *Churchill as Peacemaker;* Douglas J. Feith, et al., *Israel's Legitimacy in Law and History;* and Uri Ra'anan, et al., eds., *Hydra of Carnage: International Linkages of Terrorism.*

Mr. Feith now serves as the President of the Charles E. Smith Jewish Day School, a K–12 school with over 1,400 students. He is a member of the Council on Foreign Relations and the International Institute for Strategic Studies. He lives in Bethesda, Maryland with his wife, Yanna, and their four children, Daniel, David, Dafna, and Dore.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Douglas Jay Feith.

2. **Position to which nominated:**
Under Secretary of Defense for Policy.

3. **Date of nomination:**
April 30, 2001.

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

5. **Date and place of birth:**
July 16, 1953; Philadelphia, PA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Yanna Feith (nee Tatyana Belenky).

7. **Names and ages of children:**
Daniel J. Feith, 17; David J. Feith, 13; Dafna M. Feith, 9; Dore L. Feith, 4.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Central High School (Philadelphia, PA), graduated in 1971; Harvard College, A.B. (*magna cum laude*) 1975; Georgetown Univ. Law Center, J.D. (*magna cum laude*) 1978.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1986–now: Managing attorney, Feith & Zell, P.C., Washington, DC (law firm).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Summer 1979, Intern, U.S. Arms Control and Disarmament Agency; 1981–82, Staff member, National Security Council; 1982–84, Special Counsel to Assistant Secretary of Defense (International Security Policy); 1984–86, Deputy Assistant Secretary of Defense for Negotiations Policy; 1986–?, Consultant to Office of Secretary of Defense (I do not recall if I ever charged for any consulting services and I did not recall when the consultancy lapsed.)

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
Feith & Zell, PC (law firm, President and managing attorney; Charles E. Smith Jewish Day School (non-profit K–12 school in Rockville, MD), President; Foundation for Jewish Studies (non-profit educational organization), Director/officer.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
Council of Foreign Relations, Member; Center for Security Policy, Member, advisory board; District of Columbia Bar, Member; Harvard Club of Washington, DC, Member; Jewish Community Center of Washington, DC, Member.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
Middle East policy advisor in Dole for President Campaign, 1996.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Year		Amount
1996	I do not have personal records showing any political contributions for 1996	$ 500.00
1997	Wash Pol Action Committee	500.00
1998	Wash Pol Action Committee	500.00
1998	Kyl for Senate	2,000.00
1998	Wash Pol Action Committee	500.00
1999	Kyl for Senate	2,000.00
1999	Wash Pol Action Committee	500.00
1999	Friends of Doug Duncan	500.00
2000	Gilman for Congress	500.00
2000	Bush for President	1,000.00
2000	Odom, James for Congress	250.00
2000	Washington PAC	500.00
2000	Saxton for Congress	500.00
2000	Spence for Congress	500.00
2001	Washington PAC	500.00

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
1986, Department of Defense Distinguished Public Service Medal; 1997, Justice Louis D. Brandeis Award from Zionist Organization of America.

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

See list below. I do not have a comprehensive list of my published writings, but the list below, I believe, is representative of the range of those writings.

Representative Selection of Writings of Douglas J. Feith

New Technology and Biological Warfare
DEFENSE ISSUES, Vol. 1 No. 60 (from testimony before the Subcommittee on Oversight and Evaluation of the House Permanent Select Committee on Intelligence, Aug. 8, 1986).

International Responses
A chapter in URI RA'ANAN, *ET AL.*, EDS., HYDRA OF CARNAGE: INTERNATIONAL LINKAGES OF TERRORISM (1986 Lexington Books).

INF: Does anyone care what the Soviets think?
CHRISTIAN SCIENCE MONITOR, Apr. 6, 1988 (coauthored with Frank Gaffney, Jr.).

Glue in NATO's scabbard
WASH. TIMES, Apr. 19, 1988, at F1 (re: conventional forces arms control).

Bad Deal For Israel
THE NEW REPUBLIC, Apr. 25, 1988.

Protocol I Would give Shelter to Terrorist Organizations
L.A. DAILY JOURNAL, Jul. 8, 1988 (re: Protocol I to 1949 Geneva Conventions on humanitarian law of armed conflict).

Poison Gas, Poisoned Treaties
N.Y. TIMES, Dec. 6, 1988, at A35 (coauthored with Amoretta M. Hoeber).

Three Obstacles to Effective Implementation of Chemical-Weapons Control
A chapter in UNITED STATES INSTITUTE OF PEACE, IS IT FEASIBLE TO NEGOTIATE CHEMICAL AND BIOLOGICAL WEAPONS CONTROL? (Kenneth M. Jensen and David Wurmser, eds.) 1990.

Lions, lambs and peace talks
WASH. JEWISH WEEK, Mar. 22, 1990, at 12 (re: Arab-Israeli conflict).

Valiant Turkey Has Come Through for the West,
INT'L HERALD TRIBUNE, Aug. 25-26, 1990, at 4.

Discredited Conventional Wisdom
NATIONAL INTEREST, No. 22, Winter 1990-91, at 33 (re: Gulf war).

Shopping around for peace: Recycled Policy?
WASH. TIMES, Mar. 13, 1991, at G1.

Human Rights Caucus of the U.S. House of Representatives
April 24, 1991 (testimony re: Syria).

Mideast Peace Under Arabs' Control
WALL STREET JOURNAL, Nov. 29, 1991, at A6.

Middle East policy muddle,
WASH. TIMES, Mar. 4, 1992, at F2 (coauthored with Frank Gaffney, Jr.).

Strategic ties worth enhancing
JERUSALEM POST INT'L EDITION, Oct. 24, 1992, at 6.

The League of Nations Mandate for Palestine
A chapter in DOUGLAS J. FEITH, *ET AL.*, ISRAEL'S LEGITIMACY IN LAW AND HISTORY (1993 Center for Near East Policy Research)

A Mandate for Israel
NATIONAL INTEREST, Fall 1993, at 43.

Assessing risk in the Israeli-PLO deal
WASH. TIMES, Oct. 26, 1993, at A15.

The Arab Underworld
MOMENT, Dec. 1993, at 87 (book review of Kanan Makiya, *Cruelty and Silence*)

The East Bank
THE NEW REPUBLIC, May 16, 1994 (re: Arab-Israeli conflict).

Land for No Peace
COMMENTARY, No. 6, Jun. 1994, at 32.

Toxic Treaty
THE NEW REPUBLIC, Sept. 5, 1994, at 21 (coauthored with Frank Gaffney, Jr.) (re: Chemical Weapons Convention).

U.S. Forces On the Golan Heights? A Special Report
COMMENTARY, No. 6, Dec. 1994 (authored principally by Douglas J. Feith).

Blowing smoke about making deadly gas
WASH. TIMES, May 9, 1995, at A15.

To Promote Peace, Move the Embassy
N.Y. TIMES, May 29, 1995, at 21 (re: U.S. embassy in Israel).

The Argument Clinton Isn't Making on Bosnia
WALL STREET JOURNAL, Nov. 28, 1995, at A14 (coauthored with Paul Wolfowitz).

Palestine and Zionism, 1904-1922
A chapter in CHURCHILL AS PEACEMAKER (James W. Muller, ed.) 1997, at 210.

Withdrawal Process Not Peace Process: The Inner Logic of Israel's Negotiations
MIDDLE EAST QUARTERLY, Mar. 1996, at 12.

Committee on Foreign Relations, United States Senate
Mar. 21, 1996 (testimony re: Chemical Weapons Convention).

Delicate balance with a tilt
WASH. TIMES, May 29, 1996 (coauthored with Frank Gaffney, Jr.).

About as Radical as the Reaganites
WASH. TIMES, Jun. 18, 1996, at A13 (re: B. Netanyahu)

Chemical Reaction
NATIONAL REVIEW, Jul. 15, 1996, at 40.

Chemical Reaction
NEW REPUBLIC, Mar. 24, 1997, at 12.

Unsettled conditions in the Holy Land
WASH. TIMES, Feb. 14, 1997, at A17.

Committee on Foreign Relations, U.S. Senate
Apr. 9, 1997 (testimony re: Chemical Weapons Convention).

Waiting for Lott's CWC choice
WASH. TIMES, Apr. 21, 1997, at A15.

A Strategy for Israel,
COMMENTARY, Sep. 1997.

How Fares the Peace Process? A Debate
MIDDLE EAST QUARTERLY, Dec. 1997, at 41 (debate among Feith and others on Arab-Israeli conflict).

Before the next Iraqi crisis: Support Saddam's opposition
JERUSALEM POST, Mar. 20, 1998.

Live Missiles and Dead Letters
NATIONAL REVIEW, Aug. 3, 1998, at 36 (re: ABM Treaty).

Committee on Foreign Relations, U.S. Senate
106th Cong., 1st Sess., May 21, 1999 (testimony and publication of legal memorandum: *Did the ABM Treaty of 1972 Remain in Force After the USSR Ceased to Exist in December 1991 and Did it Become a Treaty Between the United States and the Russian Federation?* (coauthored with George Miron)).

Wye and the Road to War
COMMENTARY, Jan. 1999, at 43.

Go Ahead: Let Arafat declare his state
THE NEW REPUBLIC, Sep. 11, 2000, at 20.

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

See attached. I have given speeches at various forums, symposia and conferences. Only my formal speeches are attached. The substance of all the relevant speeches, I believe, is conveyed in the writings listed in my answer to question 15 of part A above.

TRIBUTE TO THE US ARMED FORCES
US HOLOCAUST MEMORIAL MUSEUM
ON THE
FIFTIETH ANNIVERSARY OF THE END OF WORLD WAR II

REMARKS
BY
DOUGLAS J. FEITH

November 8, 1995

As the son of a Holocaust survivor, I deeply appreciate the opportunity -- which I deem an honor -- to pay tribute to the men and women of the U.S. military on this fiftieth anniversary of the end of World War II. My father, I would like to mention, after fleeing Europe, where his parents and seven brothers and sisters died at the hands of the Nazis, served in combat for several years during the war in the U.S. armed forces.

Defeating Nazi Germany was a just and moral act. But the United States and the Allies did not succeed simply because we had justice and morality on our side. We won the war because we had fighting forces and a general military capability that were superior to that of our enemies. We succeeded because we had courageous and capable men and women who were willing to do combat -- to die and (alas) kill -- for our cause.

We did not choose to fight the Nazis militarily because our leaders preferred war to peace. We fought because the option of peace was not available to us. This unhappy reality resulted not from any failing on our part, and not from any lack of desire for peace on our part. Peace was not available because the nature of the adversary precluded peace. Though it was evidently not obvious to many of the political leaders at the time, the Nazis were not trustworthy. They did not respect law as such. They did not respect the rights of their own people, let alone the rights of others. They were ideologically wedded to aggressive and immoral ambitions.

It is important to honor the men and women who defeated Nazism because such men and women made it possible for a just and moral cause to triumph. Good states cannot necessarily avoid war just because they intensely desire peace, any more than law-abiding citizens in our country have it within their power to

stop all violent crime. If international aggression or domestic crime is to cease, one must change the policies not of the good people, but of the bad. Unless and until this is accomplished, the cause of peace, morality and decency hinges on the bravery, skill, capability and morale of men and women like those we are thanking tonight -- the men and women of our armed forces who defeated the Nazis.

I was privileged to work in the Pentagon -- in the Office of the Secretary of Defense -- during the Reagan Administration. Many of my colleagues there were career military personnel. I admired them as professionals and fellow citizens. It was striking that they not only embodied civic virtues such as devotion to duty and love of country, but they were, as a group, impressively thoughtful and knowledgeable about what their duty was and why this country merited our love. We all gain greater appreciation of such ideas through studying history -- which this superb museum promotes -- and through participation in commemorative events, such as this one here this evening.

If I may presume to speak for my generation -- and in particular for those of us who are children of holocaust survivors -- I want to offer our thanks and respect to the U.S. armed forces on the fiftieth anniversary of the Allied victory over the Nazis and the Axis powers. And I want to thank the U.S. Holocaust Memorial Museum for keeping the rich and terrible history of this period vital and visible.

Thank you.

REMARKS ON "THE OSLO PROCESS"
BY
DOUGLAS J. FEITH
BEFORE THE
NATIONAL UNITY CONFERENCE FOR ISRAEL
WASHINGTON, D.C.
APRIL 7, 1997

It's an honor to be here to address you. Voices United is an admirable organization that gives important support to Israel. It serves the interests of both Israel and the United States. I've been friends for some years now with Esther Levens and I think she deserves high praise for her leadership.

I've been asked to talk about the Oslo Process negotiations between Israel and the PLO.

What is reasonable to expect from this Process? Some Israelis invest it with intense hope -- they see in it nothing less than the key to saving their children from having to fight a new war. Any humane person familiar with Israel's history should find it easy to understand such people. They want the decades of war to end. Having to defend themselves militarily is a burden, material and moral, that they are eager to relinquish. They're willing to compromise with the Arabs. They reason that the Palestinian Arabs must want for themselves and their children the same blessings of peace that are the average Israeli's object of desire.

The aspirations of the Israeli "peace camp" (so-called) sound so benign that it seems ill-natured to dispute their vision. But unpleasant facts obtrude. Consider a sampler just from the last month: An Arab terrorist detonated a bomb in Tel Aviv that killed three Israeli women. Next, referring to Palestinian "policemen" having used their weapons to kill Israelis during the tunnel controversy in September, Nabil Shaath and other Palestinian Authority officials threatened similar violence if Israel proceeds to build the planned Jewish homes in Har Homa in Jerusalem. Amin al-Hindi, a top Palestinian intelligence official, announced: "The Palestinian National Authority will not extradite any Palestinian regardless of what he is charged with." Fatah chief Marwan Barghouti, asked about Arab stoning of Israelis, responded "I don't think that stones are violence. It is peaceful to throw stones." Meanwhile Arafat declared, "It is the duty of all Moslems to rescue Jerusalem ... from the danger of Judaism."

But the breakthrough symbolized by the famous Rabin-Arafat handshake had promised an end to terrorism, or at least a diminution. It had promised conciliation, mutual sympathy and non-violent problem-solving between the Israelis and the Palestinians. Peace being in essence a matter of what is in people's hearts, not a matter of formal documents, it was clear that it wouldn't come about instantaneously when the ink dried on the Oslo Accords. But the Rabin-Arafat handshake promised that there'd at least be a peace *process* -- a move away from hatred, threats and violence.

How then to account for the persistent Arab hostility and recrimination directed against Israel since the famous handshake? How explain the blowing up of Israeli civilians? How explain Arafat's praise of the bombers as "martyrs and heroes?" How explain the persistence of anti-Israel and anti-Jewish rhetoric from Palestinian Authority leaders? How explain their refusal to fulfill obligations in the Oslo Accords on suppressing terrorism, amending the Palestine National Covenant, delivering terror suspects to Israel for trial and other examples of disregard of the Accords?

Israelis who call themselves the "peace camp" lament these discouraging realities, but they ascribe blame primarily to the Netanyahu government, whose policies on settlements, Jerusalem and other matters they condemn as provocative. Bombs may kill young mothers in Israeli cafes, but the Palestinian Authority, we are told, cannot be expected to block every would-be suicide bomber. Arafat may talk belligerently, but this is taken as an effort to appease hardliners in his own constituency. Arafat may fail to disarm Hamas and Islamic Jihad and may release terrorist operatives from prison, but he has domestic political pressures to manage.

The Israeli "peace camp" holds Netanyahu chiefly responsible for the unhappy state of the "peace process" even though the main elements of failure were all evident when Rabin and Peres headed the Israeli government. Even then, Arafat breached his obligations and preached *jihad.* Anti-Israel terrorism between the signing of Oslo I and the election of Netanyahu killed more people than in any similar period in history (this is a large part of why Netanyahu won the election). But all this notwithstanding, the Israeli "peace camp" remains unshakeable in its faith that there is a peace process, that Arafat is committed to the goal of peace and that greater flexibility by Israel can bring the region to that goal.

As I said, I can readily sympathize with the Israelis' craving for peace. But I can't sympathize with the kind of passion for peace that precludes rational analysis -- the kind that renders one oblivious to facts and welded to one's preconceptions. The attitude toward Arafat of many Israelis on the left brings to mind battered wife syndrome. A man abuses his wife verbally. He beats her. He cheats on her. He diverts attention from his own sins by telling everyone who will listen that she is a whore. The poor, faithful battered wife makes excuses for her man. She blames herself. She insists that he loves her. She devotes herself to saving their romance. When friends warn her that her man is up to no good, she denounces her friends and impugns their motives. This battered wife simply cannot be persuaded that there is no romance and her man is just no darn good.

I have come to the conclusion that the Israeli "peace camp" -- like so many distraught battered wives -- simply cannot be persuaded that there is no romance -- there is no peace process. And despite Arafat's cynicism, contempt and hostility, they cannot be persuaded that their man Arafat -- their "peace partner" -- is a gangster and a liar who is just no darn good. The whole situation is both sad and dangerous. This kind of irrationality is bad enough in a relationship between two private people. It can be disastrous if it dominates the national security policy-making of a state.

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This brings me to the question of what the Netanyahu government is up to. Benjamin Netanyahu campaigned last year on criticism, indeed condemnation, of Oslo and the Labor Party policies that produced it.

Now he is carrying the process forward.

What has happened?

Two explanations: (1) Netanyahu changed his mind, abandoned his analysis and his principles (a cynic once said: "a politician is one who will find an excuse to get out of anything except office"); or (2) Netanyahu has not abandoned his analysis and principles.

If the latter is the case, what strategy might Netanyahu be pursuing?

Background

Likud critique of Labor's peace policies toward Palestinians: Arafat cannot make peace. The PLO is not a credible interlocutor and not an authoritative representative of the Palestinian people. Peace cannot be made possible by a change of policy on *Israel's* side. The key to peace is change on the *Arab* side.

Two types of change are required: (1) Change of heart toward Zionism and Israel. And (2) Development of a proper political leadership and structure: A leadership that has legitimacy with own people, makes a practice of compromise and refrains from murdering its political opponents. The more democratic, the more reliable.

Neither of these changes had occurred when Oslo I was signed and neither has occurred since. The Rabin government made its radical departure in September 1993 out of impatience because these changes had not occurred and did not appear imminent.

The essence of Rabin's policy was to take a gamble on peace: Maybe a West Bank-Gaza ministate would satisfy enough Palestinians to get them to abandon the ambition to "liberate" all of Palestine. Rabin seems to have reasoned that the gamble is worthwhile because even if it does not produce peace, unilateral withdrawal by Israel is better than the status quo. He did not think the Israelis had the stomach to continue to defend their position in the territories.

Likud criticized Rabin for pursuing a policy that reflected the Left's demoralization and that tended to demoralize the whole country.

Likud argued that the embrace of Arafat was a strategic error, for he would not and could not make peace. That embrace would make peace less rather than more likely because:

(1) it rewarded terrorism (Arafat achieved his status as statesman through leadership of a terrorist organization);

(2) the we-can't-go-on, there-is-no-alternative-to-peace chorus of so many Israelis, especially intellectuals and political leaders on the left, encouraged the belief on the Arab side that the anti-Zionist cause would ultimately triumph because the Arabs had stronger convictions about the justness of their cause than did the Jews; and

(3) a PLO-led ministate in the West Bank and Gaza would not satisfy Palestinian national aspirations and would endanger the security of Israel and Jordan.

Likud then argued that, even if one accepted Rabin's strategic concept, Labor was implementing its own peace policies badly. The main point was that the Labor government did not insist that Arafat comply with his formal promises.

With that critique as an important part of its campaign, Likud won last year's elections. As soon as they took office, Likud officials explained that *they* would not have entered into the Oslo Accords, but, paradoxically, the Likud has a better chance than Labor did to make the Accords a success.

Likud officials explained that their political fortunes were not tied to Oslo as Labor's were. As they did not believe that unilateral withdrawal is better than the status quo, they could credibly threaten to stop the process if Arafat didn't do the hard things he *must* do to comply with the Accords.

Prime Minister Netanyahu appeared to be reasoning along the following lines: His government must uphold the previous government's international commitments. He didn't believe that Oslo can produce peace, for all the reasons he had laid out over the years. But if Oslo fails, it should be clear that Likud did not kill the Accords on the basis of ideology or theory or speculation. It must be clear that the Likud government devoted itself in good faith to make the Accords succeed.

If the Oslo Process does succeed, Likud would of course be delighted to enjoy the resulting peace. If it fails, then they'll be able to set it aside while leaving as little room as possible for accusations that they acted hastily or in bad

faith, making the point that Oslo is being dropped as a *practical* failure and not because Likud leaders simply speculated that it could not succeed.

Now, if the Oslo process is being tested by the Netanyahu government with the intention of setting it aside if it does not, one must leave oneself an escape route. This requires establishing that there is an alternative to Oslo.

People talk of the "peace process" as if it were inevitable. Israelis commonly say "there's no alternative" -- "if you don't like Oslo, then what is *your* solution?"

But that begs the question, for it simply assumes that there *must* be a solution at hand and, furthermore, that the solution must be within Israel's control. If Netanyahu is to have a credible threat to stop the process if and when it proves a failure, he must refute this assumption. Otherwise, there is no escape from the Oslo box.

Prime Minister Netanyahu appeared to appreciate this point when he impressively launched discussion of a new set of themes about peace and security during his speech to the U.S. Congress in July last year. He said that peace must be built on three pillars: security, reciprocity and democracy.

He highlighted that the keys to peace are philosophical and political developments on the Arab side: change of heart regarding Israel's legitimacy, changes in rhetoric of Arab politicians and intellectuals and the development of liberal, democratic Arab political institutions. That speech to the Congress said, in effect, that the world in general was thinking about Arab-Israeli peace incorrectly, too simplistically, with too much attention to "process" and too little to ideas and institutions.

The philosophical source of the Arab-Israeli conflict has not changed for a century or so. It remains the Arab rejection of Jewish sovereignty in Palestine. If this attitude of rejection changes, there can be peace. If not, there may be temporary accommodations to the realities of power -- there may even be peace agreements -- but there will be no real peace.

Labor chose to ignore this point. Rabin said over and over again: I don't care what the Arabs say, I only care about what they do.

Likud should explain that "what they say" -- especially what the opinion leaders say -- is of the essence. True security for Israel -- and true peace -- will result not from the PLO agreeing to "do" certain things, like go on joint military patrols with Israeli soldiers, for as we have seen, the Palestinian Authority police who patrol jointly with Israelis one day can turn their guns on their Israeli colleagues the next day.

True security and peace will result from Palestinians coming to the conclusion that killing Israelis is not heroic and just, but immoral and damaging to the Arabs' own interests.

This is why changing the PLO Covenant would be significant. And why Arafat's continuing use of "jihad" and references to suicide bombers as "martyrs and heroes" is significant. Moral education should not be underrated.

Likud leaders have to explain why such items are so important. When Israeli leaders complain of PLO violations of Oslo, they should put the point in context. The issue is not just whether Israel is getting every drop of what it bargained for. The issue is what the systematic violations reveal about the Palestinians' attitudes and intentions -- their respect for law and for Israel's rights and the reliability and responsibility of their leadership.

Likud, alas, is not succeeding in changing the vocabulary and analyses that dominate world opinion about Arab-Israeli peace. The Netanyahu government has not succeeded in creating its own standards by which it can be measured. All too often, I am sorry to say, it uses Shimon Peres' vocabulary and models and is being measured by his standards, by which it is found wanting.

The Netanyahu government enunciated an analysis altogether at odds with that of Labor. It has convictions that run contrary to the conventional wisdom, but it is not easy to muster the courage of those convictions for the forces behind the standard view are formidable. If Likud does nothing more than try to implement

more effectively the peace policies of the Labor Party, it will be unlikely to achieve either peace or domestic political success.

Prime Minister Netanyahu is now declaring that the Israeli government, for the first time since September 1993, when Oslo I was signed, will insist that Arafat fulfill his promises before the Oslo process move forward another step. The Prime Minister has also said that, if the process is to move forward, Israel wants to skip the interim steps of the Oslo Accords and proceed straight to final status negotiations.

Benjamin Netanyahu's credibility is on the line. If he continues to let Arafat flout his formal obligations, he will find himself in the same position as the Labor government before him. He will be conducting what is in essence a unilateral withdrawal under the guise of a bilateral peace accord. Arafat will retain his pose as the aggrieved party in the process and will lack any incentive take the action necessary to prevent terrorism. The Oslo Process has trained Arafat to expect something for nothing. It has permitted him time and again to sell the same horse for new consideration. Despite Likud's pre-election criticism of Labor on this score, Netanyahu has done nothing so far to compel Arafat to make hard choices. If the Israeli Prime Minister is to succeed in doing so, he must have leverage. He must have a credible threat to end the Oslo Process if it continues to disappoint every reasonable expectation of movement toward peace. He must persuade Israel that Likud was correct in its original critique of Oslo: that Oslo was not inevitable, and that Israel has an alternative to Arafat and the PLO once it decides that one is necessary.

Netanyahu's challenge is to work now within the Oslo framework without getting trapped in that framework. The key to a successful policy is intellectual. Netanyahu is famous for his intellectual and persuasive powers. He will need to use them and exert them to the full.

Thank you.

REMARKS
BY
DOUGLAS J. FEITH

SOLIDARITY RALLY FOR ISRAEL
LAFAYETTE PARK, WASHINGTON, D.C.
October 13, 2000

The community of Israel's friends and supporters in the United States spans the country. It comprises Jews and Christians, Democrats and Republicans, men and women with liberal politics and conservative politics. What puts the "co-" in our community are the convictions, affections and ideals that we hold in common. And what are these? First, recognition of the Jewish people's right to sovereign statehood in their ancient homeland and the right of Israelis to defend their state. Second, admiration of Israel as a liberal democracy, the only such in the vast Middle East, a country that upholds its people's freedoms under adverse circumstances. And third, appreciation of Israel as America's friend and ally – a country whose people love Americans, a country whose people revere rather than burn the American flag.

Israel's American friends are blessed and cursed with lively intramural differences of opinion on many issues. But, at this awful moment, the community as a whole proclaims a single message: solidarity with Israel. There is a time for intra-community debate, but now is a time for unity, harmony and the reaffirming

of the fundamentals – the thoughts that make a fellowship of all Americans who respect and support the State of Israel.

It is fundamental that democracies must defend themselves against their enemies. A humane, non-aggressive society that abhors violence and killing may have no good alternative to resorting to force if it is attacked. This is true for the United States as well as Israel. Both countries face terrorist enemies intent on physical and psychological warfare.

President Clinton says that the United States will and should react forcefully against those who attack U.S. soldiers or other U.S. citizens. In response to the terrorist bombing of the USS Cole yesterday, for example, U.S. officials, members of Congress and others have advocated terrible retaliation. Senator John McCain, for example, has said that the perpetrators should know that we shall hit them many times harder than they hit us. The issue is not simply one of vengeance, but of policy – the necessity to establish by word and deed that terrorism against the United States will yield the perpetrators more harm than good. This is a moral message for it will tend to deter, not encourage, violence.

Under the circumstances, it is easy to empathize with Israelis compelled to respond forcefully to terrorist attacks. Israel has the right to defend its legitimacy and security, the same right that we Americans properly claim for ourselves.

The current violence between the Israelis and Palestinians did not just occur or break out, like the eruption of a volcano or some other natural catastrophe. The current violence, with its heart-rending toll of limbs and lives lost, is the result of calculation, of purposeful actions taken by the Palestinian Authority to serve its political and diplomatic ends. Making this point is not an unconstructive exercise in blame-laying. Clear thinking and the willingness to make judgments are the prerequisites of moral action.

Yasser Arafat and other Palestinian Authority officials have not striven to restrain the violence against Israel. Rather, Arafat has proclaimed "days of rage," closing his schools to facilitate the rallying of street mobs. Official Palestinian Authority television and radio, as reported in *The New York Times* and *Washington Post*, have been inciting hatred and violence and triumphalist outrages. Hence such acts as the destruction of Joseph's tomb in Nablus and the mob murder yesterday of the Israeli prisoners in Ramallah. As the violence has intensified, the Palestinian Authority has released from prison numerous Hamas and Islamic Jihad members being held for terrorist crimes against Israelis. And the Palestinian Authority's armed forces have been firing their weapons at Israelis, not even attempting to suppress the anti-Israel violence.

The blood-letting is large scale and profoundly sad. But it's inaccurate to

call it spontaneous or uncontrollable on the Palestinian side. The violence is Palestinian Authority policy. It is unleashed deliberately, with calculation. Arafat uses violence, as he has throughout his career, because it has served his purposes to do so. When the Palestinian Authority receives diplomatic and other rewards through this crisis, that encourages more violence.

Some commentators like to position themselves as superior to both sides in the conflict, looking down on Israelis and Palestinians alike, condemning both sides as morally equivalent – that is, *im*morally equivalent. (Various countries around the world assume a similar position with respect to the United States when we confront terrorist attackers.) But justice, morality and common sense rebel at the notion that, in defending its soldiers, its people and its national rights, Israel is on the same moral plane as those who use guns, knives and stones to kill and maim Israelis – those who advocate *jihad* against the Jewish State, those who desecrate Jewish holy sites, those who deny that Jewish Temples stood on the Temple Mount and deny the Holocaust, those who use official schools, summer camps and childrens' TV shows to preach and teach hatred, assassination and war to youngsters of elementary-school age.

There is nothing in the world sadder than the death of children. The pictures of dead young Palestinians and Israelis that we see day after day on

television outrage the sense of decency of all good people. But, I repeat: It is precisely when confronted with such horrors that we should strive for intellectual and moral clarity.

The Palestinian Authority is using children cynically, systematically and unforgivably as pawns – expendable tokens – in an immoral war to demoralize and otherwise damage Israel. The Palestinian Authority has an army of around 40,000 men. These so-called security forces were established under the Oslo Process and armed by the grace of Israel. They were supposed to suppress Palestinian violence against Israel. Instead, they aggravate it and even perpetrate it themselves. For example, it is their practice to position themselves so that children throwing stones to provoke fire fights stand between lines of Israeli and Palestinian armed forces. This ensures that the young stone throwers will face injury and death within view of various video cameras.

The exploitation of youngsters in this manner is barbarity of the lowest order. It is a form of child sacrifice for which the Palestinian Authority deserves unequivocal denunciation. This terrible practice continues only because it is repaid so lavishly by journalists, diplomats and others in the form of denunciations of Israel. Its essential purpose is to cloud the moral issue: to make Israeli victims of aggression look like victimizers.

If condemnations were directed properly – at the Palestinian Authority rather than the Israeli Defense Forces – the practice would cease and the children would be spared such exploitation. If your heart goes out to these children, as it should, you should be ready to make a moral judgment and take a public stand, renouncing the rhetoric of moral equivalency and assigning responsibility where it belongs – to Yasser Arafat and his lieutenants. In such a situation, this is not unconstructive finger-pointing. On the contrary, it is the moral response of decent people who oppose the purposeful endangerment of children.

This brings to mind a remark of Winston Churchill. In response to misguided moral equivalency in *his* day, he commented that he could not maintain a fine indifference between the fire brigade and the fire.

When Israel is under attack, Israel's American friends and supporters stand with it. The violence hurts our hearts and we have compassion for every parent, Arab and Jewish, who loses a child. But we do not allow our compassion to cloud our moral judgment. Israel has a right to exist and to defend itself. The Palestinians have no right to direct violence against it. Israel deserves from its American allies not equivocation, not even-handedness, but moral clarity and wholehearted support.

Thank you. And may God bless America and Israel.

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

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

SIGNATURE AND DATE

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

DOUGLAS JAY FEITH.

This 30th day of April, 2001.

[The nomination of Douglas Jay Feith was reported to the Senate by Chairman Levin on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Dr. J.D. Crouch by Chairman Warner prior to the hearing with answers supplied follow:]

May 21, 2001.

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

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

Sincerely,

J.D. CROUCH, II.

cc: Hon. Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

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

Answer. From my point of view, the most important aspects are the clear responsibilities and authorities given the CINCs for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

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

Answer. I am unaware of any proposals to modify Goldwater-Nichols. The Department will should consult closely with Congress, especially this committee, on any changes that might be appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Policy?

Answer. I understand that, if confirmed, my duties as Assistant Secretary of Defense for International Security Policy will be to serve as the principal assistant and advisor to the Under Secretary of Defense for Policy in formulating and implementing national security and defense policy in a wide range of areas, including: nuclear forces; technology security; missile defense; Europe and NATO; Russia, Ukraine, and Eurasia; arms control, non-proliferation, and counter-proliferation.

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

Answer. I would expect Secretary Rumsfeld to look to the Assistant Secretary of Defense for International Security Policy to fulfill all the duties assigned to that office by statute and regulation—in particular, assistance and advice on the formulation of national security and defense policy in the areas noted in 2A .

Question. How do you see the civilian role, as opposed to the military role, in the formulation of strategy and contingency planning?

Answer. As I understand this activity, the Policy Office, on behalf of the Secretary, initiates the contingency planning process though its preparation of the Presidentially-approved Contingency Planning Guidance, and subsequently reviews actual plans developed by the military. Formulation of strategy and the contingency planning guidance that flows from it is an inherently civilian role. The military as an institution or through individual leaders, has an important part in this process. However, leadership and final decisions relating to formulation of strategy and contingency guidance is appropriately within the purview of the Nation's civilian leaders.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense for International Security Policy?

Answer. The Department as a whole must strive to ensure that the U.S. military maintains the ability to deter the range of threats we face and defend our national interests in a world of diverse and not necessarily predictable threats. The United States government faces major challenges in properly supporting our forces today while transforming the military to deal effectively with future uncertainties. Another major challenge is dealing with so-called emerging threats—the ability of hostile forces (states and terrorist organizations) to cause serious damage on U.S. territory even though they cannot defeat our armed forces.

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

Answer. If confirmed, I will strive to ensure that we have a defense strategy and appropriate policies and plans to address the range of threats we face. In particular, the Assistant Secretary of Defense for International Security Policy plays a key role in addressing the challenges of emerging threats; this deserves the most serious attention.

NATO EXPANSION

Question. The further expansion of the NATO Alliance will be an issue addressed at the NATO Summit in 2002. Currently, nine nations in central and eastern Europe—including the three Baltic nations—are interested in joining the Alliance.

In your view, what criteria should the United States use in determining which nations should be invited to join this important military alliance?

Answer. The NATO Alliance has been the key instrument in keeping the peace in Europe for over 50 years. A main factor in considering future NATO expansion is whether or not expansion will enhance U.S. and NATO security. It is important that the broadening of NATO membership preserve the Alliance's capacity for effective collective action.

New members should share the democratic values of the Alliance and be prepared to make the necessary investments in the creation and maintenance of effective and interoperable military forces.

NATO CHALLENGES

Question. What are the greatest challenges that you foresee for NATO over the next 5 years?

Answer. One of the key challenges will be to complete the Alliance transition from stationary forces to more mobile, deployable, and sustainable forces, and to assist new members and partners in developing forces that are better able to operate with NATO forces.

Another challenge is to develop a cooperative relationship with the European Union on the European Security and Defense Policy that preserves NATO's military operational effectiveness.

A final challenge will be to continue to evolve the relationship with Russia as we move away from the Cold War.

EUROPEAN SECURITY AND DEFENSE POLICY

Question. The European Union (EU) is pursuing a European Security and Defense Policy (ESDP) under which the EU will be in a position to launch and conduct EU-led operations in response to international crises, where NATO as a whole is not engaged. The United States has endorsed the ESDP provided it is done right.

Do you agree with the United States position on ESDP?

Answer. Yes, I agree with the United States' position on ESDP. As President Bush stated in February, "The U.S. welcomes ESDP, intended to make Europe a stronger, more capable partner in deterring and managing crises affecting the security of the transatlantic community."

United States support for ESDP is based on the assumption that EU efforts will result in increased European capabilities and will not undermine NATO's military operational effectiveness, Allied cohesion, or the transatlantic link. ESDP could increased European military capabilities, complementing and reinforcing NATO to better balance the transatlantic relationship; however, ESDP could also pose a resource diversion risk and undermine NATO's ability to undertake collective defense.

Question. In your view, what does the EU have to do to ensure that ESDP is "done right"?

Answer. The EU must be willing to ensure that ESDP preserves NATO's integrity as the primary instrument of transatlantic security and does not diminish the Alliance's military operational effectiveness.

In addition, the EU should recognize that robust participation arrangements for non-EU European Allies, like Turkey, in EU crisis response planning and operations are essential to a successful NATO–EU relationship. While all 15 EU members (11 of which are also NATO Allies) have made a political commitments to ESDP, they must deliver on these commitments by providing resources to increase capabilities.

CONFLICT IN MACEDONIA

Question. For the past several months, we have witnessed fighting between ethnic Albanians and government forces in the Former Yugoslav Republic of Macedonia. NATO has agreed to offer some assistance to the Macedonian Government in this conflict.

What do you believe is the proper role for the United States and NATO in this conflict? Should our involvement, if any, include the use of U.S. troops?

Answer. It is my understanding that the Bush administration plans to continue to assist the Macedonians to maintain territorial integrity, using their own means. The administration has consistently condemned the violence initiated by ethnic Albanian militants and supported the sovereignty of Macedonia. In cooperation with NATO, the United States has provided intelligence support and equipment appropriate for the level of the conflict. The administration supports the multi-ethnic Macedonian ruling coalition (Government of National Unity). I understand that, at present, the administration does not foresee a reason to expand the U.S. role beyond our current assistance and participation in KFOR, and nor does it foresee a reason for U.S. forces to be involved in the Macedonian conflict.

MISSILE DEFENSE

Question. The United States has invested a significant amount of funding and time into the development of ground-based national missile defense system. The capability being developed under this program appears more mature than any alternative approach for countering strategic ballistic missiles.

Do you believe that it is the most mature missile defense program?

Answer. The President has established missile defense as a top priority. The administration's policy is to deploy ballistic missile defenses based on the best avail-

able options. It is my understanding that while the ground-based, mid-course system currently appears more mature, the administration intends to explore a broad range of missile defense technologies, pursuant to the President's guidance.

Question. To what extent would you recommend continuing this effort?

Answer. Secretary Rumsfeld has said that we have more work to do to determine the final form defenses might take. If confirmed, I will work with my colleagues in the Department to explore all of these options.

Question. Secretary Rumsfeld has indicated his intention to stop differentiating between "theater" and "national" missile defense systems.

Does this change in terminology in any way signify a reduction in the priority for programs designed primarily for tactical or battlefield use, such as the Theater High Altitude Area Defense, the Patriot PAC–3, the Airborne Laser, or the Navy Area Defense?

Answer. No. The President has said we will deploy a system capable of defending the United States, U.S. forces deployed overseas, and our allies and friends. Whether a particular system could be a "national" system or a "theater" system depends on where you live and how close you are to the threat.

ABM TREATY

Question. What, in your view, is the legal status of the ABM Treaty today?

Answer. The Bush administration has not announced a specific view on the ABM treaty's legal status. The administration has treated the ABM Treaty as being in effect. I agree with the administration's approach.

Question. Do you agree with the view that the treaty ceased to be legally binding when the Soviet Union dissolved?

Answer. The Bush administration has treated the ABM as being in effect. I agree with the administration's approach.

Question. The President has described a new strategic "framework" as the best alternative to the ABM Treaty in its current form. In your view, should such a framework be a new treaty, which would require Senate advice and consent, or should it be something other than a treaty? If not a treaty, what alternatives should the United States consider, and why?

Answer. I understand that the concept of a new strategic framework is currently being discussed, and no decisions have been made regarding its form. It is my view that any such framework should provide for the opportunity for openness, mutual confidence, and include a real chance for cooperation—including in the field of missile defense.

Question. If you do not believe that the ABM Treaty ceased to exist with the collapse of the Soviet Union, do you believe that the treaty should be modified? If yes, what types of defensive systems should any such modifications permit or disallow?

Answer. As the President has said, we need to move beyond the ABM Treaty, which prohibits us from pursuing promising new missile defense technologies. I have been told that all available technologies and basing modes are being examined, but no decisions have been made.

Question. If you do believe that the ABM Treaty ceased to exist as a matter of law when the Soviet Union collapsed, do you believe that Russia, nevertheless, should abide by all of the international treaties and obligations that were entered into by the former Soviet Union, including the ABM Treaty?

Answer. Russia has declared itself to be a successor state to the Soviet Union for the purposes of the ABM Treaty and various other agreements and should act accordingly.

STRATEGIC FORCES

Question. What role should strategic nuclear forces continue to play in United States policy and strategy?

Answer. As the President has said, "Nuclear weapons still have a vital role to play in our security and that of our allies." I believe that nuclear weapons remain a critical part of the overall deterrent capability of the United States. Nuclear weapons also serve as a means of upholding U.S. security commitments to our Allies, as a disincentive to those who would otherwise contemplate developing or acquiring their own weapons, and as a hedge against an uncertain future.

Question. What criteria should the United States use in determining an appropriate strategic nuclear force posture for the foreseeable future?

Answer. It is my understanding that these criteria will be developed as a part of the congressionally mandated Nuclear Posture Review (NPR). I am not aware of the status of the review, nor am I aware of what criteria will be applied in determining an appropriate strategic nuclear force posture for the foreseeable future.

Question. The National Defense Authorization Act for Fiscal Year 2001 requires the Secretary of Defense to prepare a new Nuclear Posture Review and a Plan for the Modernization and Sustainment of United States Strategic Nuclear Forces.

If confirmed, would you ensure that these requirements are fulfilled in a thorough and timely manner?

Answer. Yes.

Question. In your view, will the United States need to resume underground nuclear testing in the foreseeable future in order to ensure the reliability, safety, and security of the United States strategic nuclear forces?

Answer. If confirmed, I would support a review of how we can ensure the reliability and safety of our nuclear weapon stockpile.

Question. Do you believe that Russia should comply with the terms and conditions of the START II Treaty?

Answer. I regret that Russia did not unconditionally ratify START II as the United States did in 1996. As long as START II has not entered into force, Russia is not required to comply with its terms and conditions. However, I believe the administration would welcome Russian strategic force reductions to START II levels or below.

Question. Do you support ratification of the START II Treaty or would you advocate moving directly to a START III Treaty?

Answer. I understand that the Bush administration is currently reviewing nuclear forces and associated arms control policies as part of a strategic review. As the President noted in his speech on May 1, the objective is to reduce the number of nuclear weapons to the lowest level consistent with our national security requirements including our commitments to our allies. The President also has indicated that he wants to reduce nuclear forces quickly and is prepared to lead by example.

Question. As part of the ongoing review of strategic nuclear programs and the statutorily mandated nuclear posture review will you commit to look at the entire nuclear enterprise as part of that review, including the total number of nuclear weapons, the required number of delivery systems, ensuring a balance between the number of weapons and the delivery systems, and the requirements of the nuclear weapons complex?

Answer. If confirmed, I look forward to consultations with this committee on these matters as well as in other areas. As I noted earlier, I am not aware of the progress of the Nuclear Posture review. However, we would welcome Russian strategic force reductions to START II levels or below.

Question. Will you agree to work closely with the National Nuclear Security Administration?

Answer. Yes, I believe the Department of Defense and the National Nuclear Security Administration need to work closely together. The National Nuclear Security Administration has a critical role in supporting U.S. national security interests because of its responsibility to ensure the safety, security, reliability and effectiveness of U.S. nuclear weapons. If confirmed, I intend to work closely and cooperatively with Gen. John Gordon (Ret.), the Administrator of the National Nuclear Security Administration, and key members of his staff.

Question. Do you support the Stockpile Stewardship Program?

Answer. Ensuring the safety, reliability, and effectiveness of U.S. nuclear weapons is critically important to the National security interests of the United States. If confirmed, I would support an administration review of the Stockpile Stewardship Program to evaluate how well it has done its job to date, and how to improve it to meet future stockpile issues.

Question. If you believe that the U.S. will need to resume underground explosive nuclear testing, what is the test that would be necessary, why is it necessary, what is the specific problem to be addressed, why are the alternatives to testing not suitable, and when must such a test be conducted?

Answer. I have not been briefed on a DOD requirement for the United States to resume nuclear explosive testing at this time. As I said earlier, if confirmed, I would support a review of how we can ensure the reliability and safety of our nuclear weapon stockpile.

SPACE POLICY

Question. Do you support the 1996 National Space Policy?

Answer. The 1996 National Space Policy continues to provide policy and guidance for the conduct of the our nation's space activities. I agree with the Commission to Assess United States National Security Space Management and Organization that "the broad outline of U.S. national space policy is sound." I expect that the number, range, and complexity of domestic and international space issues, however, will con-

tinue to increase. If confirmed, I look forward to working with Congress and my administration colleagues to ensure that our national space provides a coherent approach and clear direction for advancing our interests in space.

Question. Do you favor the development and deployment of weapons in space?

Answer. The question of whether to develop and deploy weapons in space or not is one that deserves careful and thoughtful consideration. If confirmed, I look forward to participating in the process that will answer this question.

DOD'S COOPERATIVE THREAT REDUCTION (CTR) PROGRAM

Question. The CTR program has several key objectives that include (1) reducing strategic nuclear weapons; (2) improving the security and accounting of nuclear weapons and fissile material; (3) eliminating and preventing biological and chemical weapons and capabilities; and (4) encouraging military reductions and reforms to reduce proliferation threats. Currently, the Department of Defense is conducting a review of these programs to determine the program's future direction.

In light of the CTR objectives, do you believe the CTR program should continue with its current scope or do you believe adjustments are necessary?

Answer. The President supports the goals and objectives of the CTR program. I have been briefed that the CTR program is just one of a number of programs under review at this time by the administration. A review of all CTR program areas and their respective national security benefits will determine how the program can best meet its goals efficiently and effectively.

Question. In your view, what do you believe should be the top three objectives for the CTR program?

Answer.

1. Accelerate reductions in Russian strategic arms.
2. Prevent proliferation of nuclear weapons and fissile material from the former Soviet Union.
3. Elimination of SS–24 missiles in Ukraine and infrastructure in Ukraine and Kazakhstan.

Question. Secretary Rumsfeld stated in his answers to advance policy questions to this committee that "the elimination of former Soviet strategic nuclear weapons and their delivery vehicles that the CTR program has funded has benefited U.S. national security."

What is your view of the CTR program's chemical and biological weapons elimination efforts?

Answer. As the President has noted, many nations have or are seeking chemical and biological weapons and related weapons delivery technologies. The United States has an interest in ensuring that Russia eliminates its stockpile of chemical munitions and biological agents. As I noted earlier, the CTR program activities that address these threats are under review along with the nuclear threat reduction programs. The benefit to U.S. security should be the primary criterion being used to evaluate continued support of these programs.

Question. Do you believe these have benefited U.S. national security? How?

Answer. The elimination of former Soviet strategic nuclear weapons and their delivery vehicles funded by the CTR program has benefited U.S. national security. The United States also has an interest in ensuring that Russia eliminates its stockpile of chemical munitions and biological agents. At the same time we would not want the CTR program to become a means by which Russia frees resources to finance its military modernization programs.

Question. Given increases in Russia's gross domestic product during the past year and subsequent increases in its military spending and arms exports, what is your view regarding Russia's ability to assume more of the cost share associated with CTR efforts in Russia?

Answer. Russia should do what it can to fund the reduction of the weapons of mass destruction left by the Former Soviet Union. I understand that part of the ongoing administration review of assistance programs to Russia is to identify whether Russia is doing as much as it can to fund these reductions and to identify whether they can do more. The recent upturn in the economic situation in Russia will be taken into account in the review.

Question. In light of Russia's increasing priority on military spending, what is your view regarding the fungibility of U.S. funds associated with threat reduction assistance?

Answer. Investment in the CTR program and other U.S. nonproliferation programs to should not become a means by which Russia frees resources to finance its military modernization programs. I understand that the current review of these programs is looking at these questions.

Question. Do you think the CTR program is well coordinated among the U.S. government agencies that engage in threat reduction efforts in Russia, e.g., the State Department and the Department of Energy?

Answer. Effective coordination between among all U.S. government agencies is vital to the success of any multi-agency endeavor. I have been informed that the administration is reviewing CTR along with Russian assistance programs provided by other U.S. agencies to determine how we can best to ensure the most cost-effective means to achieve our objectives.

Question. Do you believe the CTR program should pay for the construction of fossil fuel plants to assist with replacing the power produced by the planned shut down of the three remaining plutonium production reactors in Russia?

Answer. Secretary Rumsfeld has previously noted that it has been the policy of our country to attempt to assist in seeing that nuclear materials in Russia are handled in a safe way so that they do not proliferate. The current review should assess how best to eliminate effectively and efficiently the Russian production of weapons-grade plutonium.

Question. Will you have responsibility for policy development, coordination, and oversight of the CTR program, if confirmed?

Answer. Yes, if confirmed.

Question. Do you fully support the CTR programs?

Answer. The elimination of former Soviet strategic nuclear weapons and their delivery vehicles funded by the CTR program has benefited U.S. national security. The United States also has an interest in ensuring that Russia eliminates its stockpile of chemical munitions and biological agents. At the same time we would not want the CTR program to become a means by which Russia frees resources to finance its military modernization programs. If confirmed, I will work to ensure that the CTR program meets its goals efficiently and effectively.

Question. Do you support the active participation of the United States in the effort to destroy Russian chemical munitions at Shchuch'ye?

Answer. I have been informed that U.S. funding for the construction of a chemical weapon destruction facility at Shchuch'ye is under review. Many complex issues are involved in this program, including Russian and international commitments to this program. The review will help inform a decision on how the administration wants to proceed with this and other assistance programs.

Question. If the CTR program does not support the shutdown of the last three plutonium producing reactors in Russia and replace their power generating capacity with fossil fueled plants, how would you propose to stop plutonium production in Russia by 2006 or earlier? Do you believe that the CTR program should support the destruction of Russian nuclear powered submarines capable of delivering nuclear weapons by other than SLBMs? Do you support expansion of the CTR program and if so in what specific areas?

Answer. I am not in a position to make a judgment on these issues at this time. If confirmed, I look forward to working with this committee on these and other important questions relating to the CTR program.

RUSSIA AND IRAN

Question. In December, 2000, Secretary Cohen met with then Russian Defense Minister Igor Sergeyev to discuss U.S. concern over Moscow's continuing arms sales and proliferation activities with Iran. While this meeting and subsequent State Department meetings were considered positive, the United States did not receive concrete assurances from Russia that these proliferation activities would cease. In fact, subsequent actions by Russia indicate that Russia intends to continue and increase its arms sales and nuclear technology efforts with Iran, despite U.S. concerns.

As Assistant Secretary of Defense for International Security Policy, what policy options would you propose to address the continued proliferation activities of Russia regarding Iran?

Answer. If confirmed, I would look at the full range of available options. I would underscore for Russian policymakers that this is a new administration and that positive, concrete steps on their part to address our security and stability concerns in this area can provide a basis for a constructive bilateral relationship.

Question. Would you propose limiting or prohibiting Cooperative Threat Reduction assistance to Russia until Russia ceases its proliferation activities with Iran?

Answer. I have been informed that the administration is currently reviewing its options for encouraging Russia to cease its proliferation activities with Iran, including possible steps in the event that Russia does not cease such cooperation. If confirmed, I would expect to participate actively in that review.

COMPREHENSIVE TEST BAN TREATY/NUCLEAR TEST MONITORING

Question. What do you believe the policy should be within the Department of Defense regarding DOD Programs that support the Comprehensive Test Ban Treaty?

Answer. Secretary Rumsfeld has said that he has two concerns with the Comprehensive Test Ban Treaty (CTBT): the risks to the reliability and safety of our nuclear weapon stockpile and the difficulty of verification. Because the CTBT has not been ratified by the United States or entered into force, the United States is under no obligation to implement it. If confirmed, I would strongly support a review of all planned DOD activities associated with the CTBT, to determine whether they are useful on their own merits.

ARMS CONTROL TECHNOLOGY PRIORITIES

Question. The Department of Defense plays the lead role in developing and implementing arms control technology in support of arms control agreements.

What do you believe should be the key capabilities that the Department should pursue and develop? What challenges do you believe exist in developing these key capabilities?

Answer. I am not in a position to make a judgment on these issues at this time. If confirmed, I look forward to working with this committee on these and other important questions relating to arms control technologies and capabilities.

BIOLOGICAL WEAPONS CONVENTION (BWC)

Question. The Biological Weapons Convention (BWC) prohibits the stockpiling of biological materials in quantities that are not justifiable for solely peaceful purposes. Currently, the parties to the Convention are discussing details of a new protocol that consists of a legally binding regime for verification that goes beyond confidence building measures. Critics of these discussions believe that such verification measures are impossible due to limitations in the technology to enforce these measures.

What is your view of the Convention and do you believe it is possible to establish and verify measures beyond confidence building?

Answer. The Biological Weapons Convention establishes an important norm against the development, production, acquisition and stockpiling of biological weapons. However, given the nature of biological weapons and biotechnology, the Convention is inherently unverifiable.

EXPORT ADMINISTRATION ACT

Question. The Export Administration Act of 2001 (S.149) was introduced by Senators Enzi and Gramm, and reported out of Banking Committee subsequently on a 19–1 vote on March 22, 2001. The administration has released a Statement of Administration Position indicating its support for the bill in its current form.

Do you support the Export Administration Act of 2001 in its current form? If not, what changes do you believe are needed to the measure?

Answer. I support the use of export controls to protect U.S. national security. The administration has indicated its support for the bill in its current form. I have not yet been briefed on the bill, but I note that it contains several provisions that will improve the process for controlling exports of dual-use goods and technologies. It also has other provisions that will help transition the current system-based cold war policies into a more modern system that focuses on WMD, end-user and end-use controls. As a result, the bill would allow the administration to meet national security and foreign policy objectives without impairing U.S. companies' ability to compete in the world marketplace.

Question. Do you believe that the State Department or the Commerce Department should be the lead agency for licensing satellite exports?

Answer. My own views on this question are not yet fully formed. I believe Congress and the administration must be deliberate in contemplating any change in export controls. Any review must be undertaken in a manner that seeks to preserve fundamental national security interests. I believe that the administration will be examining this issue carefully (including any statutory or regulatory changes that might be required), and will consult closely with Congress as this review proceeds.

Question. Do you believe that additional steps need to be taken to streamline the export control process?

Answer. I understand that the administration will be examining whether further streamlining is necessary.

Question. Do you support the Defense Capabilities Initiative (DCI)?

Answer. I support the goals and objectives of the DCI, but I have not yet been fully briefed on its implementation or the extent to which it has improved our Allies abilities to meet the needs of NATO in the 21st century.

THE OSLO ACCORDS

Question. What is your view of the Oslo Accords? Do you believe that Israel should abrogate any or all of the Oslo agreements, or do you believe that Israel and the Palestinian Authority should honor the agreements arrived at to date, and that the peace process should continue?

Answer. I have not fully formed a view on the Oslo Accords. I note that this issue will not be in the area of responsibility of the position for which I am seeking confirmation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

NORTH KOREA

1. Senator LEVIN. During your nomination hearing, I asked you for your view as to whether you believe the United States should continue to support the Agreed Framework. You responded to the effect that the issue was still being considered by the administration. I then advised you that, during his visit to South Korea on May 10th, Deputy Secretary of State Armitage delivered a letter from President Bush for President Kim Dae Jung in which President Bush stated that we expected, among the things our policy review would show that we would continue to support the Agreed Framework. Subsequently, on May 16th, State Department spokesman, Richard Boucher, stated that "Our position has always been that we intend to abide by the Agreed Framework and we expect them to abide by the Agreed Framework. . . ."

Do you believe that we should continue to abide by the Agreed Framework?

Dr. CROUCH. Yes, I support the administration's recent announcement on abiding by the Agreed Framework. The administration has decided to undertake discussions with North Korea on a broad agenda that includes improved implementation of the Agreed Framework. I believe that the international situation has changed greatly since 1994 when I first wrote about the Agreed Framework. The June 2000 inter-Korean summit is one example of this change. In coordination with our Asian allies, the administration will hold discussions with North Korea aimed at reaching verifiable arrangements that enhance our national security and that of our allies.

2. Senator LEVIN. At your hearing, I asked about your article published in 1995 about North Korea, in which you advocated presenting North Korea with an ultimatum and bombing North Korea if they did not acquiesce to our demands. At the hearing, you suggested that you had done nothing different than what then-Defense Secretary Perry had done to consider the option of offensive military action.

As I see it, there is a considerable difference between your position and that of Secretary Perry at the time. In Dr. Perry's case, as he told this committee on Janu-

ary 26, 1995, he considered—but rejected—the option of taking military action to destroy the one reactor before it could be refueled and its spent fuel reprocessed. That was a matter of prudent military planning. Secretary Perry never advocated a pre-emptive attack against any or all of North Korea's nuclear facilities, nor giving North Korea an ultimatum.

In your case, you advocated the position that we should issue North Korea an ultimatum to get rid of its nuclear complex and to "authorize the destruction of as much of this complex as possible," if they did not take "positive, visible" steps to do so. According to what he told this committee, Secretary Perry did not advocate that position; he looked at the various scenarios and options and recommended to the President a course of action that he thought had the best chance of reducing the North Korean nuclear threat and preserving U.S. security, which was not to authorize a pre-emptive strike.

Do you agree that there is a difference between the Secretary of Defense considering—and rejecting—a number of options, including the possibility of military action against the Yongbyon reactor, and your advocating the destruction of the North Korean nuclear complex if North Korea did not accept an ultimatum to do so itself?

You mentioned at your hearing that you believed Secretary Perry testified to the Senate Foreign Relations Committee on North Korea and advocated a position similar to yours. If he did so, it would be very different from what he told the Armed Services Committee. Can you provide a record of Secretary Perry's testimony to the Foreign Relations Committee?

Dr. CROUCH. Mr. Chairman, I stated in my testimony that "even Secretary Perry, who, I believe testified before the Senate Foreign Relations Committee that he was considering options to do just this is evidence of the serious nature of this." In testimony before the Senate Foreign Relations Committee on January 24, 1995, he stated:

> *What were the alternatives then faced by the United States? Obviously, there was an alternative, a theoretical alternative, of going in and taking out the nuclear reactor. We considered that option. We looked very carefully at what would be required to do that. I can tell you flatly that we know how to do that, but on consideration, I did not recommend that course of action to the President—and careful consideration did not recommend that course of action.*

I agree with you that there is a difference between having considered options and having authorized them. My intervention in the hearing in which I paraphrased Secretary Perry's testimony was in response to questions about the reasonableness of my recommendations. I was pointing out that the sitting Secretary of Defense was concerned enough about the situation to have planned for, and considered, options to do what I recommended doing if the North Koreans did not respond to demands to open up their nuclear facilities to international inspection. He went on in his testimony to state, "there is no security problem we are facing more important than this one in which the alternatives are grimmer." My intervention was not to portray Secretary Perry's views and mine as identical, but simply to demonstrate that in that time and in those circumstances, others were considering the same kinds of military actions that my article discussed.

In December 1993, Representative John Murtha suggested that if we know the location of the North Korean weapons facility, "we should consider military action." He went on to state:

> *You have to weigh what the North Koreans would do, because obviously it could precipitate an invasion. My feeling is I would be willing to take that chance, because to me it is just unthinkable to have a regime like North Korea with a nuclear weapon of any kind. It would be like Iraq having a nuclear weapon.*

In June 1994 Senator Robert Dole stated in response to questioning about the crisis: "I would not rule out the military option. I'd go ahead and start building up in that part of the world." This echoes what Secretary Perry said at the time, "I said we will not have a preemptive military strike at this time and under these circumstances. I am not ruling that option out in the future."

Finally, former National Security Advisor Brent Scowcroft and former Under Secretary of State Arnold Kanter stated in a June, 1994 *Washington Post* editorial: "We should tell North Korea that it either must permit continuous, unfettered IAEA monitoring to confirm that no further reprocessing is taking place, or we will remove its capacity to reprocess." They acknowledged that this course of action is "not risk-free" and recommended a build-up of U.S. forces similar to what I recommended in my article. They concluded by stating: "Pyongyang must be made to understand that if war is unavoidable, we would rather fight it sooner than later,

when North Korea might have a sizable nuclear arsenal." This judgment, Mr. Chairman, was a central factor in my making the recommendations in my article.

Mr. Chairman, I certainly acknowledge a great difference between considering options and executing them. I also stated in my testimony that it was possible that "if different facts had come to light that I was not aware of because I was out of government," I may have made different recommendations. I agree with Secretary Perry that we were facing grim alternatives during this time. I quote the thoughts of others during this crisis not to convince you or the committee that my recommendations were right, or to imply that those quoted held identical views to mine, but simply to demonstrate that similar ideas were considered at the time by well respected authorities.

Special Note: Mr. Chairman, I would like to take this opportunity to respond to a concern you raised during my hearing about the use of the word "collude" in my 1995 article on North Korea. I have reread that article, and I can see that was a poor choice of words on my part. What I was trying to convey in that paragraph was that the Clinton administration, the IAEA, and the North Koreans had very different reasons for joining together in the Agreed Framework regime, though the fact of agreement was widely taken as a sign of true commonality of purpose. I was not trying to say that U.S. support for the Agreed Framework involved impropriety. I should not have used a word that can be taken as implying that. I believe that reasonable people can differ on the value of the Agreed Framework, and I also recognize that since the hearing, the President has announced the administration's support for moving forward with its implementation. If confirmed, I would wholeheartedly support the President in his efforts to implement that agreement in ways that enhance its prospects for success.

CHEMICAL WEAPONS CONVENTION

3. Senator LEVIN. In March 1996 you testified against ratification of the Chemical Weapons Convention before the Senate Foreign Relations Committee. You said in your testimony: "I cannot imagine an agreement less suited to our security needs in the post-Cold War security environment [than the CWC]."

You also said that with the CWC, the United States is abandoning "one of the most effective deterrents to chemical use against itself and its allies: the right to an extant and mature offensive chemical weapons program."

You said that the CWC would weaken deterrence "by eliminating the ability of the United States to respond in kind to chemical attack," and the result would be "that American and allied soldiers and citizens are more, not less, likely to be attacked with chemical weapons."

Are these still your views? Do you believe that the CWC has weakened deterrence and increased the likelihood of a chemical weapons attack on American soldiers?

Dr. CROUCH. While my earlier statements focused on my belief in the deterrent value of response in kind, I also believe there is deterrent value in robust defenses, including chemical defenses, that will deny an aggressor any advantages in first use of chemical weapons. The Senate substantially improved the CWC during the ratification process. For example, the Senate endorsed an enhanced and robust chemical and biological defense program in Ratification Resolution #11. The Department of Defense has similarly made a commitment to establishing robust chemical defenses that have sent the clear message to states that might contemplate use of CW that DOD is prepared for combat in a CW environment. I believe that this has diminished the likelihood of attack on American soldiers.

The CWC is now the law of the land. If confirmed, I see it as one of my most important responsibilities to ensure that it is implemented and enforced as effectively as possible. If confirmed, I would look forward to working with the committee to improve further our capabilities to deter and defend our forces against CW attack in the absence of a response in kind.

4. Senator LEVIN. If confirmed as Assistant Secretary of Defense for International Security Policy, will you advocate that the U.S. withdraw from the Chemical Weapons Convention?

Under what circumstances would you advocate withdrawing from the treaty?

Dr. CROUCH. I would not advocate a withdrawal from the Chemical Weapons Convention and cannot foresee the circumstances under which I would do so.

5. Senator LEVIN. Do you believe the U.S. should have an offensive chemical weapons capability? Would you advocate withdrawing from the CWC to develop such a capability?

Dr. CROUCH. I would not advocate a withdrawal "from the CWC to develop such a capability" and cannot foresee the circumstances under which I would do so.

NUCLEAR WEAPONS

6. Senator LEVIN. In an article in *Global Affairs* in 1993, you wrote that "in order to neutralize the effects of nuclear, chemical, or biological weapons that some future Saddam might put on a ballistic missile, our next generation, long-range Patriots might have to carry very low-yield nuclear weapons."

Do you favor equipping missile defense interceptors with nuclear warheads?

Dr. CROUCH. No, I do not think the United States has such a requirement. Since 1993, the United States has demonstrated many hit-to-kill successes. For example, the Ballistic Missile Defense Organization has conducted eight successful intercepts for advanced PATRIOT (PAC–3), two for Theater High Altitude Area Defense (THAAD), and one for the Ground-Based Interceptor. I believe the most promising solution to weapons of mass destruction threats may be to develop hit-to-kill technologies in combination with boost-phase interception that could neutralize these threats.

ABM TREATY

7. Senator LEVIN. If confirmed as the Assistant Secretary of Defense for International Security Policy, you will be one of the main Defense Department policy makers involved in any negotiations to modify the ABM Treaty or to replace it with some new strategic framework.

In your view, how should these negotiations proceed? Do you believe that the ABM Treaty can be modified to allow the deployment of limited missile defenses?

Dr. CROUCH. The President has said the ABM Treaty should be replaced with a new framework that reflects a break from Cold War thinking and facilitates development of a new, cooperative relationship between the United States and Russia. Quite properly, in my view, the administration is consulting with the Russians, with Allies, and with Congress on the concept of such a framework, which should provide the opportunity for openness, mutual confidence, and a real chance for cooperation, including in the area of missile defense. The exact nature of the new framework and whether it includes agreements, parallel or unilateral actions, or a combination thereof, is something that is being developed. As Secretary Rumsfeld is quoted in the June 12 edition of the *New York Times,* "We may end up signing something that is not a treaty, but it's an agreement or it's an understanding or it's a record of discussion." The President is looking at a wide range of ideas for the framework, and whether amendments will be part of it remains under consideration. If confirmed, I look forward to participating in these efforts.

NATO EXPANSION

8. Senator LEVIN. In your answer to a pre-hearing policy question, you stated that "A main factor in considering future NATO expansion is whether or not expansion will enhance U.S. and NATO security. It is important that the broadening of NATO membership preserve the Alliance's capacity for effective collective action."

Do you believe that the enlargement of the Alliance to include Poland, Hungary and the Czech Republic enhanced U.S. and NATO security?

Do you believe that the United States' and NATO's relationship with Russia should be a consideration in the NATO enlargement decision?

Dr. CROUCH. Yes, the accession of Poland, Hungary, and the Czech Republic has enhanced U.S. and NATO security. As a concrete example, in October 2000 the Congressional Budget Office judged that all three of the new allies are making roughly proportional contributions to the ongoing missions in Bosnia and Kosovo compared with other long-standing NATO members with populations of similar size. This is quite an accomplishment for countries that are in the process of restructuring and modernizing their military forces from Warsaw Pact design to NATO requirements, which the United States has always expected to require many years.

As Dr. Rice, the Assistant to the President for National Security Affairs, said on June 6, "the United States believes strongly that enlargement needs to continue. It is only natural that enlargement will continue, that we believe strongly that there should be no red lines, geographic or historic, that eliminate any country as a fait accompli, and that we believe that there can be no veto by any country over NATO enlargement."

While Russia will not be allowed to veto a NATO decision on which additional countries are admitted to NATO, I believe that the U.S. and NATO's relationship with Russia should and will be a consideration in the NATO enlargement decision.

NATO

9. Senator LEVIN. NATO's 50th anniversary Washington Summit, the Alliance launched the Defense Capabilities Initiative which is designed to improve NATO's core capabilities in five areas: mobility and deployability, sustainability and logistics, effective engagement, survivability, and consultation, command and control. Secretary General Lord Robertson, in reviewing the progress on the Defense Capabilities Initiative last year said that "governments will have to spend smarter, and where necessary, they will have to spend more."

In a speech in Barcelona on May 10th, U.S. Ambassador to NATO Sandy Vershbow, stated that "Unfortunately, 2 years after the Washington Summit, the reality is that rhetoric has far outpaced action when it comes to capabilities."

Last Wednesday, the London-based think tank, International Institute for Strategic Studies, issued its annual Strategic Survey, which found that "European military forces are still in many respects configured for the Cold War era. Rising personnel costs and a wave of systems acquisitions initiated long ago, as well as the costs of ongoing operations, have left little room for investment in R&D an procurement to satisfy newly identified requirements. . . . European defense spending in real terms continues to fall at a rate of nearly 5 percent every year."

If confirmed, how would you plan to encourage our European allies to spend more wisely and, if necessary, spend more so as to improve NATO's core competencies?

Dr. CROUCH. The United States, like all Allies, continues to support strongly the Defense Capabilities Initiative (DCI). The Alliance is aware of its shortfalls, and all nations are working to improve national, and Alliance capabilities. While I am sympathetic to the budgetary concerns of our Allies—all nations, including the United States, have budgetary constraints—I believe they must do more to ensure adequate spending and appropriate priorities for defense.

If confirmed, I intend to continue DCI work at NATO and in bilateral meetings to press Allies to move forward on their defense restructuring plans and improved spending levels. Many Allies have chosen to begin to work cooperatively to meet capability shortfalls. I understand the United States fully supports these efforts and has offered to assist these multinational groups. I also understand the United States is chairing a multinational group on combat identification to determine whether there is scope for cooperation. The United States is committed to working with our Allies to build defense capabilities and remains committed to improving transatlantic defense industrial cooperation, to include meaningful cooperation in co-development and technology sharing. If confirmed, I look forward to exploring with the committee ways we can advance these goals.

MACEDONIA

10. Senator LEVIN. For the past several months, we have witnessed fighting between ethnic Albanians and government forces in the Former Yugoslav Republic of Macedonia. NATO has agreed to offer some assistance to the Macedonian Government in this conflict.

What do you believe is the proper role for the United States and NATO in this conflict? Should our involvement, if any, include the use of U.S. troops?

Dr. CROUCH. I believe that the administration's current level of support to the forces of the Former Yugoslav Republic of Macedonia is the appropriate level of support at this time. I do believe it is important that the United States and NATO continue to monitor the situation closely. I do not think that there is a requirement for U.S. ground combat forces. I am not aware of any facts or any circumstances on the ground that would suggest a role different from the current role of U.S. peacekeeping forces in the region.

WEAPONS IN SPACE

11. Senator LEVIN. Do you favor the development and deployment of weapons in space?

Dr. CROUCH. The security and well-being of the United States, our allies, and friends depend on our ability to operate in space. Our increasing dependence and the vulnerability it creates, however, require us to have the means to deter and dissuade threats to our national interests in space. In this regard, I strongly support

the 1996 National Space Policy, which provides that "consistent with treaty obligations, the United States will develop, operate, and maintain space control capabilities to ensure freedom of action in space and, if directed, deny such freedom of action to adversaries. These capabilities may also be enhanced by diplomatic, legal or military measures to preclude an adversary's hostile use of space systems and services." A broad range of military capabilities may be required to implement this policy. I understand the administration has included in its on-going strategic review the range of capabilities necessary to implement this policy, and I support this effort.

QUESTION SUBMITTED BY SENATOR MAX CLELAND

NORTH KOREA

12. Senator CLELAND. In a 1995 article, you proposed using air strikes to destroy the North Korean nuclear facilities in the absence of evidence that the North Koreans dismantled these facilities in accordance with a specified deadline. In testimony at the 5 June hearing, you stated that you stood by that recommendation given the situation as it was then, but would not recommend the same approach now given the improvements that have occurred in relations on the Korean peninsula.

Explain how you could conceivably have thought air strikes against an unstable regime with a large chemical weapon inventory and the most offensively postured military in the world would have accomplished objectives consistent with U.S. interests in 1995. What was the likelihood, in your 1995 calculus, that the North Koreans would have responded in some military fashion, such as with a chemical Scud attack against a population center? What was the contingency plan, in your mind, to deal with this possibility?

Dr. CROUCH. When I wrote my article in 1995, the situation in Korea was as Secretary Perry described it: "There is no security problem we are facing more important than this one in which the alternatives are grimmer." As I noted in my answer to Question 25, I was not alone in the midst of that situation in considering the airstrike option—many respected defense authorities, both inside and outside the government, were also considering it. From my vantage point—outside the government and without access to the full range of information available to those in authority—the airstrike option seemed necessary to achieve our objective and, along with the other steps I was recommending, to mitigate damage in the event deterrence failed.

I believe, and this belief was shared by responsible experts, that in any event there was a worrisome possibility of North Korean aggression against South Korea and U.S. forces stationed there in the mid–1990s. I recommended in my 1995 article that a series of steps be taken to bolster deterrence on the Korean peninsula. These included strengthening the U.S. force posture in various ways, including developing and deploying with South Korea and Japan a missile defense capable of countering the North Korean missile arsenal. All of these measures were designed to strengthen deterrence and, in the contingency that might follow the failure of deterrence, to minimize the impact of a North Korean use of weapons of mass destruction.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

NATO

13. Senator THURMOND. Press accounts of Secretary Rumsfeld's strategic review indicate that the Secretary will recommend a shift of focus and forces from Europe to the Pacific.

In your personal opinion, what impact will such a shift have on our role within NATO?

Dr. CROUCH. The United States has a vital interest, with our European and Canadian Allies, in NATO. It will remain the foundation of America's security commitment to its Allies. In my view, increased U.S. attention to the security situation, for example in the Persian Gulf or Korea, in no way implies any American intention to de-emphasize Europe. I do not believe this is a zero-sum game.

EUROPEAN SECURITY AND DEFENSE POLICY

14. Senator THURMOND. A significant concern with the European Security and Defense Policy is that it will divert resources from the modernization and support of the European forces committed to NATO.

In your judgement, is this a valid concern? If not, why not?

Dr. CROUCH. The President and his administration support the European Security and Defense Policy as long as it adds capabilities to NATO, embeds EU planning within NATO, and ensures transparency and a right of first refusal for NATO. There is no reason why NATO and the European Union (EU) cannot work cooperatively to build capabilities, maintain operational military effectiveness, and avoid squandering scarce defense resources. Much hard work lies ahead to ensure we make progress on these three fronts—and avoid an unnecessary and destructive competition from arising between the two pillars of our transatlantic community.

The EU's Headline Goal and NATO's Defense Capabilities Initiative have many points of intersection. Both call for increases in strategic mobility and sustainability. The EU's catalogue of forces and NATO's force goals both envision the need for increased capabilities in the areas of deployable and secure communications, suppression of enemy air defenses, aerial refueling, biological defense, and theater missile defense. Because eleven of the members of the EU are also members of NATO, there is a wonderful opportunity for European nations to increase these capabilities and take credit for the improvement in both NATO and the EU. Each of these European nations has only one pool of forces to draw from and only one budget to support their aspirations for and promises to NATO and the EU.

BOSNIA

15. Senator THURMOND. I, like many of my colleagues, am concerned about the continuing commitment of our forces to Bosnia. I believe now is the time to start planning for the complete withdrawal of our forces from that specific region.

What in your judgment are the conditions that must be met before the United States can withdraw its forces from Bosnia?

Dr. CROUCH. The Bosnia commitment is an Alliance effort: U.S. policy is that since the allies went in together, they will leave together. When withdrawal may actually be appropriate will depend on judgments to be made about whether it would leave intact the essential achievements of the Dayton Accords, namely cessation of the war and preservation of regional stability. The mission has evolved from a primarily military mission into one that is more a matter of civil implementation. Overall force levels are reviewed every 6 months in the Alliance.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

CHINA MIL-TO-MIL

16. Senator SMITH. I'm directing this comment to you because I'm sure you're aware of controversy over the U.S./China military-to-military exchanges—I authored the fiscal year 2000 DOD restrictions on these exchanges.

I have requested a briefing on the department's perspective of the value of these contacts, the lack of reciprocity on the part of the Chinese, and to discuss how we might improve the program—if it is going to continue—so that it meets some clear objectives and is not divulging militarily useful information to the Chinese military.

Can you comment on the administration's change in the mil-to-mil program—how the new "case by case" review differ from the previous program under the Clinton administration?

Specifically, are we still trying to have the PRC observe at the COBRA GOLD exercises, as CINCPAC Admiral Blair stated?

Mr. FEITH and Dr. CROUCH. We have been advised that the Department of Defense began in January a series of broad policy reviews. One of the areas to be examined in detail was the program for military-to-military exchanges with the People's Republic of China. The first step in this process was to undertake a serious review of the schedule of military-to-military events with the PLA planned for 2001.

As we understand it, since the April 1 EP–3 incident over the South China Sea, business with China has not been as usual. Steps have been taken to limit the travel of DOD personnel to China and to limit contact with PRC officials, especially PLA personnel. The military-to-military program has been conducted on a case-by-case basis, with special emphasis on (1) benefit to U.S. interests and (2) reciprocity.

The PRC, along with other countries in the region, was invited to observe the command post portion of EXERCISE COBRA GOLD. The PRC, however, declined the invitation.

TAIWAN POLICY

17. Senator SMITH. I would also like to raise with you in the future the issue of closer ties between U.S. and Taiwan military forces. I believe we should lift the petty and counter-productive restrictions on U.S. military officer travel to Taiwan and allow more U.S. military personnel to train Taiwanese military personnel in Taiwan.

We should also be establishing direct and secure communications between Taiwan and the U.S. military, linking PACOM and Taiwan's defense ministry.

I urge you to undertake a review of U.S. military policy towards Taiwan. Not taking these steps could be disastrous in the event of another crisis in the straits.

Mr. FEITH and Dr. CROUCH. It is our understanding that the Department of Defense is reviewing a range of issues associated with our defense relationship with Taiwan, including enhancing our training programs. If confirmed, we would give serious consideration to the issue of U.S. military visitors to Taiwan.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

NUCLEAR CITIES INITIATIVE

18. Senator SANTORUM. Created in 1998, the Nuclear Cities Initiative (NCI) is a nonproliferation program designed to create sustainable job opportunities for weapons scientists in Russia's closed nuclear cities and to help Russia accelerate the downsizing of its nuclear weapons complex. From fiscal year 1999 through December 2000, the expenditures for the NCI totaled about $15.9 million. According to a recent report prepared by the General Accounting Office, of that amount, about $11.2 million (or 70 percent) had been spent in the United States by the national laboratories, and about $4.7 million (or 30 percent) had been spent for projects and activities in Russia.

About 50 percent of the NCI projects have been established to fund a variety of activities in the nuclear cities. According to DOE, while these projects may increase the potential for job creation in the closed cities, they are not designed to directly lead to new jobs for weapons scientists. DOE officials believe that community development projects are needed to improve the economic and social conditions in the cities in order to make them more attractive to commercial investors.

Do you believe that the level of funds being invested in Russia is adequate given the goal of the program to create sustainable jobs in Russia? What is your opinion of NCI investments in "community development" projects?

Dr. CROUCH. The Nuclear Cities Initiative is not a Department of Defense funded or administered program. I understand that the administration is conducting an interagency review of this program, and if I am confirmed, I will participate in the interagency process that is intended to provide general guidance on these programs. At this point, I have not been briefed on the NCI. If confirmed, I will look into this program early on, and I look forward to working with this committee in the area of aid to Russia.

INITIATIVES FOR PROLIFERATION PREVENTION

19. Senator SANTORUM. Another program, the Initiatives for Proliferation Prevention (IPP), is also administered by DOE. IPP seeks to employ weapons scientists in several countries of the former Soviet Union, including Russia and the nuclear cities. IPP is designed to commercialize technologies that utilize the expertise of the scientists who work at the various nuclear weapons institutes. IPP requires that all proposed projects have an industry partner to help ensure the commercial viability of each project.

The IPP program relies on a nonprofit association of U.S. companies and universities to help evaluate and develop commercial projects. The NCI program did not require that projects have industry partners or demonstrate commercial viability until January 2001. GAO speculates that since the NCI and IPP programs share a common goal, combining the two programs could alleviate many of the concerns the entity has with the implementation of the NCI program.

Do you concur with GAO's observation on commonalities existing between the NCI and IPP programs? Would you support a review that looked at consolidating these two programs?

Dr. CROUCH. The Initiatives for Proliferation Prevention program is not a Department of Defense funded or administered program. As with its Nuclear Cities Initiative, I understand that the administration is conducting an interagency review of this program. If confirmed, I will participate in the interagency process that is intended to provide general guidance on these programs and will look into the question of consolidating the programs. Like the NCI, I look forward to getting briefed on the IPP and working with this committee on ensuring that U.S. aid to Russia is efficiently administered.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

NATO

20. Senator COLLINS. You mentioned in one of your responses to the advance questions, one of the major challenges that you will face will be developing a cooperative relationship with the European Union on the European Security Defense Policy that preserves NATO's military operational effectiveness. How do you propose that we preserve NATO's military operational effectiveness, and how do you propose the U.S. coordinate a united position with the other agencies involved in this effort, i.e. the Department of State?

Dr. CROUCH. For the United States, the maintenance of military operational effectiveness is the touchstone for assessing all proposals for European defense. As I stated in response to Question 60, the President and his administration support the European Security and Defense Policy as long as it adds capabilities to NATO, embeds EU planning within NATO, and ensures transparency and a right of first refusal for NATO. There is no reason why NATO and the EU cannot work cooperatively to build capabilities, maintain operational military effectiveness, and avoid squandering scare defense resources. In implementing the President's policy with regard to ESDP, I believe it will be important to ensure that NATO's military operational effectiveness is preserved. If confirmed, I would get briefed on all the relevant facts and considerations and would look forward to working with others in the administration, including the Department of State, and with this committee in determining the best course of action with regard to ESDP and preserving NATO's capabilities.

[The nomination reference of Dr. Jack Dyer Crouch II, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 7, 2001.

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

Dr. Jack Dyer Crouch II, of Missouri, to be an Assistant Secretary of Defense, vice Franklin D. Kramer.

[The biographical sketch of Dr. Jack Dyer Crouch II, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. J.D. CROUCH II

J.D. Crouch is Associate Professor of Defense & Strategic Studies at Southwest Missouri State University in Springfield, MO. From 1990 to 1992 he was Principal Deputy Assistant Secretary of Defense for International Security Policy in the first Bush administration. From 1986 to 1990 he was the Military Legislative Assistant to Senator Malcolm Wallop (R–WY) and served as his staff designee on the Senate Armed Services Committee. From 1984 to 1986 he worked for the Assistant Director for Strategic Programs in the U.S. Arms Control & Disarmament Agency and was an Advisor to the U.S. Delegation on Nuclear & Space Arms Talks with the former Soviet Union.

He is also co-founder of PalmGear.com, a leading internet company. As part of his public service through the university, Dr. Crouch has served as a Reserve Deputy Sheriff in Christian County, MO and member of a Multi-County Special Response Team from 1993 to present. He is on the Board of Editors of *Comparative Strategy* and is a member of the Board of Advisors of the Center for Security Policy.

Dr. Crouch holds a Ph.D. in International Relations from the University of Southern California. He has written on a wide range of defense and foreign policy issues. He lives with his wife, Kristin Crouch, and his two children, Lara and Jake, in Nixa, MO.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Jack Dyer Crouch, II, aka J.D. Crouch.

2. **Position to which nominated:**
Assistant Secretary of Defense for International Security Policy.

3. **Date of nomination:**
May 7, 2001.

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

5. **Date and place of birth:**
July 1, 1958; Santa Monica, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Kristin Crouch, Maiden Name: Karnbrock.

7. **Names and ages of children:**
Lara, 12; Jake, 9.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
University of Southern California, 09/81–08/87, Ph.D. 08/87.
University of Southern California, 06/80–08/81, M.A. 08/81.
University of Southern California, 06/76–06/80, B.A. 06/80.
Palm Springs High School, 09/73–06/76, Diploma 06/76.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Associate Professor, Southwest Missouri State University, Springfield, MO, 08/92–present.

Principal Deputy Assistant Secretary of Defense (ISP), DOD, Washington, DC., 02/90–07/92.

Legislative Assistant, Senator Malcolm Wallop, Washington, DC., 03/86–02/90.

Foreign Affairs Officer, ACDA, Washington, DC., 08/85–03/86.

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

Deputy Sheriff; Christian County Sheriffs Department, Ozark, MO, 12/93–present.

Consultant to OSD, 07/92–01/93.

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

Consultant to MobilePCGear H.Q., 1997–present.

Board of Directors, MobilePCGear H.Q., 1999–present.

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

Life Member, National Rifle Association, 1992–present; Member, Academics for the Second Amendment, 1996–present; Member, National Policy Council on U.S. Leadership in a Changing World, 1995–96; Member, Board of Editors, *Comparative Strategy,* 1993–present; Member, Board of Advisors, Center for Security Policy, 1992–present; President, Christian County Deputy Sheriffs Association, 2001–present; Member, Missouri Deputy Sheriffs Association, 1994–present; Member, National Association of Scholars (approx. 1994–1996); Reserve Deputy Sheriff, Christian County, MO, 1993–present; Member, Board of Advisors, Missourians for Personal Safety, 1998–99; Member, National Tactical Officers Association, 1999–present; Alpha Tau Omega fraternity, 1978–present; Skull & Dagger Honor Society, University of Southern California, 1980–present; Member, Multi-County Jurisdictional Special Response Team, 1993–present; Adjunct Fellow, The Claremont Institute, 1993–present; Trainer, Association of Professional Trainers, 1997–present; Member, Military Committee, Springfield Chamber of Commerce, 1994–present.

13. **Political affiliations and activities:**

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

None.

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

Campaign Manager, Citizens for Matlock, Candidate for Christian County Sheriff, 1999–2000.

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

Citizens for Matlock 2000 Election, Maximum in both Primary & General; Talent for Governor 2000 Election, $200; Tim Hayes, Election 2000, $100.

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

Hubert H. Humphrey Dissertation Fellowship 1983–1984.

Skull & Dagger All-University Honor Society 1980.

Blue Key Honor Society 1980.

Distinguished Public Service Award, Department of Defense, 1992.

Missouri Reserve Deputy Sheriff of the Year, 2000.

Rockwell Dennis Hunt Scholastic Award, top graduate student award, 1981–82.

Order of the Palm, highest undergraduate award for excellence in scholarship and service to the University, 1980.

Herman Fellowship, USC School of International Relations, 1980–81, 1981–82.

Earhart Foundation Fellowship in National Security Affairs, 1980–81.

Publius Fellowship, from Public Research, Syndicated, Claremont, California, 1981.

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

"Gun Law Enforcement, Not More Gun Laws," *Washington Times,* April 29, 1999.

"Concealed-Gun Law Can Help Us Defend Innocent," *Springfield News-Leader,* September 10, 1998, p. 10A.

"Clinton's Slow Boat to Korea," *Comparative Strategy,* Vol. 14, No. 1, pp. 35–44.

"Europe: U.S. Hobson's Choice," *Global Affairs,* Fall 1993, pp. 1–18.

"The Politics of Reform in Russia," with William R. Van Cleave, et. al., *Global Affairs,* Summer 1993, pp. 185–204.

"The President and Nuclear Testing," *Global Affairs,* Spring 1993, pp. 122–135.

"A National Missile Defense?", *Comparative Strategy,* January–March 1993, pp. 57–63.

"Republican Responsibility," *On Principle,* February 1995, p. 5.

Economic Reform and the Military in Russia, Report of Proceedings of U.S.-Russian International Security Council Conference, March 15, 1994.

"Founding Fathers Got Balance Right," *The News-Leader,* February 28, 1994, p. 7A.

"Multicultural Education: What Is It?," *The Bear Review,* Vol. 1, Number Two, January 1994, p. 1.

The Politics of Reform in Russia, with William R. Van Cleave, Report of Proceedings of U.S.-Russian International Security Council Conference, April 15–16, 1993.

"European Security from an American Perspective," in Thomas J. Marshall, *European Security and the U.S. Role: 1990s and Beyond,* p. 30–53. A monograph published by The Center for National Security Negotiations and the Institut Francais des Relations Internationales, 1993.

"Charges Against SDI Program Tests Unfounded," *The News-Leader,* September 20, 1993, p. 7A.

The Emerging Ballistic Missile Threat to the United States, Report of the Proliferation Study Team, U.S. Department of Defense, February 1993, Chairman Lt. Gen. William E. Odom. Drafted section on "Possibilities of Changing Intentions," and reviewed and commented on the balance of the report.

"SDI and the Securing of Western Freedoms," *Laissez Faire,* July 1992, p. 17–21.

"SDI: A Lasting Legacy?," *The Wall Street Journal,* June 20, 1988.

"Academic Tyranny at USC," Chapter, *Academic License,* Ed. by Les Csorba, III, 1988.

"Deadly Habits," a Review of *Deadly Gambits: The Reagan administration and the Stalemate in Nuclear Arms Control* by Strobe Talbott, with Patrick J. Garrity, *The Claremont Review of Books,* Winter 1984.

"The Missile Crisis in Europe" with William R. Van Cleave, *The Chicago Tribune,* January 1, 1984.

"One Defector's View: An Interview with General Leon Dubicki," conducted in West Germany, in *Grand Strategy: Countercurrents,* Vol. 2, No. 19, 1 October 1982, p. 2.

"The Soviet Theater Nuclear Offensive," in *Grand Strategy: Countercurrents,* Vol. 2, No. 13, 1 July 1982, p. 2.

"To Be or NATO Be: The SPD and German Neutralism," in *Grand Strategy: Countercurrents,* Vol. 2, No. 7, 1 April 1982, p. 2.

"A Bibliographical Survey of West German Security Policy," prepared for the Center for National Security Studies, Los Alamos National Laboratory, 1982.

"Mexico: Key to the New Caribbean Order," in *Grand Strategy: Countercurrents,* Vol. 1, No. 9, 1 November 1981, p. 10.

Presenter, After the Cold War: Anglo-American Relations and Stability in Europe, at conference What Remains Special About the Special Relationship, sponsored by The University of Hull and The Fulbright Commission, April 10–11, 1995, Hull England.

Guest Lecturer, "American Strategic Policy Under Reagan and After," Keck Center for International and Strategic Studies, Claremont McKenna College, Claremont, CA, October 26, 1994.

Presenter, Panel on "Assessing Security Downsizing in the Light of Deterrence and United States Defense Commitments," at American Bar Association Conference on *National Security Law in a Changing World,* Washington, DC., International Club, October 20–21, 1994.

Discussant, Panel on "U.S.: The Prudence and Perils of Multilateralism," Conference on *The U.S., The U.N., and the International Order,* Century Plaza Hotel, Los Angeles, CA, October 7, 1994.

Briefing, "North Korea and Nuclear Weapons: An Assessment," published by the International Security Council in *Discussion of North Korea,* July 11, 1994.

Presentation, for M.A. Program in Education, on Problem of North Korea and Nuclear Weapons, Drury College, June 16, 1994.

Interview, KSMU Radio, SMS & You, May 28, 1994 on Clinton Crime Bill. Presentation, Future Roles for Strategic Forces, Center for Strategic and International Studies, Washington, DC., May 1994.

Participant, Conference on *European Security and the U.S. Role,* sponsored by The Center for National Security Negotiations and the Institut Francais des Relations Internationales, February 4–5, 1993, Paris, France.

Participant, in Conference on *Russian Economic Reform,* sponsored by the International Security Council, October 1993, Washington, DC.

Presentation on National Missile Defense at the Conference on *Defense Against Ballistic Missiles: The Emerging Consensus for SDI,* Washington, DC., 23 September 1992.

"The Politics of Near-term Deployment of the Strategic Defense Initiative," a paper presented at the Annual American Political Science Association meeting, September 4–7, 1987, Chicago, IL.

"Strengthening America's Strategic Nuclear Deterrent," a paper presented at the Ground Zero Symposium, April 21–22, 1982, Claremont, California.

There are doubtless other informal speaking arrangements local to the Springfield area including the Breakfast Club of the Ozarks, Rotary Club, etc. that I have participated in but have not recorded the dates and topics.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

JACK DYER CROUCH II.

This 10th day of May, 2001.

[The nomination of Dr. Jack Dyer Crouch II, was reported to the Senate by Chairman Levin on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 1, 2001.]

[Prepared questions submitted to Peter W. Rodman by Chairman Warner prior to the hearing with answers supplied follow:]

June 1, 2001.

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

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

Sincerely,

PETER W. RODMAN.

cc: Hon. Carl Levin,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

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

Answer. From my point of view, the most important aspects are the clear responsibility and authority given the CINCs for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

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

Answer. I have no knowledge of any proposals to amend Goldwater-Nichols; however, if confirmed, before any modifications are suggested, I believe it is necessary to review the extent to which these reforms have been implemented and the stated goals achieved. If any changes are determined to be appropriate after such a review, I am confident the Department would consult closely with Congress and this committee.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Affairs?

Answer. I understand, that if confirmed, I will perform the duties of the Assistant Secretary of Defense for International Security Affairs as prescribed by Department of Defense Directive 5111.7. The directive notes that the Assistant Secretary of Defense for International Security Affairs is the principal staff assistant and advisor to the Under Secretary of Defense for Policy (USD(P)) and the Secretary of Defense for the formulation and coordination of international security strategy and policy; political-military policy on issues of DOD interest that relate to various foreign regions and nations, their governments and their defense establishments, for oversight of security cooperative programs and foreign military sales programs; and direction of DOD activities to promote civilian control of the military and standards of military professionalism respectful of human rights throughout the world.

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

Answer. While I have not formally consulted with Secretary Rumsfeld on this issue, I would expect him to look to the Assistant Secretary of Defense for International Security Affairs to fulfill all the duties assigned to that office by statute

and regulation—in particular, formulation and coordination of international security strategy and policy.

Question. How do you see the civilian role, as opposed to the military role, in the formulation of strategy and contingency planning?

Answer. As I understand this activity, the Policy Office, on behalf of the Secretary, initiates the contingency planning process though its preparation of the Presidential-approved Contingency Planning Guidance, and subsequently reviews actual plans developed by the military. Formulation of strategy and the contingency planning guidance that flows from it are an inherently civilian role. The military as an institution, or through individual leaders, has an important part in this process. However, leadership and final decisions relating to formulation of strategy and contingency guidance are appropriately within the purview of the Nation's civilian leaders.

Question. Will the responsibilities of the Assistant Secretary for International Security Affairs include responsibility for dealing with NATO nuclear matters?

Answer. The incoming Under Secretary of Defense for Policy, with the approval of the Secretary and the Deputy Secretary of Defense, may choose to restructure the current Policy organization to address better their concerns and priorities and the concerns and priorities of the President. Under the current organization, NATO and European Affairs fall under the responsibilities of the Assistant Secretary for International Security Affairs, while nuclear and counter- and non-proliferation issues fall under the responsibilities of the Assistant Secretary for Strategy and Threat Reduction.

Question. Will the responsibilities of the Assistant Secretary for International Security Affairs include any responsibility for formulating strategic nuclear policy?

Answer. Please see answer to 2D.

Question. Will the responsibilities of the Assistant Secretary for International Security Affairs include any responsibility for the Nunn-Lugar programs?

Answer. Please see answer to 2D.

Question. Will the responsibilities of the Assistant Secretary for International Security Affairs include any responsibility with respect to nonproliferation efforts of the DOD?

Answer. Please see answer to 2D.

Question. Will the responsibilities of the Assistant Secretary for International Security Affairs include any responsibility with respect to nuclear matters in Asia, including the Agreed Framework?

Answer. As I mentioned above, the incoming Under Secretary of Defense for Policy, with the approval of the Secretary and the Deputy Secretary of Defense, may choose to restructure the current Policy organization to address better their concerns and priorities and the concerns and priorities of the President. Under the current organization, Asian and Pacific affairs fall under the responsibilities of the Assistant Secretary for International Security Affairs, while nuclear and counter and non-proliferation issues fall under the responsibilities of the Assistant Secretary for Strategy and Threat Reduction.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense for International Security Affairs?

Answer. As currently structured, the Assistant Secretary of Defense for International Security Affairs will oversee development and implementation of U.S. security policies in many regions of the world, as determined by the Secretary of Defense. This traditionally includes various regions of potential major crisis such as the Asia/Pacific and the Middle East and the Gulf, and could also include challenges of different kinds in Latin America and Africa. In areas of potential major crisis, the challenge is to ensure that this country is strong in deterring aggression and conflict and strong in supporting its friends and allies. In other dimensions of U.S. security relations, DOD has an opportunity through its policies of engagement to contribute to military professionalism, respect for civilian authority and human rights, and otherwise contribute to strengthened political relations and peace and freedom. If confirmed, I look forward to meeting these challenges.

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

Answer. If confirmed, I will advise the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Policy in formulating and executing policies that deter regional crises and build a more secure world. I will also seek to assure that DOD's relationships with other countries contribute to the advancement of American values, as well as American strategic interests. I look for-

ward to working with Congress and, in particular, with this committee in carrying out these responsibilities.

POLICY TOWARD IRAN

Question. In a December 1996 editorial, you expressed support for a policy of containment of Iran, to include tight economic sanctions.

Given the changes that have taken place in Iran since that time, do you believe that containment is still the best policy for the United States to pursue? If so, why?

Answer. While there have been some changes since this article was written, Iran continues to pursue policies that threaten U.S. security interests and are destabilizing to the region, including the pursuit of WMD and long-range missile technologies, support for terrorism, and support for violent opposition to Middle East peace. While internal changes in Iran continue to be a cause for interest and hope, it is unlikely that these changes, by themselves, will produce significant improvements in the areas of U.S. concern. It is my understanding that the new administration is conducting a thorough review of Iran policy. If confirmed, I look forward to participating in such a review.

IRAQ POLICY REVIEW

Question. The administration is currently engaged in a comprehensive review of U.S. policy toward Iraq, to include a review of military options. It has been reported that one option under consideration is a restructuring of the sanctions regime against Iraq.

What elements do you think are necessary for a U.S. policy designed to ensure Iraq's compliance with the commitments it made at the end of the Gulf War?

Answer. The fundamental objective of U.S. policy toward Iraq must be to ensure that the Baghdad regime does not threaten our interests in the Gulf region and in the Middle East more broadly. That objective is consistent with the aims of the Gulf War cease-fire resolution and a succession of other UN Security Council resolutions dating back to the initial invasion of Kuwait—all of which are intended to assure the international community that Iraq can no longer be a threat to peace and security.

I am advised that the ongoing administration review of Iraq policy focuses on three main elements: (1) refining sanctions to improve the precision with which sanctions target Iraqi military and WMD capabilities; (2) using military forces more efficiently to support our overarching policy objectives, including through enforcement of the no-fly zones; and (3) facilitating a change in the regime in Iraq. These elements are linked to each other and the challenge is to bring all three together while addressing the complex task of rebuilding consensus in the region and in the international community.

DEVELOPMENTS IN THE MIDDLE EAST

Question. The conflict in the Middle East continues to escalate, with both sides seemingly unwilling to take the first step to end the violence. On May 21, Senators Mitchell and Rudman issued a report recommending a possible path ahead to end the violence.

What are your views on the Mitchell-Rudman report recommendations?

Answer. While I would defer to the Department of State to provide the official U.S. view, I believe the Mitchell-Rudman report provides a good point of departure for renewed negotiations. The recent resumption of joint security talks following Ambassador Burns' visit is a step in that direction. The parties must work to end the violence and resolve their differences through negotiations.

Question. What role do you believe the U.S. should play, if any, in this on-going conflict?

Answer. I agree with the view that a solution to this conflict cannot be imposed on the parties. However, the U.S. must remain committed to helping the Israelis and the Palestinians find a way to end the violence and return to negotiations. As President Bush has stated, the United States remains committed to Israel's security and maintaining Israel's qualitative military edge regardless of circumstances. If confirmed, I will work with Congress and this committee to further these objectives.

ENGAGEMENT POLICY IN THE MIDDLE EAST

Question. The terrorist attack on U.S.S. *Cole* in October 2000, focused attention not only on the terrorist threat in the region, but also on the U.S. policy of military engagement with a wide range of nations worldwide. Many Americans were sur-

prised to learn that the United States military personnel and U.S. Navy ships made frequent stops in Yemen.

What criteria do you believe should be used to determine when the U.S. military should pursue a policy of engagement with a nation—particularly in a volatile area such as the Middle East?

Answer. Engagement, if conducted wisely and at appropriate levels of effort, can serve U.S. interests in the Middle East including: strengthening alliances; deterring threats; and enhancing U.S. military access in this key region. I support such activities for these useful purposes. If confirmed, I will work to ensure that engagement in the Middle East and elsewhere supports our goals and that associated risks are fully assessed and guarded against.

Question. If confirmed, would you ensure that there is appropriate civilian oversight of any such engagement decisions by our military commanders?

Answer. Yes.

REGIONAL SECURITY AND DOD COUNTER-NARCOTICS ACTIVITIES

Question. For the past several years there has been a debate regarding the counter-narcotics activities of the Department of Defense with particular emphasis placed on the question of the U.S. military's role in the Andean Ridge. While some believe that these activities should more appropriately be performed by law enforcement agencies, others believe that these activities contribute to stability in a region where we have important interests.

Would you please outline what important interests you believe the United States has in the Andean Ridge?

Answer. It is my view that it is in the United States' interests to promote and support democracy and democratic institutions, foster sustainable economic development and trade liberalization, and significantly reduce the supply of illegal drugs. A stable, prosperous and democratic Andean Ridge and an improved economic and political environment across the Western Hemisphere are in our interests.

Our interests, however, are threatened by the corrosive influence of a thriving illegal narcotics industry. Fueled by billions of dollars of drug money, the traffickers challenge not merely the laws of states, but the states themselves. It is clearly in our national interest to continue to work with other nations to combat narcotics trafficking.

Given the President's firm intention to work more closely with Latin governments to achieve economic and security objectives, it is my understanding the Department of Defense is reviewing existing policies and programs, including the counterdrug program, to make DOD's role in that process more effective. I am ready, if confirmed, to oversee the support the President and the Secretary of Defense deem required to assist other agencies, and work with Congress and this committee, in these efforts.

Question. Do you believe that the Department's activities in the theater, including counter-narcotics operations, contribute to the advancement of these interests?

Answer. Please see answer to Question 8A.

REGIONAL STABILITY—LATIN AMERICA

Question. Over the past few decades, democracy has taken root in Latin America. Unfortunately, we are witnessing a retreat from democracy in many of these countries. Peru has suffered a severe political scandal, Ecuador has experienced a coup, and Venezuela could be headed down a path of one-man rule. Furthermore, Colombia is faced with escalating violence between the Colombian Armed Forces, two communist rebel organizations, and a collection of paramilitary forces.

How do you view the current and future stability of the region?

Answer. I share your concern about stability in Latin America, particularly in the Andean Ridge, the sub-region to which all the countries the question mentioned. The good news is that Andean governments are interested in maintaining strong bilateral relationships with the United States. Thus, the United States is well-positioned to influence events there, if it is deemed necessary to do so.

Question. What actions, if any, should the United States take to strengthen regional stability in the Andean Ridge?

Answer. DOD plays a supporting role in defining U.S. foreign policy, so I hesitate to offer specific proposals. I understand the Department of Defense is still in the midst of a broad review of all its overseas activities, so it would be premature for me to suggest where DOD might be heading. In general, the United States should continue to encourage governments in the region to redouble their efforts to defend human rights and combat corruption; progress in areas such as these will help the inhabitants of the region to realize the benefits of democracy.

CHINA/TAIWAN

Question. President Bush recently stated that the United States would do "whatever it took" to defend Taiwan from China.

What is your understanding of this statement and how will this impact the U.S. military posture in the Pacific region, particularly with regards to the U.S.-Taiwanese military relationship?

Answer. My understanding is that the President's statement did not signal a change in U.S. policy toward Taiwan, or in the U.S. position on "One China." We remain committed to help Taiwan defend itself. U.S. policy toward Taiwan is guided by the Taiwan Relations Act (TRA) of 1979. The premise of the TRA is that an adequate defensive capability on Taiwan is conducive to the maintenance of peace and security in the region, so long as differences remain between the PRC and Taiwan.

There is an ongoing review of the U.S. defense strategy and posture. I am not privy to the progress of that review; however, if confirmed, I look forward to participating in that review and working with this committee and Congress on this important matter.

Question. What is your understanding of how this statement will affect U.S.-China relations?

Answer. Our unofficial relationship with Taiwan is an issue that is frequently raised in discussions between the United States and China—a condition likely to persist so long as differences remain between us. The President has also made clear his interest in building a constructive relationship with China.

Question. The Department of Defense is currently reviewing the merits of the military to military contacts program between the United States and China.

What are your thoughts on the merits of establishing a military-to-military contacts program between the United States and Taiwan?

Answer. This is an important issue. However, I have not had an opportunity to study it in detail or formulate a view on this issue.

EXPORT CONTROLS

Question. In 1998 Congress transferred jurisdiction over commercial communications satellite export licenses from the Commerce Department to the State Department. Now, the aerospace industry is complaining that the State Department approval process takes too long and undermines our ability to compete internationally.

Do you see any problems with the current licensing process for satellite technology, and if so, how would you change it?

Answer. I am not familiar with the details of the export licensing process; therefore, I am not in a position to recommend changes. However, in general, I believe Congress and the administration are deliberate in examining any change in export controls on these sensitive items. Any review should be undertaken in a manner that seeks to preserve fundamental national security interests.

Question. In 1995, a 6-year bilateral trade agreement was signed by China and the United States, restricting the number of Chinese commercial space launches, so that China would not unduly benefit from its nonmarket economy at the expense of U.S. companies. This agreement will expire on December 31, 2001.

Do you believe that it is in our interest to limit the number of Chinese launches?

Answer. It is premature for me to offer an opinion on this subject other than to say that this is a matter that could be reviewed by the administration. Should there be such a review, I would expect that it would involve the Department of Defense. If confirmed, I will work to ensure that U.S. space-related national security considerations are prominent. I am also advised that there is a substantial interest in this matter in Congress and that there therefore should be Congressional consultations associated with such a review.

Question. Do you favor renewing the agreement?

Answer. Please see answer to 11B.

ENGAGEMENT POLICY

Question. Do you believe that engagement missions—exercises, small joint and multinational operations, training the trainers—contribute to troop readiness at the individual and small unit level?

Answer. Engagement missions, if conducted wisely and at appropriate levels of effort, can serve useful purposes including: strengthening alliances; deterring threats; and enhancing U.S. military access in key regions. I support such U.S. military activities for these useful purposes. If confirmed, I will assist in reviewing engagement activities to ensure that they support our goals.

Question. Do you believe that the U.S. should participate in humanitarian interventions, and if so, under what circumstances?

Answer. Decisions on whether or when to use military forces are one of the most important that a President can make. Each case is unique, and should be guided, first and foremost, by the U.S. national interests at stake and by a consideration of the costs and risks of a particular military involvement. If confirmed, I plan to work closely with the Secretary of Defense and his most senior advisors to help develop appropriate policies on how to guide the use of our military forces.

ENGAGEMENT POLICY IN AFRICA

Question. U.S. Special Forces personnel are beginning the second phase of Operation Focus Relief, a U.S. initiative to provide training and equipment to West African troops for peacekeeping operations.

Do you consider this a beneficial program and would you support expanding it to other African nations?

Answer. While I am not familiar with the details, it is my understanding that Operation Focus Relief is the sort of engagement intended to help regional actors deal with regional issues. Nigeria's peace operations capacity is key to resolution of the situation in Sierra Leone and the sub-region. In my opinion, supporting regional powers can reduce the need to engage U.S. forces.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

IRAQ POLICY

1. Senator LEVIN. In an April 28, 2000 lecture at the University of Virginia Law School you criticized the Clinton administration as one "that uses only pinpricks against Saddam Hussein." Yet, the only military action President George W. Bush's administration has taken against Iraq has likewise been a limited airstrike on January 28th on Iraqi surface-to-air missile system sites in southern Iraq. How was the January attack different from the ones you have criticized?

Are you advocating stronger use of force against Saddam Hussein?

Mr. RODMAN. President Bush authorized a response against Iraqi air defense and command and control facilities on February 16, 2001. That Coalition strike, against targets north of the 33rd parallel that had not been attacked since Operation DESERT FOX in 1998, was intended to signal to Saddam Hussein that we will resolutely enforce the relevant U.N. Security Council resolutions. I understand that the administration is conducting an Iraq policy review that addresses the use of military force, including our operations in the no-fly zones. With respect to the appropriate level of force, before I could formulate an opinion I would need to have before me all the relevant facts and considerations that are part of that on-going review.

2. Senator LEVIN. You were one of 40 signatories of a February 19, 1998 open letter to the President advocating that the U.S. Government:

"Recognize a provisional government of Iraq based on the principles and leaders of the Iraqi National Congress (INC) that is representative of all the peoples of Iraq.

Restore and enhance the safe haven in northern Iraq to allow the provisional government to extend its authority there and establish a zone in southern Iraq from which Saddam's ground forces would also be excluded."

You urged the President to "position U.S. ground force equipment in the region so that, as a last resort, we have the capacity to protect and assist the anti-Saddam forces in the northern and southern parts of Iraq."

Do you still support this policy and, in particular, do you still advocate the use of U.S. ground troops in Iraq in order to support an insurrection against Saddam Hussein?

Mr. RODMAN. In my view, there is no question that the whole region would be a safer place, Iraq would be a better country, and American national interests would benefit if Iraq were freed from the grip of the Saddam Hussein regime. The specific details of how best to support the Iraqi opposition, in the framework of the Iraq Liberation Act, are being reviewed in the context of overall policy toward Iraq. I do not favor the deployment of American ground forces in Iraq to replace the Saddam Hussein regime.

3. Senator LEVIN. The administration's current efforts are to revise the sanctions regime by the adoption of a new Resolution by the UN Security Council that would apply throughout Iraq.

Do you agree with this approach and, if so, would you explain how it would be consistent with the policy espoused in the February 19, 1998 letter?

Mr. RODMAN. The ongoing administration review of Iraq policy, of which sanctions are a part, is, I believe, consistent with the 1998 letter. That review focuses on three main elements: (1) refining sanctions to improve the precision with which sanctions target Iraqi military and WMD capabilities; (2) improving how we use our military forces, including those patrolling the no-fly zones, to support our overarching policy objectives; and (3) facilitating a change in the regime in Iraq. These elements are linked to each other. Our challenge is to bring all three together while addressing the complex task of rebuilding consensus in the region and in the international community.

MISSILE DEFENSE/STRATEGIC WEAPONS

4. Senator LEVIN. In a November 22, 1999 *National Review* article you criticized the Clinton administration on their negotiations with Russia regarding missile defense and strategic weapons. You wrote: "To entice Moscow, they are offering 1) dangerously low ceilings on strategic offensive weapons, 2) a very restrictive definition of the defenses we might employ and 3) other sweeteners, such as financing for new ABM radars in Siberia. The Russians haven't yet bitten. But one thing is certain: Such an agreement, if reached, would be defeated in the Senate even more overwhelmingly than the test-ban treaty."

President Bush has proposed substantial and unilateral reductions in the current levels of U.S. strategic weapons, and is also reportedly preparing to offer Russia a package of weapons purchases, joint anti-missile exercises, money to rebuild its outmoded early warning radar system, and a proposal to include Russian S–300 surface-to-air missiles in a new defensive shield over Russia and Europe as enticements to obtain Russian agreement to scrap the ABM Treaty.

What is your opinion of these proposals?

If the Russians accepted such proposals, would you recommend that the Senate reject it?

Mr. RODMAN. There are a number of assumptions in the question with respect to the Bush administration's approach. In any event, the President has not announced specific proposals in these three areas though he has indicated a general direction. It would be a mistake for me to prejudge the decisions he may make. The key weakness I was criticizing in my article was #2—the Clinton administration's restrictions on defenses. I believe a strategic environment characterized by offensive reductions and expanded defenses is the most stable strategic environment of all.

NATO ENLARGEMENT

5. Senator LEVIN. In your 1999 article "The Future of NATO Enlargement" you wrote that "The 'sensitivity' of Russians to the Baltic States' association with the West is not something that the West can, as a matter of principle, defer to." Subsequently, you expressed the view that NATO must answer the question of ensuring Baltic security and listed three options, namely early NATO membership for Lithuania, Latvia and Estonia; membership for one of the Baltic states (Lithuania) and one in the southeast (Slovenia); or, as an interim step, a security umbrella over the three Baltic states that would be short of NATO membership.

Do you believe, then, that NATO has a responsibility to ensure Baltic security?

If our NATO allies were unwilling to ensure Baltic security, what action would you recommend the United States take?

Mr. RODMAN. I believe the United States and NATO have an interest in the security, independence, and freedom of the Baltic states. As I wrote in that article, there are various options for protecting this interest, and NATO membership is one. In the absence of NATO guarantees formalized by NATO membership, I believe the United States may want to strengthen U.S. bilateral ties and use NATO's Partnership for Peace as a vehicle for strengthening NATO's security links with the Baltic states.

BOSNIA

6. Senator LEVIN. On December 11, 2000 in a speech to the German Foreign Policy Association you said: "The more recent debate over reducing U.S. troops in Bosnia, originating in some statements by Gov. George W. Bush, is really more an issue of timing. Americans share European hopes that European forces can take on a greater role in peacekeeping in such cases. But all agree that any further transfer of responsibility ought to be a matter of consultation and agreement."

Yet—much to the consternation of our European allies—2 weeks ago Secretary Rumsfeld said in a *Washington Post* interview that he was "pushing" to have U.S. troops withdrawn from Bosnia.

Do you favor Secretary Rumsfeld's unilateral approach, or would you support Secretary Powell's consultative assertion that the U.S. went in with our allies and "we'll come out together?"

Mr. RODMAN. My understanding of Secretary Rumsfeld's policy is that he does not oppose the Bosnia mission or advocate unilateral withdrawal. Rather, he wants to ensure that the mission is fulfilled in the most efficient manner. It is my understanding that there is complete harmony in the administration on the principle that, as we went into Bosnia together with our allies, we will come out together.

BALKANS POLICY

7. Senator LEVIN. Does maintaining stability in the Balkans contribute to stability in Europe—and therefore bolster U.S. national security interests?

How do we decide when to disengage from our current obligations in Europe, the Sinai and elsewhere?

Mr. RODMAN. In my view, it is in the national interest to bolster regional stability on NATO's southern flank, and to ensure the long-term viability of NATO as the guarantor of security in the region. Decisions to alter U.S. deployments, whether in Europe or Sinai or elsewhere, should, I believe, depend on such factors as whether the mission has been reliably accomplished, whether there is a more efficient way to fulfill the mission, whether other partners can do the job, whether we can reach consensus with partners, and other factors.

NORTH KOREA

8. Senator LEVIN. If confirmed as the Assistant Secretary of Defense for International Security Affairs, you will be responsible for advising the Secretary of Defense on U.S. policy towards North Korea.

Do you believe that the United States should continue to abide by the Agreed Framework as long as North Korea lives up to its side of the agreement?

Mr. RODMAN. Yes. I support the administration's recent announcement on abiding by the Agreed Framework. The administration has decided to undertake discussions with North Korea on a broad agenda that includes improved implementation of the Agreed Framework.

IRAN POLICY

9. Senator LEVIN. In a December 1996 editorial, you expressed support for a policy of containment of Iran, to include tight economic sanctions.

Given the changes that have taken place in Iran since that time, do you believe that containment is still the best policy for the United States to pursue? If so, why?

Mr. RODMAN. My general views of policy toward Iran have not changed since that article. I think that domestic developments in Iran over the past 4 years give reason to hope for an eventual improvement in U.S.-Iranian relations. However, Iran continues to pursue policies that threaten U.S. security interests and are destabilizing

to the region, including the pursuit of WMD and long-range missile technology, support for terrorism, and support for violent opposition to the Middle East peace negotiations. I believe it is therefore prudent for us to continue a strategy to deter and defend against Iranian threats to U.S. interests. Such a policy, I believe, has the best chance of moderating Iran's foreign policy.

IRAQ POLICY

10. Senator LEVIN. The administration is currently engaged in a comprehensive review of U.S. policy toward Iraq, to include a review of military options. It has been reported that one option under consideration is a restructuring of the sanctions regime against Iraq.

What elements do you think are necessary for a U.S. policy designed to ensure Iraq's compliance with the commitments it made at the end of the Gulf War?

Mr. RODMAN. Ensuring Iraqi compliance with U.N. Security Council resolutions since the Gulf War will, I believe, require a comprehensive approach. Strengthening the sanctions regime is one part of such an approach. Enforcing the no-fly zones and other aspects of the U.N. Security Council resolutions, as coalition forces are now doing, is also important, and the United States should, I believe, look for ways to accomplish this more effectively. Finally, as expressed on a bipartisan basis in the Iraq Liberation Act, regime change should be an element of U.S. policy.

TAIWAN POLICY

11. Senator LEVIN. What are your thoughts on the merits of establishing a military-to-military contacts program between the United States and Taiwan?

Mr. RODMAN. First, I believe our military contacts should be guided by the provisions of the Taiwan Relations Act of 1979. Second, I would have to study the merits of any particular proposed contact program. But in principle, I would support contacts that contribute to deterrence and regional stability and that would enhance communication between the United States and Taiwan, especially in a crisis.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

AFRICA POLICY

12. Senator THURMOND. In response to the committee's advance policy question on the major challenge you might face if confirmed as the Assistant Secretary you indicated "challenges of different kinds in Latin America and Africa."

What do you believe are the challenges facing the United States in regard to Africa and how should we respond to those challenges?

Mr. RODMAN. In Africa, the challenges include tasks of building security ties in a way that promotes not only military skills but also military professionalism and respect for civil authority and human rights. Africa also faces the more acute challenges of instability and violent ethnic conflict. Sudan is an especially troubling case. DOD is providing training for Nigeria (along with Ghana and Senegal) to enable them to play a peacekeeping role in West Africa, including as part of the U.N. mission in Sierra Leone. This DOD effort is meant to enable regional countries to cooperate more effectively and take a greater share of responsibility for regional security.

IRAQ POLICY/ECONOMIC SANCTIONS

13. Senator THURMOND. Although the sanctions against Iraq have precluded Saddam Hussein from rebuilding his military force, from a public relations standpoint they have been a disaster. We have been accused of causing malnutrition and the premature deaths of children and as a result are under pressure to lift sanctions.

What are your views on economic sanctions and how do we reverse the public relations failure in regard to Iraq?

Mr. RODMAN. Sanctions were imposed to secure Iraqi compliance with its international obligations. In my view, they also serve a specific purpose—to impede the rebuilding of the Iraqi military machine. I therefore believe sanctions in some form should remain in place until Iraq complies with its obligations. There is no justification short of that for removing the sanctions, especially since the oil-for-food program is generating more than enough revenue to meet the Iraqi people's humani-

tarian needs. Moreover, Security Council Resolution 1284 has established a roadmap for suspending and lifting sanctions based on Iraqi progress toward compliance.

At the same time, I think it makes sense to review the process by which contracts under the oil-for-food program are now done and to ensure that the sanctions are applied in a focused way against Iraqi military capabilities. These changes in the application of sanctions should make it harder for Saddam Hussein to use the suffering of his people as an argument against the sanctions.

INDIA/PAKISTAN

14. Senator THURMOND. What role should the United States play in resolving the Kashmiri dispute between India and Pakistan?

Mr. RODMAN. The United States should not, in my opinion, attempt to mediate the India/Pakistan dispute over Kashmir in the absence of clear indications that it would make a decisive difference. However, maintaining good relations with India and Pakistan contributes to U.S. influence that can have a moderating effect.

EUROPEAN SECURITY AND DEFENSE POLICY

15. Senator THURMOND. Many policy experts believe that the European Security and Defense Policy coupled with the Rapid Reaction Force will lead to the demise of NATO.

What are your views on the impact of these European initiatives on NATO?

Mr. RODMAN. NATO will continue to be the indispensable foundation for American engagement in European security and for ensuring the collective defense of Alliance members. In my view, it is important that ESDP proceed in a manner that does not damage the transatlantic link or the ability of the Alliance to take collective action. I note that Prime Minister Blair told the Canadian Parliament in February that "NATO is our organization of choice" and that ESDP "applies only where NATO has chosen not to act collectively." I believe that that approach serves the common interests of the United States, the UK, and all the Atlantic allies.

QUESTION SUBMITTED BY SENATOR RICK SANTORUM

AFRICA/AIDS THREAT

16. Senator SANTORUM. As you are aware, President George W. Bush has raised the profile of the AIDS plight impacting the continent of Africa. The United States recently contributed $200 million to a United Nations trust fund to help treat individuals suffering from this disease and help combat the spread of the AIDS virus. More than 70 percent of all people living with the disease, an estimated 25.3 million HIV-positive individuals, live in Africa.

President Bush has designated Health and Human Services Secretary Tommy Thompson and Secretary of State Colin Powell to chair a new high-level task force to better coordinate the administration's activities and responses to the AIDS crisis. The Secretary of State has indicated that he considers the spread of the AIDS virus as a national security threat to the United States.

What can you do as ASD/ISA to help the administration to make a difference in the fight against the AIDS virus? What is the appropriate role of the Department of Defense in response to this national security threat?

Mr. RODMAN. I recognize this is an enormously important subject, though I am not at present conversant with DOD's role in this area. If confirmed, I will make it a priority to obtain briefings on this subject and will contribute as appropriate in the interagency process to advance U.S. policies.

[The nomination reference of Peter W. Rodman follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 14, 2001.

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

Peter W. Rodman of the District of Columbia, to be an Assistant Secretary of Defense, vice Edward L. Warner III.

[The biographical sketch of Peter W. Rodman, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PETER W. RODMAN

Peter W. Rodman is Director of National Security Programs at the Nixon Center. He is the author of *More Precious than Peace* (Scribner, 1994)—a history of the Cold War in the Third World—and of a series of annual strategic assessments published by the Nixon Center, the most recent of which is *Uneasy Giant: The Challenges to American Predominance.*

Mr. Rodman served as a Deputy Assistant to President Reagan for National Security Affairs (Foreign Policy) from March 1986 to January 1987 and then, until September 1990, under Presidents Reagan and Bush, as Special Assistant for National Security Affairs and NSC Counselor. From April 1984 to March 1986, he was Director of the Department of State Policy Planning Staff, advising Secretary of State George P. Shultz on major issues including U.S.-Soviet relations and the Middle East.

In the Nixon and Ford administrations, from August 1969 to January 1977, Mr. Rodman was a member of the National Security Council staff and a special assistant to Dr. Henry A. Kissinger. From 1972 to 1977 he took part in nearly all of Dr. Kissinger's negotiations and missions. Following this, he was principal research and editorial assistant to Dr. Kissinger in the preparation of his memoirs and was Director of Research for Kissinger Associates, Inc.

Mr. Rodman has been a Senior Editor of *National Review* (1991–1999) and a Senior Advisor on foreign policy to the 1992 Republican National Convention Committee on Resolutions (Platform Committee). He has been a scholar at both the Center for Strategic and International Studies and the Johns Hopkins Foreign Policy Institute.

Mr. Rodman was born on November 24, 1943, in Boston. He was educated at Harvard College (A.B. 1964, *summa cum laude*), Oxford University (B.A., M.A.), and Harvard Law School (J.D. 1969). He is a member of the boards of Freedom House, the World Affairs Council of Washington, DC, and the U.S. Committee on NATO. He and his wife Veronique live in Washington with their two children.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Peter Warren Rodman.

2. **Position to which nominated:**
Assistant Secretary of Defense for International Security Affairs.

3. **Date of nomination:**
May 14, 2001.

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

5. **Date and place of birth:**
November 24, 1943; Boston, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to former F. Veronique Boulad.

7. **Names and ages of children:**
Theodora Tatiana Boulad Rodman, age: 15; Nicholas George Rodman, age: 14.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Roxbury Latin School, 1955–1961: High School diploma 1961.
Harvard College, 1961–1964: AB degree 1964.
Oxford University, 1964–1966: AB degree 1966; MA 1971.
Harvard Law School, 1966–1969: JD degree 1969.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Director of National Security Programs, The Nixon Center, 1615 L St., NW, (#1250) Washington, DC 20036, Feb. 1995–present.
Director of Middle East and Eurasian Studies, Center for Strategic and International Studies, 1800 K St., NW (#400), Washington DC 20006: January 1994–February 1995.
Fellow, The Johns Hopkins Foreign Policy Institute, 1619 Mass. Ave., NW., Washington, DC 20036: September 1990–January 1994.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Member, NSC Staff (August 1969–Jan. 1977).
Member, Policy Planning Council, Dept. of State (March 1983–March 1984).
Director, Policy Planning Staff, Dept. of State (March 1984–March 1986).
Deputy Assistant to the President for National Security Affairs (Foreign Policy) (March 1986–February 1987).
Special Assistant to the President for National Security Affairs and NSC Counselor (February 1987–September 1990).
U.S. Commission on National Security/21st Century, National Security Study Group, Member (1999–present).
Study Group on Enhancing Multilateral Export Controls for U.S. National Security, Member (1999–present).
CIA Strategic Assessment Group, China Futures Panel, Member (August 2000–present).
Library of Congress, Henry Alfred Kissinger Chair in Foreign Policy and International Affairs, Executive Director and Member of Steering Committee (December 2000–present).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
AMK Advisers, LLC (Member, August 1997–present).
ipx, inc. (Consultant, June 1999–present).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
World Affairs Council of Washington, DC (Board member, 1991–present; Vice President, 1996–present).
Freedom House (Board member, 1996–present).
U.S. Committee on NATO (Board member, 1996–present).
Cosmos Club (member, 1984–present).
Council on Foreign Relations (member).
International Institute for Strategic Studies (member).

George Bush Presidential Library (member).
Ronald Reagan Presidential Library (member).
Gerald Ford Foundation (member).
Richard Nixon Library and Birthplace Foundation (member).
The Federalist Society (member).
American Automobile Association member (1970–present).
United States Holocaust Memorial Museum (charter member).
Friends of the National Zoo (member).
Smithsonian Associates (member).
National Geographic Society (member).
National Aquarium in Baltimore (member).
National Air & Space Society (member).
National Trust for Historic Preservation (member).
United Ostomy Association (member).
WETA (member).

13. **Political affiliations and activities:**

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

None.

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

None.

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

Jim Miller for Senate (VA), June 5, 1996 ($100)
John Pappageorge for Congress (MI), June 10, 1996 ($100)
David Catania for City Council (DC), Oct. 17, 1997 ($100)
Governor Bush Committee (TX), June 29, 1998 ($200)
Heather Wilson for Congress (NM), June 29, 1998 ($200)
David Catania for City Council (DC), July 25, 1998 ($100)
Heather Wilson for Congress (NM), Oct. 4, 1998 ($150)
DC Republican Committee, Oct. 11, 1998 ($250)
McCain for President, Feb. 28, 1999 ($200)
George W. Bush Exploratory Committee, July 11, 1998 ($150)
DC Republican Committee, July 11, 1998 ($250)
McCain for President, Jan. 19, 2000 ($200)
DC Republican Committee, May 29, 2000 ($100)
Bush for President, May 29, 2000 ($200)
Carol Schwartz for City Council (DC), July 3, 2000 ($150)
Heather Wilson for Congress (NM), Sept. 17, 2000 ($100)
RNC Victory 2000, Sept. 17, 2000 ($100)
RNC Victory 2000, Nov. 2, 2000 ($150)
Heather Wilson for Congress (NM), Nov. 2, 2000 ($150)
DC Republican Committee, Feb. 15, 2001 ($100)

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

Medal of Merit of the Czech Republic, awarded by President Vaclav Havel on September 17, 1988, in Washington, in connection with my support of the Czech Republic's admission into NATO.

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

Books and Monographs

Book, More Precious than Peace: The Cold War and the Struggle for the Third World (New York: Charles Scribner's Sons, 1994)

Monograph, America Adrift: A Strategic Assessment (Washington: Nixon Center for Peace and Freedom, 1996).

Monograph, Broken Triangle: China, Russia, and America After 25 Years (Washington: Nixon Center for Peace and Freedom, 1997).

Monograph, Between Friendship and Rivalry China and America in the 21st Century (Washington: The Nixon Center, June 1998).

Monograph, Drifting Apart? Trends in U.S.-European Relations (Washington: The Nixon Center, June 1999).

Monograph, Uneasy Giant: The Challenges to American Predominance (Washington: The Nixon Center, June 2000).

Monograph, Shield Embattled: Missile Defense as a Foreign Policy Problem (Washington: The Nixon Center, forthcoming).

Articles, Book Reviews, etc.

Book Review, "Doing Less," Commentary, June 1981 (review of James Chace, Solvency).

Article, "Sideswipe: Kissinger, Shawcross, and the Responsibility for Cambodia," The American Spectator, March 1981, and further exchange with William Shawcross in The American Spectator, July 1981.

Article, "The Hostage Crisis: How Not to Negotiate," The Washington Quarterly, Summer 1981.

Article, "The Dilemmas of Conservatism I," The American Spectator, March 1982.

Book Review, "Western Intellectuals and Communist States," Problems of Communism, May-June 1982 (review of Paul Hollander, Political Pilgrims).

Book Review, "Norman Podhoretz and the Vietnam War," The American Spectator, July 1982 (review of Norman Podhoretz, Why We Were In Vietnam).

Article, "The Missiles of October: Twenty Years Later," Commentary, October 1982.

Article, "The Imperial Congress," The National Interest, Fall 1985.

Article, "The Empire's New Clothes: The Case for Skepticism," The National Interest, Summer 1988.

Article, "Is the Cold War Over?" The Wilson Quarterly, New Year's 1989.

Book Review, "Shawcross and the Shah," The National Interest, Spring 1989 (review of William Shawcross, The Shah's Last Ride: The Fate of an Ally).

Paper, "The Political and Economic Future of Eastern Europe," NDU/ CREST Conference on "Armed Forces, Society, and Power in the USSR Under Gorbachev," Paris, June 7, 1990.

Op-ed, "Don't Back Down: Humiliate [Saddam] Hussein, " New York Times, February 22, 1991.

Op-ed, "A Mideast Peace Conference -- But Precook it Carefully," Washington Post, April 16, 1991.

Article, "Defending Eastern Europe," National Review, May 27, 1991.

Article, "Middle East Diplomacy After the Gulf War," Foreign Affairs, Spring 1991.

Article, "America's Role in the New World Order," The International Economy, May/June 1991.

Article, "Cambodia: Supping with Devils," The National Interest, Fall 1991.

Op-ed, "Calls for Remilitarizing [Germany and Japan] May Return to Haunt Us," Los Angeles Times, December 6, 1991.

Article, "The Last General Secretary," National Review, January 20, 1992.

Article, "The NSC System: Why It's Here to Stay," Foreign Service Journal, February 1992.

Article,	"Should Conservatives Support Bush?[Yes: We Have a Stake in Him]" The World & I, April 1992.
Article,	"Islam and Democracy," National Review, May 11, 1992.
Op-ed,	"The Danger of Putting Economics First," Washington Post, December 18, 1992.
Article,	"Intervention and Its Discontents," National Review, March 29, 1993.
Op-ed,	"Memos to Cover Your Trail," Washington Post, July 2, 1993.
Article,	"A Grown-Up's Guide to Non-Proliferation," National Review, July 5, 1993.
Symposium,	"A Return to Tribalism? Implications for the EC and the G-7," The International Economy, Sept/Oct 1993.
Article,	"Bill's World," National Review, November 15, 1993.
Article,	"Clinton's Pyongyang Paradox," Far Eastern Economic Review, 30 December 1993/ 6 January 1994.
Symposium,	"Is the U.S. Defense Budget Being Cut Too Much?" The International Economy, March/April 1994.
Article,	"Declarations of Dependence?" National Review, June 13, 1994.
Article,	"Waiting for Assad: The Obstacles to Peace in Syria," The New Republic, August 8, 1994.
Op-ed,	"Leaping Into Haiti Without a Safety Net," New York Times, Sept. 17, 1994.
Letter to the Editor,	Commentary, November 1994 (response to Robert Kagan, " The Case for Global Activism").
Article,	"Mullah Moola," National Review, November 7, 1994.
Essay,	"U.S. Policy toward Israeli-Palestinian Final Status Talks: Interests and Perspectives," in Approaching Peace: American Interests in Israeli-Palestinian Final Status Talks, Washington Institute for Near East Policy, September 1994.

Article, "Co-opt or Confront Fundamentalist Islam?" Middle East Quarterly, December 1994.

Op-ed, "4 More for NATO," Washington Post, December 13, 1994.

Article, "Policing the Golan? Yes," The National Interest, Winter 1994/95.

Article, "The Time Bomb in Algeria," Washington Post, January 1, 1995.

Op-ed, "Insuring the Future," Washington Times, January 22, 1995.

Book Review, "Big Carrot, Small Stick," Commentary, April 1995 (review of Michael Klare, Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy).

Article, "Points of Order," National Review, May 1, 1995.

Book Review, "Wrong, Terribly Wrong," National Review, May 29, 1995 (Review of Robert McNamara, In Retrospect: The Tragedy and Lessons of Vietnam).

Book Review, "Superpower Survives," Times Literary Supplement (London), June 9, 1995 (review of Ronald Steel, Temptations of a Superpower).

Article, "Bosnian Quagmire," National Review, June 26, 1995.

Article, "Will NATO Survive?" National Review, July 31, 1995.

Letter to the Editor, "Commentary, September 1995 (Response to Robert Kagan, "A Retreat from Power?").

Letter to the Editor, "Survival (London), Autumn 1995 (in support of Zalmay Khalilzad on "dual containment" in the Persian Gulf).

Paper, "NATO's Role in a New European Security Order," Working Paper No.95.2, Graduate Programs in International Studies, Old Dominion University, October 1995.

Op-ed, "Before We Land Troops in Bosnia," Washington Post, October 6, 1995.

Article, "Precarious Peace," National Review, November 27, 1995.

Book Review, "The Dark Shadow of Extremism," Washington Post Book World, October 29, 1995 (review of Benjamin Netanyahu, Fighting Terrorism: How Democracies Can Defeat Domestic and International Terrorists).

Book Review, The American Spectator, December 1995 (review of Anatoly Dobrynin, In Confidence: Moscow's Ambassador to Six Cold War Presidents).

Article, "Yalta in the Balkans," National Review, December 25, 1995.

Article, "Politics and Foreign Policy in 1996: The Paradox of Presidential Campaigns," Orbis, Winter 1996.

Op-ed "Understanding With Moscow," Washington Post, January 16, 1996.

TV Review, Review of TNT: "Kissinger and Nixon," National Review, January 24, 1996.

Op-ed, "A New Russia-China Alliance?" Los Angeles Times, March 25, 1996.

Book review, "Grantsmanship and the Killing Fields," Commentary, March 1996 (review of Ben Kiernan, The Pol Pot Regime: Race, Power, and Genocide in Cambodia Under the Khmer Rouge, 1975-79)

Book review, "The Cold War, Down Cold," National Review, April 8, 1996 (review of R.C. Raack, Stalin's Drive to the West 1938-1945: The Origins of the Cold War).

Article, "Assad's Game: Strongman Plays a Weak Hand," Washington Post, April 21, 1996.

Article, "Prague Spring," National Review, May 6, 1996.

Op-ed, "U.S. Should Chill Out Over Israel," Newsday, June 5, 1996.

Article, "Congress: Partisan But Not Isolationist," U.S. Foreign Policy Agenda (USIA Internet journal), July 1996.

Book review, "Against Isolationism," Times Literary Supplement (London) July 12, 1996 (review of Jay Winik, On the Brink, and others).

Op-ed, "Dealing with Iran," Wall Street Journal, August 29, 1996.

Op-ed, "A Decisive Clinton Should Decide on a Better Persian Gulf Policy," San Diego Union-Tribune, September 8, 1996.

Book review, "The Virtue of Linkage," Times Literary Supplement (London), October 17, 1996 (review of Ilya V. Gaiduk, The Soviet Union and the Vietnam War).

Op-ed,	"NATO Should Expand and Get On With Life," Newsday, October 22, 1996.
Article,	"Fearful Summitry," National Review, October 28, 1996.
Article,	"Don't Destabilize Algiers," Middle East Quarterly, December 1996.
Op-ed,	"Why Ease Up on Iran?" Washington Post, December 11, 1996.
Book review,	"International Relations," Times Literary Supplement (London), March 7, 1997 (review of European Journal of International Relations).
Paper,	"Russia as a Regional and Global Power," delivered at U.S. Army War College Annual Strategy Conference, Carlisle Barracks, PA, April 24, 1997.
Article,	"After Hebron," The National Interest, Spring 1997.
Op-ed,	"Big Issues Loom Beyond [China] MFN Debate," Newsday, May 18, 1997.
Op-ed,	"Shoring up the gains of NATO expansion," Washington Times, June 2, 1997.
Article,	"Mullah Dearest," Weekly Standard, June 16, 1997.
Op-ed,	"The Burma Dilemma," Washington Post, May 29, 1997.
Paper,	"The Strategy of Sanctions: The Policy Setting," delivered at National Strategy Forum, Chicago, May 8, 1997.
Article,	"The Mideast Impasse: Time to Jump to the Conclusion," Washington Post, September 14, 1997.
Article,	"The Broken Triangle," Far Eastern Economic Review, September 18, 1997.
Article,	"Chinese Puzzles," National Review, October 13, 1997.
Article,	"U.N. Paralysis," Weekly Standard, December 1, 1997.
Op-ed,	"Dialogue With Iran?" Washington Post, December 24, 1997.
Book review,	"Uncle Joe's Cabin," National Review, December 31, 1997 (review of John Lewis Gaddis, We Now Know: Rethinking Cold War History).

Article,	"America at the Helm," Middle East Insight March-April 1998.
Op-ed,	"[NATO Enlargement:] Yes, it will stabilize Europe," New York Daily News, March 8, 1998.
Article,	"Show Business," National Review, March 9, 1998.
Op-ed,	"Don't pause for NATO," Washington Times, March 13, 1998.
Letter to the Editor,	"Don't blame America for the killing fields," Australian Financial Review, April 24, 1998.
Paper,	"Is Islamic Democracy Possible?" delivered to New Atlantic Initiative, Congress of Istanbul, May 3, 1998.
Article,	"Chinese Puzzle," National Review, June 1, 1998.
Op-ed,	"Getting Serious About Security," New York Times, July 2, 1998.
Article,	"Mideast Burnout," National Review, August 3, 1998.
Letter to the Editor,	"Taking Sides," The New Republic, October 12, 1998.
Book review,	"Class Act," National Review, October 12, 1998 (review of James Chace, Acheson: The Secretary of State Who Created the American World).
Op-ed,	"U.S. Is Right to Seek New Iraq Regime," Newsday, November 19, 1998.
Article,	"Foreign Policy and Domestic Scandal," The National Interest, Winter 1998/99.
Book review,	"The Spying Game," National Review January 25, 1999 (review of Allen Weinstein and Alexander Vassiliev, The Haunted Wood: Soviet Espionage in America- The Stalin Era).
Chapter,	"The Future of NATO Enlargement," in Susan Eisenhower, ed., NATO at Fifty: Perspectives on the Future of the Atlantic Alliance (Washington: Center for Political and Strategic Studies, 1999).
Article,	"Reality Check: Kosovo," Nixon Center on-line bulletin, March 30, 1999.
Article,	"Reality Check: Brave Talk [on Kosovo]," Nixon Center on-line bulletin, April 5, 1999.

Article,	"China Lobbies," National Review, April 19, 1999.
Op-ed,	"[Kosovo:] Spinning Toward a Diplomatic End," Los Angeles Times, May 7, 1999.
Article,	"Reality Check: The Kosovo Peace Accord," Nixon Center on-line bulletin, June 4, 1999.
Article,	"Reality Check: Success Has Its Costs," Nixon Center on-line bulletin, June 25, 1999.
Article,	"The Fallout from Kosovo," Foreign Affairs, July/August 1999.
Article,	"Multilateralization and Its Discontents," in Annual Survey of Freedom in the World 1998-1999 (Washington: Freedom House, 1999).
Op-ed,	"Too Little Talk on Taiwan," Washington Post, August 23, 1999.
Book review,	"Indochina without Americans," The National Interest, Fall 1999 (review of Stephen J. Morris, Why Vietnam Invaded Cambodia: Political Culture and the Causes of War).
Paper,	"Between Friendship and Rivalry," presented to CATO Institute conference on "China at 50," September 29, 1999 (reprinted as chapter in Ted Galen Carpenter and James A. Dorn, eds., China's Future: Constructive Partner or Emerging Threat? (Washington: CATO Institute, 2000.)
Article,	"His Own Fault: How Clinton Has Spoiled Internationalism," National Review, November 22, 1999.
Book reviews,	"Books in Brief," National Review, December 20, 1999 (reviews of W.R. Smyser, From Yalta to Berlin: The Cold War Struggle over Germany, and Joseph Shattan, Architects of Victory: Six Heroes of the Cold War).
Op-ed,	"Proceed with Caution," Wall Street Journal Europe, December 28, 1999.
Symposium,	"Responses to Norman Podhoretz," Commentary, January 2000.
Symposium,	"Election 2000," The American Spectator, January 2000.
Article,	"Reality Check: The Coming Brawl with Europe over Missile Defense," Nixon Center on-line bulletin, January 31, 2000.
Op-ed,	"A Battle We Lost in a War We Won," New York Post, April 30, 2000.

Op-ed,	"Seeing China Plain," New York Post, May 22, 2000.
Article,	"Reality Check: Syria: The Doctor Is In," Nixon Center on-line bulletin, June 16, 2000.
Article,	"The World's Resentment: Anti-Americanism as a Global Phenomenon," The National Interest, Summer 2000.
Article,	"Time wasn't ripe for Mideast summit," UPI, July 31, 2000.
Chapter,	"Russia: The Challenge of a Failing Power," in Robert Kagan and William Kristol, eds. Present Dangers: Crisis and Opportunity in American Foreign and Defense Policy (San Francisco: Encounter Books, 2000).
Article,	"Nixon and the 1968 Bombing Halt," UPI, September 19, 2000.
Paper,	"The Paradox of American Power," for the Study Group on Enhancing Multilateral Export Controls for U.S. National Security, October 2000.
Article,	"Analysis: After Milosevic, What?" UPI, October 5, 2000.
Article,	"Analysis: When Collisions Collide," UPI, October 8, 2000.
Op-ed,	"Camp David: Bad Idea, Bad Result," Washington Post, October 13, 2000.
Chapters,	"Nixon's Opening to China" and "Reagan and Lebanon," in Center for the Study of the Presidency, Triumphs and Tragedies of the Modern Presidency: Seventy-Six Case Studies in Presidential Leadership: Report to the President-Elect, 2000 (Washington: Center for the Study of the Presidency, Nov. 2000).
Chapter,	"Soviet-American Relations in the Third World," response to Georgii I. Mirsky, in Condoleezza Rice and Kiron Skinner, eds., Turning Points in the Cold War (Stanford, CA: Hoover Institution, forthcoming).
Chapter,	"The Foreign Policy in the New Bush Administration," Yearbook for International Security Policy (Vienna: E.S. Mittler and Sohn, forthcoming).

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

Remarks, "Political Obstacles to Iran's Economic Relations," Petro-Hunt Conference, Dallas, TX, May 2, 1996.

Remarks, "Political Challenges in the World Environment," American Bar Association Standing Committee on Law and National Security, Conference on Law Enforcement and Intelligence, September 19, 1996.

Remarks, "Honor, Interest, and the Nation-State," response to Prof. Donald Kagan, Ethics and Public Policy Center conference on "Intangible Interests and U.S. Foreign Policy," November 18, 1996, reprinted in Elliot Abrams, ed., Honor Among Nations: Intangible Interests and Foreign Policy (Washington: Ethics and Public Policy Center, 1998).

Remarks, "Debate on NATO Enlargement," panel, Council on Foreign Relations and the Nixon Center, March 19, 1997.

Remarks, "The State of the World as We Enter the 21st Century: The Middle East," University of Oklahoma, September 15, 1997, reprinted in David L Boren and Edward J. Perkins, eds., Preparing America's Foreign Policy for the 21st Century (Norman, OK: University of Oklahoma Press, 1999).

Remarks, "The Idea of Europe and Its Future," National War College Alumni Association, Ft. McNair, October 16, 1997.

Remarks, "Egypt and America: Looking Backward, Looking Forward," conference on Sadat and His Legacy, Washington Institute for Near Policy, November 14, 1997 (reprinted in Jon B. Alterman, ed., Sadat and His Legacy: Egypt and the World, 1977., 1997 (Washington: Washington Institute for Near East Policy, 1998)

Remarks, "A Bright Shining Lie," panel, at Nixon Center dinner and screening of HBO movie based on Neil Sheehan book, May 19, 1998.

Remarks, "The U.S. and Europe: Drifting Apart," Conference co-sponsored by the George C. Marshall Foundation and the Eisenhower World Affairs Institute, Wye Conference Center, Queenstown, MD, October 8, 1999.

Remarks, "The U.S. and Europe: Drifting Apart," The Pilgrims of the United States, New York, November 4, 1999.

Remarks,	"Setting the Stage," Conference on the Real "Lessons" of the Vietnam War, University of Virginia, April 28, 2000.
Remarks,	"The United States as the Sole Superpower: Are We Handling It Right?" panel, World Affairs Council of Washington, DC, and the Secretary of State's Open Forum, July 6, 2000.
Address,	"Putin's Russia," Institut d'Etudes Politiques, Bendern, Liechtenstein, September 22, 2000.
Remarks,	"Prospects for a European Security and Defense Policy," panel, conference hosted by SACLANT and Old Dominion University, Norfolk, VA, November 18, 2000.
Remarks,	"U.S. Leadership and the Reform of Western Security Institutions: NATO Enlargement and ESDP [European Security and Defense Policy]," conference at the German Foreign Policy Association, Berlin, December 11, 2000.

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

Yes.

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

SIGNATURE AND DATE

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

PETER W. RODMAN.

This 15th day of May, 2001.

[The nomination of Peter W. Rodman was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

NOMINATIONS OF SUSAN MORRISEY LIVINGSTONE TO BE UNDER SECRETARY OF THE NAVY; JESSIE HILL ROBERSON TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT; AND THOMAS P. CHRISTIE TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE

THURSDAY, JUNE 7, 2001

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

The committee met, pursuant to notice, at 9:30 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Bill Nelson, Carnahan, and Warner.

Committee staff members present: David S. Lyles, staff director; and Christine E. Cowart, chief clerk.

Majority staff members present: Daniel J. Cox, Jr., professional staff member; Madelyn R. Creedon, counsel; Creighton Greene, professional staff member; and Peter K. Levine, general counsel.

Minority staff members present: Romie L. Brownlee, Republican staff director; Charles W. Alsup, professional staff member; L. David Cherington, minority counsel; Brian R. Green, professional staff member; William C. Greenwalt, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, minority counsel; Joseph T. Sixeas, professional staff member; Cord A. Sterling, professional staff member; and Scott W. Stucky, minority counsel.

Staff assistants present: Kristi M. Freddo, Thomas C. Moore, and Michele A. Traficante.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi and Ross Kawakami, assistants to Senator Akaka; Peter A. Contostavlos, assistant to Senator Bill Nelson; Susan Harris, assistant to Senator Carnahan; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard;

Kristine Fauser, assistant to Senator Collins; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning everybody. The committee meets today to consider the nominations of Susan Livingstone to be Under Secretary of the Navy; Jesse Roberson to be Assistant Secretary of Energy for Environmental Management; and Thomas Christie to be Director of Operational Testing and Evaluation of the Department of Defense.

Just one note on the changed circumstances that we all find ourselves in. This committee has a time-honored tradition of being a bipartisan committee. The chairmen over the years have truly honored that tradition and have made it work. John Warner has added luster to that tradition. He has always reached out to me personally on this side of the aisle and it has been an honor to be a ranking member under his chairmanship. He is always gracious. He is always involving us in decisions. Obviously the chairman makes those decisions, but he has gone the extra mile to involve members on this side of the aisle. He has truly been a role model and I intend to do the best I can as long as I am chairman to follow that tradition.

One never knows around here whether it is the next day or the next election, which can bounce the ball in a different direction. We get used to it. We have been here together a long time. We have been steadfast and good friends. Again, one of the highlights I know of whatever length of time I happen to be serving as chairman will be having Senator John Warner as my ranking member. So, I just want to extend my hand to him as chairman, and I know he will reciprocate. Indeed he will do more than that as he always does.

Senator WARNER. Would the Senator yield?

Chairman LEVIN. I'd be happy to.

Senator WARNER. Thank you for those kind remarks. It is interesting in the life of the Senate, we come here from different parts of the United States, but we have common goals and certainly the security of our Nation is the first obligation of every citizen, from the President right on down. Yesterday I accompanied our President to Bedford, Virginia where he gave very stirring and solemn remarks in honor of the 57th anniversary of the landings of U.S. forces and our allies on D–Day, June 6, 1944.

But Senator, you and I came here exactly—and these folks might not know it—23 years ago. We were elected in the fall of 1978 and took our office together, in January 1979. We were both very lucky to get on this committee at that time, and we have served together these many years. Do we have differences? Yes, but our fundamental guidance is always on the welfare of the men and women of the armed forces and to make this Nation strong so it can defend itself. Somehow I think there is a note of irony here today that you assume rightfully your chairmanship with dignity and grace, and we have before us a nominee for Under Secretary of the Navy, which is the best job I ever had in my life.

Chairman LEVIN. The ranking member well, he will just surpass that. [Laughter.]

Senator WARNER. We welcome our nominees and I thank you for these few minutes. You will have my cooperation, as you have had it these many years.

Chairman LEVIN. Thank you. One other note before we get to our nominees. Congress needs time to consider the administration's proposed defense budget. We have not yet received that budget and unless we do receive that budget soon we may run out of time to complete action on the Defense Authorization and Defense Appropriation bills before the next fiscal year begins on October 1. We are going to do everything we can to complete that action regardless of when we receive the budget. But, by the way, it is going to be more and more difficult the later we receive that budget.

I know we will be joining together and letting the administration know that it is important that they get that budget amendment as they call it up here promptly. I'm speaking for all of us here when I say that. We usually take months to review a budget, to hold hearings, to bring the bill to the floor, to then have a conference. If we are going to get this done in 1 month essentially, it is going to be a miracle. But if we can get it in the middle of June, we at least would have at least a few extra weeks over getting it the last part of June.

Senator WARNER. If the Senator would yield on that. You and I have met with the Secretary of Defense in the past few weeks and he has indicated he will work through the Office of Management and Budget. It is his hope to get the budget up here late this month. Just for the record, it is the 2002 budget that you were discussing because the President has forwarded to Congress the supplemental as it relates to the 2001.

Further, Senator, we are working on the budgets submitted by the last President, President Clinton, which is traditional. This will be a budget amendment. So we have before us now a budget on which our staffs have been working. I think you and I should also take this opportunity to reflect on the superb staff support that we have received all through these 23 years. We have today the former staff director, Les Brownlee, and the new staff director, David Lyles—two of the finest, together with their subordinates, that have ever served this committee.

Chairman LEVIN. It is very true. We are blessed in many ways and it is one of the blessings that we have great staff and that they work together too.

Our witnesses this morning have been nominated for some very important national security positions and they are faced with some difficult challenges. If confirmed, Ms. Livingstone will be the number two official in the Department of the Navy. Ms. Roberson will be in charge of the entire environmental program of the Department of Energy. Mr. Christie will be charged with ensuring that the testing of our weapons systems is independent, fair, and reliable. Each of our nominees this morning has impressive credentials and appears to be well-qualified to take on these challenges.

First, Ms. Livingstone served for 4 years as Assistant Secretary of the Army for Installations, Logistics, and Environment. Since then, she's been an executive with the Red Cross and the Association of the United States Army.

Ms. Roberson has served for a dozen years in the Department of Energy, most recently as the site manager for Rocky Flats and as a member of the Defense Nuclear Facilities Safety Board.

Mr. Christie has served in the Department of Defense for more than 30 years, including 10 years as the Deputy Assistant Secretary of Defense and Director of the Office of Program Integration. Since that time he's been the Director of the Operational Evaluation Division at the Institute for Defense Analysis.

So, all of our nominees are highly qualified, and I not only want to welcome you but welcome any family members you have with you today. We have a tradition in our committee of asking our nominees to introduce family members who might be present. We know that a number of family members were going to be present but we've rescheduled this hearing so many times kids had to go to school finally, and a few things like that. So, I think Mr. Christie, you may be the only one that has a family member with you. Would you introduce your wife?

Mr. CHRISTIE. I'm lucky enough for this to be my first hearing and I haven't had any postponement. This is my wife Kathleen who has put up with me for many years.

Chairman LEVIN. Maybe we should call her as a witness. [Laughter.]

Each of the families whether they are here to hear this in person or whether they will hear about it later and know about it later are indeed part of this effort and make sacrifices along the way. We are grateful to you for the support you have given Mr. Christie and to your families all whether they are here or not here today for what sacrifices they will be making.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. I would like to place in the record my opening statement, followed by the opening statement of Senator Thurmond. Also, Senator Allard had hoped to be here today, Ms. Roberson. But I believe he is at the White House in connection with the signing of the tax legislation this morning. A number of our members have the opportunity to join the President on this historic moment. So, I would ask unanimous consent that his statement also be placed into the record.

Chairman LEVIN. It will be.

[The prepared statements of Senators Warner, Thurmond, and Allard follow:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming the nominees and their families.

Ms. Livingstone, I regret your husband, Neil, could not be here today.

Ms. Roberson, I understand that your daughter, Jessica, is here with you today. Welcome to you both.

Mr. Christie, I understand your wife, Kathleen, is here with you today. Welcome.

Family support is critical to the success of individuals in senior positions in our government and we appreciate the support and sacrifices of the families of these distinguished nominees.

Ms. Susan Morrissey Livingstone is returning to the Pentagon for a second tour of duty. She served as Assistant Secretary of the Army for Installations, Logistics, and Environment from 1989 to 1993. The Department of the Navy will welcome you, nonetheless, I am sure. Some 32 years ago, I myself had the privilege of serving

in the billet to which you have been nominated, and I congratulate you. Ms. Livingstone has also rendered distinguished service in the Veterans' Administration in various senior positions, with the American Red Cross, and, currently, she is the CEO of the Association of the United States Army. We are grateful for her commitment to the welfare of our men and women in uniform.

Ms. Jessie Hill Roberson is a distinguished member of the Defense Nuclear Facilities Safety Board, having been confirmed by this committee in 1999. Prior to that she worked for the Department of Energy for 11 years, serving in a variety of positions managing projects associated with nuclear reactor operations and environmental restoration. Her last assignment was Site Manager at the Rocky Flats, Colorado, Environmental Technology Site, where she performed her duties in an outstanding fashion. On behalf of our colleague, Senator Allard, I would ask that an introductory statement summarizing Ms. Roberson's achievements be entered into the record.

Mr. Thomas P. Christie, who, I note, is a Virginian, is also returning to the Department of Defense for another tour, having previously served with OSD's Program Analysis and Evaluation Office and, from 1986 to 1989, as Deputy Assistant Secretary of Defense for Programs and Resources and Director of Program Integration. Most recently, Mr. Christie has worked for the Institute for Defense Analysis (IDA) as director of its Operational Evaluation Division.

Your willingness to serve again in this most important post as the Department of Defense's Director of Operational Test and Evaluation is appreciated.

Our nominees have a wealth of experience and accomplishments. I believe they will excel in the position to which they have been nominated. We welcome them and their family members and look forward to their comments and responses today.

Mr. Chairman.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman: Chairman Levin, I want to join my colleagues in congratulating you on your accession as Chairman of the Armed Services Committee. This committee has a great tradition of placing the security of the Nation and the welfare of its men and women in uniform above partisanship. I know under your leadership we will continue in that tradition and I look forward to working with you and your staff as you assume this great challenge.

Mr. Chairman, I join you in welcoming this distinguished group of nominees. I find that this group is especially noteworthy since they have all had prior service in appointed positions within the executive branch. They have an appreciation of the challenges and personal sacrifices that they can expect once they are confirmed for the positions to which the President has nominated them.

I want to extend my congratulations and appreciation to each nominee. Once you are confirmed, you will each have a vital role in assuring the security of our Nation. More importantly, every action you take will have a direct impact on the 1.4 million men and women who wear the uniforms of our military services and the thousands of civil servants who support them. You can be assured that you will have my support and that of this committee in carrying out these responsibilities. I only ask that you keep us informed and do not hesitate to contact us when you need our support.

Thank you, Mr. Chairman.

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Mr. Chairman, Senator Warner, and members of the committee—I am honored to be able to introduce and recommend a person who I believe is an exceptional and deserving nominee to be the next Assistant Secretary for Environmental Management at the Department of Energy, Ms. Jessie Roberson.

Currently, Ms. Roberson is a Board Member of the Defense Nuclear Facilities Safety Board or DNFSB. The DNFSB is the oversight body which ensures the nuclear health and safety activities at all of DOE's nuclear weapons complex. She has been a Board Member since January 2000.

Prior to being a Board Member, Ms. Roberson was with the Department of Energy. In her 10 years with the Department she was at the Rocky Flats Environmental Technology Site, Golden, Colorado and the Savannah River Site, Aiken, South Carolina. It was during her time at Rocky Flats that I met and befriended Ms. Roberson.

In 1996, she became the Manager of the Department of Energy's Rocky Flats Field Office. She was ultimately responsible for the integration and performance of all environmental cleanup activities at Rocky Flats.

Before becoming the Site Manager, Rocky Flats was scheduled for a 2015 cleanup and closure date, but once she stepped in as manager, she put into place a more robust and vigorous plan to close the site at the end of 2006. I can say unequivocally that without her leadership this ambitious plan would never have been a reality.

While I believe Ms. Roberson's credentials and experience alone speak for her qualifications to become the next Assistant Secretary for Environmental Management at the Department of Energy, she has also received numerous awards and honors. In 1998 she was recognized as one of the top 25 newsmakers in the construction industry with a 1997 Newsmaker Award by *Engineering News Record*.

In 1997, Fort Valley State University awarded her the Platinum Achievement Award for Outstanding Leadership in the Field of Energy. Plus, the Girl Scouts Mile Hi Council awarded Jessie the Women of Distinction Award. In 1996 Ms. Roberson was honored with the Black Engineer of the Year Award for Professional Achievement in Government and the NAACP Scientific Achievement Award by the Conecuh County Branch.

I have worked with her for many years and have seen her make many tough, and sometimes not always popular, decisions. However, she stood her ground, took care of business and got the job done. Jessie also worked very close with the state and local communities. She kept everyone involved and informed during every phase of the project.

As a matter of fact, the Governor of Colorado, Bill Owens, strongly supports Jessie's nomination. Plus, the *Denver Post* wrote an April 3, 2001 *Denver Post* editorial, titled "Roberson a top flight pick" which I would like to insert into the record. Due to her efforts of cooperation at Rocky Flats, today state and local communities are the biggest supporters of the closure activities at Rocky Flats and not all closure sites can claim this.

Mr. Chairman, Jessie will bring 17 years of private and public sector experience in the nuclear field with an emphasis in environmental cleanup and restoration, low level waste management, nuclear reactor operations and project management, and safeguards and security to the Environmental Management job.

Given Jessie's extensive experience and qualifications, I strongly recommend her swift approval for the position of Assistant Secretary of Energy for Environmental Management at the Department of Energy. I am very proud to call Jessie a friend and hope to soon call her Madame Assistant Secretary.

Again, thank you for allowing me to speak on behalf of Jessie.

4/3/01—DENVER POST 6B

Roberson a top-flight pick

U.S. Energy Secretary Spencer Abrahams is getting some top-flight help in cleaning up the nation's Cold War legacy: Jessie Roberson, who headed the Department of Energy's Rocky Flats closure project in Colorado, is being nominated to manage DOE's entire environmental cleanup program nationwide.

Roberson will be the second Rocky Flats veteran to move into a key DOE post. Earlier, the White House announced it will nominate Robert Card for undersecretary of energy. Card previously [illegible]led Kaiser-Hill, the contractor doing the cleanup at Rocky Flats, the mothballed nuclear bomb trigger factory north of Golden.

The Rocky Flats crew led by Roberson and Card accomplished, in just three years of teamwork, more progress toward cleanup and closure than the facility had logged in the previous decade.

It's understandable that Abrahams would look toward the people who brought DOE past success to move the entire department toward its future goals.

Roberson is an excellent choice. She is a nuclear engineer who in 1996 was named the national Black Engineer of the Year for Professional Achievement in Government. That same year, she took the reins at Rocky Flats, where her personable but no-nonsense style got the flagging project on track.

In 1999, the Democratic Clinton administration tapped Roberson for the Defense Nuclear Facilities Board, which provides independent oversight at DOE nuclear sites on all issues affecting health and safety.

Now the Republican Bush administration also has recognized the value of her 17 years of nuclear safety experience.

As assistant energy secretary for environmental management, Roberson will oversee the cleanup of all the country's Cold War atomic sites. Among them: Hanford, the toxic and radioactive nightmare in eastern Washington. Savannah River, the South Carolina reactor and processing plant that must be modernized. And Rocky Flats, the one place DOE has scored real progress toward cleanup.

With Abrahams at the top and Card in the No. 2 slot, Roberson will round out DOE'scivilian management team.

The department's environmental management job, in fact, is one of the toughest positions in the federal government today. There likely isn't a better person around to tackle the task, however, than Jessie Roberson.

Senator WARNER. I compliment each of you and have had the privilege to meet with you and talk with you. I commend the President and the Secretary of Defense. This team he is putting together is just incredible in terms of experience and qualifications to take on the very heavy responsibilities with regard to our Nation's defense, and certainly your responsibilities in the Energy Department are tied very closely to those in the Department of Defense.

The problems before you Ms. Roberson are mountainous. In the statement by Senator Allard, he cites an article from the *Denver Post,* which says "Roberson: A Top Flight Pick". I think that says it all. You do not have to go beyond that headline.

Ms. Livingstone, you have a great opportunity before you and you are going to enjoy every day of it. I will have a chance in the months and years to come to work with you, and perhaps give you a little advice along the way. But I certainly think from your distinguished background, you are well-qualified to proceed on this. You have my strong support, all three of you.

Mr. Christie, thank you and your wife for returning to serve in another important position, but this time at a little higher pay grade, however, with the same problems. The Nation needs to re-equip its military with cutting edge technology and you will be responsible for that. I remember so well the stories—I experienced some of them myself in the modest career I had in the military—about the weapons, clothing, and other things that were getting into the field that were not adequately tested. The M–16 rifle went through a tortuous scenario and indeed maybe life and limb were lost because of the failure of that testing. But you know those things far better than I. So, I wish you luck. Thank you, Mr. Chairman.

Chairman LEVIN. Talking about testing reminds me of a former colleague of ours who, when the testing wasn't adequate, went down to test the DIVAD system for himself. That was the end of that system. Senator Nelson, do you have an opening statement you would like to make?

Senator BILL NELSON. No, thank you, Mr. Chairman.

Chairman LEVIN. Let me ask the following questions of each of our witnesses. In response to the advance policy questions you agreed to appear as a witness before congressional committees when called to ensure that briefings, testimonies, and other communications are provided to Congress. So, we already have those commitments. Now I will ask the following questions.

Have each of you adhered to applicable laws and regulations governing conflict of interest? Ms. Roberson first.

Ms. ROBERSON. Yes, I have.

Chairman LEVIN. Ms. Livingstone?

Ms. LIVINGSTONE. Yes, Mr. Chairman.

Chairman LEVIN. Mr. Christie?

Mr. CHRISTIE. Yes, I have.

Chairman LEVIN. Have you assumed any duties or undertaken any actions that would appear to presume the outcome of the confirmation process? Ms. Roberson?

Ms. ROBERSON. No, Mr. Chairman.

Chairman LEVIN. Ms. Livingstone?

Ms. LIVINGSTONE. No, sir.

Chairman LEVIN. Mr. Christie?

Mr. CHRISTIE. No, sir.

Chairman LEVIN. Would you assure that the Department complies with deadlines established for requested communication including prepared testimony and questions for the record and hearings? Ms. Roberson?

Ms. ROBERSON. Yes, Mr. Chairman.

Chairman LEVIN. Ms. Livingstone?

LIVINGSTONE. Yes, Mr. Chairman.

Chairman LEVIN. Mr. Christie?

Mr. CHRISTIE. Yes, Mr. Chairman.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests? Ms. Roberson?

Ms. ROBERSON. Yes, sir.

Chairman LEVIN. Ms. Livingstone?

Ms. LIVINGSTONE. Yes, sir.

Chairman LEVIN. Mr. Christie?

Mr. CHRISTIE. Yes, Mr. Chairman.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony? Ms. Roberson?

Ms. ROBERSON. Yes, Mr. Chairman.

Chairman LEVIN. Ms. Livingstone?

Ms. LIVINGSTONE. Absolutely.

Chairman LEVIN. Mr. Christie?

Mr. CHRISTIE. Yes, Mr. Chairman.

Chairman LEVIN. The responses that I've referred to the committee's pre-hearing policy questions and our standard questionnaire will be made a part of the record. We have received the required paperwork on each of the nominees and we will be reviewing that paperwork to ensure that it is in accordance with the committee's requirements. After the opening statements, if they choose to give any, by our nominees we will proceed with the first round of questions limited to 6 minutes for each Senator on the basis of the early-bird rule. Before we begin we have already covered that so we will now call upon our witnesses. I think the order we have them listed in our notice is the order we will call upon them. Is that right protocol? All right.

Ms. Livingstone, you are first.

STATEMENT OF SUSAN MORRISEY LIVINGSTONE, NOMINEE TO BE UNDER SECRETARY OF THE NAVY

Ms. LIVINGSTONE. Thank you, Mr. Chairman. First, Mr. Chairman, I would like to thank Senator Conrad Burns for his leadership on behalf of our Nation and our home state, the great State of Montana. Senator Burns was going to introduce me today but had a schedule conflict, which as you probably noticed, is I believe the signing of the tax bill.

Mr. Chairman, Senator Warner, and distinguished members of this committee, it is a sincere honor and privilege to appear before you as the nominee for Under Secretary of our incomparable Navy and Marine Corps team. In the interest of time, Mr. Chairman, I would ask that my formal statement be submitted for the record, and that I might just make a few brief comments at this time.

Chairman LEVIN. It will be made a part of the record.

Ms. LIVINGSTONE. Thank you. If I merit your confirmation, I am more than humbled by the opportunity to again serve our men and women in uniform, both active and reserve, their families, as well as the civilian workforce and those who served before—our military retirees. I thank President Bush for his nomination, and Defense Secretary Rumsfeld and Navy Secretary Gordon England for the opportunity to be a part of their team. I sincerely thank this committee for all that you do on behalf of our Nation and those who serve in its defense. If confirmed, I look forward to closely working with this committee and all members of Congress in support and advocacy of those who today volunteer to so selflessly serve in de-

fense of our Nation, and in particular, the U.S. Navy and Marine Corps.

To close, Mr. Chairman, with the committee's indulgence, I want to thank my family for their abiding love and support, and particularly my husband of nearly 33 years, Neil. Their foundation has been a mainstay of my life. If I might, I would like to wish my parents, Catherine and Dick Morrisey, who retired after a career in the Air Force to Russellville, Arkansas, not only a very happy birthday, but also happy anniversary. Both of them just recently turned 83 and on June 4, celebrated their 62nd wedding anniversary.

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

[The prepared statement of Ms. Livingstone follows:]

PREPARED STATEMENT BY SUSAN MORRISEY LIVINGSTONE

Mr. Chairman, members of the committee, it is my distinct honor to appear before you today in seeking confirmation as the Under Secretary of the Navy and the privilege to work with our incomparable Naval forces. I would also like to express my deepest thanks and appreciation to the President, Secretary Rumsfeld, and Secretary-Designate England, for this opportunity to serve our Nation and our incomparable Navy and Marine Corps. I am in full support of the President, the Secretary of Defense, and the Secretary-Designate of the Navy in their effort to build a Navy Department which addresses the needs, threats and opportunities of the 21st century. Should I be confirmed, I look forward to the opportunity to work closely with this committee and Congress to effect this transformation within the Department.

Previously, Secretary-Designate England stated he intended to initiate four thrusts in support of the President's vision. These initiatives centered on combat capability, people, technology, and business practices. I am in complete agreement with the focus and proposed effort in these areas, and if I am confirmed, I welcome the opportunity to support these initiatives and look forward to moving them forward in the Department of the Navy.

Beginning with combat capabilities, this committee is well aware the mission of the Navy and Marine Corps is to deter, train for, and when necessary, fight and win the battles of our Nation. As such, it is only logical that combat readiness, to include platforms, weapons systems, and training, be the primary focus of the Department's collective efforts. Given limited and limited resources, the question, "does this system, base, facility, or program substantively contribute to improved unit combat capability and readiness?" needs to be asked, and often. It is also critical that the Department invest in doctrinal experimentation to find innovative and leading edge ways of accomplishing our mission.

People are by far our most important and valuable resource and we need to do a first-class job of taking care of them. Our uniformed and civilian work force is not an unlimited resource, rather it is very finite, and if confirmed, I will take great pains to ensure this valuable resource is treated responsibly and with the respect they deserve. Therefore, I fully support Secretary-Designate England's emphasis on "Quality of Service" for all our sailors and marines, both active duty and reserve, civilians and their families. Competitive compensation and quality housing, workplace resources, professional development, health care and training, combined with an operational tempo which considers not only the community and the family, but also the needs of the individual, are but a few of the areas which I consider important to improving their quality of service.

The advancement of technology is occurring at a blinding pace and is central to the strength of our military. I am in complete agreement with Secretary-Designate England in the need to focus on the leveraging capability of technology. To maximize our investment however, the Navy Department needs to draw from the broad spectrum of academia and industry, streamline outdated bureaucratic processes and come into closer alignment with proven business practices.

But improving business practices goes beyond technology to all of the considerable non-operational activities of the department. We must focus our resources on acquiring combat capabilities, and not on processing paper.

In essence, we need to increase the "tooth" part of the "tooth to tail" ratio. If confirmed, it is my intention to work closely with Secretary-Designate England to put in place such management techniques as will help managers know the actual cost of a process or system; some empirical method to measure worth or success; and

ways to evaluate what is needed to improve or modify that system. In short, we must fix the process to improve the product.

In summation, if confirmed, I look forward to closely working with Secretary-Designate England and with this committee to improve Navy and Marine Corps combat capabilities, the quality of service for our people, incorporate new and innovative technologies in a prudent but quicker manner, and bring the Department of the Navy's business practices into the 21st century. As each one of these efforts is inherently related and given that the Department is a large and complex entity, the challenge is large. But we owe the men and women of the Navy and Marine Corps nothing less. The continued support of this committee is essential to this undertaking and if confirmed, I am committed to close communications, cooperation, and coordination with you.

Thank you for your consideration.

Chairman LEVIN. Thank you.

Ms. Roberson.

STATEMENT OF JESSIE HILL ROBERSON, NOMINEE TO BE ASSISTANT SECRETARY OF ENERGY FOR ENVIRONMENTAL MANAGEMENT

Ms. ROBERSON. Thank you, Mr. Chairman, Senator Warner, and other members of the committee. It is a privilege to appear before you today as the President's nominee to be Assistant Secretary of Energy for Environmental Management. I thank the President and Secretary Abraham for their support. I look forward to serving under Secretary Abraham in this critical position.

I also thank you, Mr. Chairman, and your staff for moving rapidly on my nomination. I pledge to work closely with this committee and all of Congress in meeting the many challenges ahead. Mr. Chairman, I would also ask that the completion of my statement be included in the record.

Chairman LEVIN. It will.

Ms. ROBERSON. I come before you today with an appreciation of the magnitude of the task I am undertaking. As a former environmental program manager at the Savannah River Site in South Carolina and a former site manager at Rocky Flats in Colorado, I have experienced firsthand the many difficulties that we face in achieving safe and effective clean-up of the Cold War legacy. My work as a member of the Defense Nuclear Facilities Safety Board has further broadened my outlook to encompass the issues confronting the entire DOE complex.

However, I am not daunted by the task. I am ready to get on with it. I share Secretary Abraham's view that we can and will do a better job than we have. That we can and will make achievable clean-up commitments and that we will meet our commitments to the states and to our citizens and that we can and will use taxpayer's money responsibly.

I commit to working with Congress, the States, and individual citizens and informing them of our goals, plans, methods, and performance in an open and transparent manner. Perhaps I can condense my thoughts today by saying that I intend to learn, to encourage, to communicate, and to act and that I will devote my fullest energies to this task every day that I serve in this position.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Roberson follows:]

PREPARED STATEMENT BY JESSIE HILL ROBERSON

Good morning, Mr. Chairman, Senator Warner, and other members of the committee.

It is a privilege to appear before you today as the President's nominee to be Assistant Secretary for Environmental Management. I thank the President and Secretary Abraham for their support and look forward to serving under Secretary Abraham in this critical position. I also thank you, Mr. Chairman, and your staff for moving rapidly on my nomination. I pledge to work closely with this committee and all of Congress in meeting the many challenges ahead.

I come before you today with an appreciation of the magnitude of the task I am undertaking. As a former Environmental Program Manager at Savannah River and a former Site Manager at Rocky Flats, I have experienced first-hand the many difficulties we face in achieving safe and effective cleanup of the Cold War legacy. My work as a member of the Defense Nuclear Facilities Safety Board has further broadened my outlook to encompass the issues confronting the entire DOE complex.

I am not daunted by the task, however, rather, I am eager and anxious to get about it. I share Secretary Abraham's view that we can and will do a better job than we have been doing, that we can and will make achievable cleanup commitments and we will meet our commitments to the States and our citizens, and that we can and will use taxpayer's money responsibly.

Mr. Chairman, I plan to acquire a deep understanding of the technical strengths and weaknesses of the existing environmental program I am being asked to manage. I need to know successes, failures, where it has inspired public confidence, and where it has disappointed the public's expectations. I will participate in making a series of critical decisions on projects that are just not making the grade. I recognize fully that hard decisions like these will not please everyone, nonetheless, decisions must be made and carried out. I will challenge the employees in my charge, from top managers to the hands-on employees in the field to satisfy our commitments.

Finally, I commit to informing Congress, the States, and individual citizens of my plans, goals, methods, and performance. Why is this critical? I cannot say it nearly as well as President Franklin Roosevelt in his Second Inaugural: "Government is competent when all who compose it work as trustees for the whole people. It can make constant progress when it keeps abreast of all the facts. It can obtain justified support and legitimate criticism when the people receive true information of all that government does."

Perhaps I can condense my thoughts today by saying that I intend to learn, act, encourage, and communicate, and that I will devote my fullest energies to the task every day that I serve in this position.

Mr. Chairman and other members of the committee, I will be pleased to answer any questions you may have.

Chairman LEVIN. Thank you.

Mr. Christie.

STATEMENT OF THOMAS P. CHRISTIE, NOMINEE TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE

Mr. CHRISTIE. Thank you, Mr. Chairman and Senator Warner, for your gracious remarks. With your indulgence and approval and with the indulgence and approval of the other committee members, I will dispense with an opening statement and just make a few remarks here. I do want to express my feelings about what an honor it is to have been selected for this position and to be appearing before you today. Also, I'm deeply honored that President Bush has nominated me and Secretary Rumsfeld has supported me for the position of the Director of Operational Test and Evaluation.

They have proposed, with your advice and consent, to entrust me with the position and a mission vital to the Nation, to Congress, and to the Department of Defense. If confirmed, I will work with this committee and other members of Congress to ensure that the weapons and equipment that we deliver to the men and women of our armed forces are adequately tested and are operationally effec-

tive, suitable, and survivable for their use in whatever combat situations our troops end up using them. I look forward to your questions.

Chairman LEVIN. Mr. Christie, we thank you. Let me begin, Ms. Livingstone, with you. First on Vieques. Over the past couple of years our naval forces have been unable to conduct live fire training in the Navy's training range on Vieques. This has degraded the readiness of our forces to execute their wartime missions. Senator Inhofe and others on this committee have been particularly active in this area relative to this problem. An agreement was reached with the previous governor of Puerto Rico to try to resolve the issue. But the current governor of Puerto Rico does not appear to support the agreement. How do you believe that the issue should be resolved?

Ms. LIVINGSTONE. If confirmed, I perceive my role as being the strongest possible advocate on behalf of the Navy and the Marine Corps in terms of meeting their training needs. In terms of meeting those training needs I think there is no substitute for the ability to train as they fight, which would include live fire. Vieques is a very unique training range with capability in terms of providing not only integrated but also combined arms training. Really for the near term I do not see any possible alternative to meeting those kinds of training requirements other than hopefully being able to somehow continue to train in Vieques.

Chairman LEVIN. The President has said that the Navy needs to find another base to replace Vieques. Do you know of any plans underway to find another location or to renegotiate the agreement reached by President Clinton and the Navy with Puerto Rico?

Ms. LIVINGSTONE. No, sir, I do not. I do believe that the Navy is looking into possible alternatives for live fire capability, but Vieques is a very unique asset. If there were some longer term area, or longer term option, other than Vieques for combining integrated and live fire training, it would really need to look like and be like Vieques and also combine the instrumentation and evaluation capability that Vieques does. But I know of no specific options review of alternatives at this point, other than, I believe, one on live fire.

Chairman LEVIN. As part of the agreement, Puerto Rico was supposed to make sure that the exercises could continue there until an election was held or a referendum was held. They kept their end of the bargain.

Ms. LIVINGSTONE. Sir, I only know what I have read in the newspapers. It appears the exercises have been able to move forward. I know there have been some protests and some difficulties in that regard, but the training has proceeded, and I believe there has been an announcement that additional training will occur soon in Vieques.

Chairman LEVIN. With the support of the government?

Ms. LIVINGSTONE. That I cannot answer, sir. I simply do not know.

Chairman LEVIN. Secretary Rumsfeld has stated that new base closures, and this is a question related to BRAC, will be needed to address the Defense Department's excess infrastructure. Do you believe the Department of the Navy has excess infrastructure?

Ms. LIVINGSTONE. Yes, Mr. Chairman. I believe as the military service is currently sized there is excess infrastructure. Obviously, we have the Quadrennial Defense Review ahead and that study may point more specifically to areas and opportunities where base realignments and closures would be beneficial.

Chairman LEVIN. Do you believe there have been savings from previous rounds of base closures?

Ms. LIVINGSTONE. I have been away from the Pentagon since 1993. I am aware of GAO reports that have looked at and verified that there have been significant cost savings. I cannot speak specifically to that. I know that there are a lot of upfront costs that occur, environmental cleanup notwithstanding, and that must be expended. But I believe the GAO has underscored that there are real and very distinct savings from base closures.

Chairman LEVIN. Former Secretary Danzig made an effort to reduce the demands for manpower on Navy ships. The new DD–21 scheduled to be deployed in 2010 would have a crew size of as few as 95 people compared to a crew of more than 300 on a comparable ship today. In the nearer term, the Navy has started to outfit existing ships with more automation—a so-called Smart Ship Program—to reduce the need for people. That program has run into technical difficulties. Do you plan to pursue such initiatives such as the Smart Ship Program to help reduce demands on personnel and on their operating tempo?

Ms. LIVINGSTONE. Mr. Chairman, I would look forward to, if confirmed, working with Secretary Gordon England in that particular area. I have not been briefed on the specifics, but from what I know as a person from the outside that has been reading in those areas, the smart ship and crew sizing both appear to be very beneficial programs that are worthy of being pursued strongly.

Chairman LEVIN. In your answers to the pre-hearing questions, you stated that currently the application of advanced technology is significantly lagging in its availability. We must become far more agile in applying and leveraging the capability of technology. What specific recommendation do you have for reducing the time between the availability and the application of advanced technology for systems within the Defense Department?

Ms. LIVINGSTONE. Mr. Chairman, my reference in my written responses to those questions really was looking to the area of acquisition reform, the length of time it takes the Department of Defense and actually the Federal Government to move from requirements to actual production and capability. What I would be looking for would be areas where we could shorten that cycle in the acquisition arena in order to ensure that technology can be more readily available. I believe Secretary England has talked about some initiatives such as spiral development, things of that nature. I would look forward, if confirmed, to working with him as well as OSD and this body on acquisition reforms that would allow us to perhaps leverage the capabilities of technology much more quickly than we are currently.

Chairman LEVIN. Back to Vieques for a moment. The referendum is scheduled for November 6. Will you support the result of that referendum?

Ms. LIVINGSTONE. Mr. Chairman, my inclination is to again go back to what my perceived role would be, which is, if confirmed, to serve as the strongest possible advocate for the training requirements and needs of our Marine Corps and our Navy team. That said, I know there is an agreement and I also know there is congressional statutory language and obviously within the parameters of what is appropriate, I will support the law.

Chairman LEVIN. My time's expired.

Senator BILL NELSON. Will you yield?

Chairman LEVIN. I would yield to you on that——

Senator BILL NELSON. If you could give us some clarification on that—and perhaps Senator Warner could help clarify for this new member of the committee. The United States made an agreement, as I understand, with Puerto Rico specifically with the island of Vieques that there would a November 6 referendum.

Senator WARNER. That is right. That was sanctioned by Congress in statute.

Senator BILL NELSON. Then is there any question that we should not honor that agreement that we made? Because that was not the answer of the witness——

Senator WARNER. If I may say, Senator, I do not think there is any question on the part of the previous administration or this administration that that agreement should be honored. The practical effect is with the change in the political landscape there. The current administration in Puerto Rico has decided not to accept the agreement, which was entered into by the previous administration. That places before the military services—particularly the Navy and Marine Corps—a very serious dilemma. Adequate training with live fire ammunition is essential for those elements of our military who are being deployed now into the Gulf region where so often they find that within a matter of days or weeks after arriving on scene to relieve the previous contingents, they are in a combat situation.

So we have a very serious problem. I think there has been a natural sequence between the administrations, a joint view and a law. We have kept our word. Regrettably, the current administration in Puerto Rico desires not to do it and this places a tremendous burden on the chiefs of services of our Navy and Marine Corps together with their civilian bosses, the Secretary and the Under Secretary. I think our witness today has responded to these questions as best as she or any other witness placed in this position could respond.

Chairman LEVIN. Senator Nelson, my recollection is that there was an agreement and part of that agreement was that the government of Puerto Rico was to assure us access to that base during the interim until the election. We made certain commitments in that agreement as well, but I am one who believes that we ought to keep our commitments. I also believe that Puerto Rico ought to keep its commitments. When the governor started the lawsuit to prevent us—as I understand it, and I want to double check this—to prevent us from having the ability to do exactly what the agreement said we were supposed to have the ability to do in the interim. I was troubled by the lawsuit because it seemed to me that it was inconsistent with the agreement.

Now that gets into a legal situation which is not up to us, or at least I am not going to try to comment on or resolve it because I do not know the precise wording of it. I happen to believe that both parties to an agreement ought to keep their agreement and where that leads us, I do not know. Thank you for that follow-up question about the referendum. I think it is very important.

Senator WARNER. Senator, if I could just say, I think that the committee would welcome your active participation, and I would suggest that you talk with Senator Inhofe. He has really put in a lot of time on behalf of this committee and made many trips down there and to have someone from your side of the aisle to join in that volume of work would be very helpful. It is a challenge.

Ms. Livingstone, I just want to chat a moment or so. I remember experiences I had when I was in your office. One I will never forget—I went to the retirement ceremony overseas of a four-star admiral who was renown for his extraordinary career in the United States Navy. When I arrived I had a very modest role to represent the President at his retirement and so forth, put in I think some 40 years in the Navy, and when I arrived the ceremony was being put in place, and it was quite a grand ceremony which was befitting his distinguished career. He asked if he could sit down and talk with me. He said, "I am not going to go down there and retire until I get your assurance that you are going to protect the heart and soul of the United States Navy," at which time he proceeded to lecture me at great length.

Although I had a very modest career in the Navy, I have studied it and I learned from him that there is a heart and soul to each of the military services. They are different in different ways. There is a difference between the Marine Corps and the Navy. But I would hope that you would spend time with those who have devoted much of their lives, whether they are on active or retired status, to understand the intangible qualities, which are the magnificence of our services. There is nothing like it, nothing comparable in the world as you said in your opening statement.

So I just hope that you will avail yourself of the opportunity to learn as I did and continue to learn about the services and what is so important because those intangible qualities are what attract the men and women today to accept the challenges, the risks—indeed the risk of life in some instances—to wear the uniform, and their families to have to pack and move so many times when their civilian counterparts remain safely in their villages and towns and cities across America and get to pursue a more controlled life.

Ms. LIVINGSTONE. Senator Warner, I appreciate your comments and I can assure you, if confirmed, I look forward to nothing more than communicating very closely with the men and women of both the Navy and the Marine Corps. As I said in my opening statement, I am—and I mean this very sincerely—honored and humbled by this opportunity, not the least of which, of course, is the large shoes to fill that you have set in the Under's position in the Department of the Navy. But I agree that communications are critical. I came from a military background and I can assure you that I will perpetuate every opportunity for very close communication with our men and women in uniform.

Senator WARNER. I was running a rough calculation, if your father is 83——

Ms. LIVINGSTONE. Yes, sir.

Senator WARNER.—that means he joined the Army Air Corps in World War II. Would that be correct?

Ms. LIVINGSTONE. That's correct. Actually he called my mom up and enlisted without telling her before he left home in the morning. Then she followed him around for the next couple of months and from place to place as he went through different kinds of training. But he, of course, ultimately ended up in the Air Force after the Army Air Corps.

Senator WARNER. That is wonderful. That is a great heritage that you have. My father served as a doctor in World War I in the trenches and is an inspiration to me. But so much for that. Let's turn to the Osprey, the Marine Corps aircraft. This is a joint question to both of you. I will let Mr. Christie lead off.

The panel of witnesses which sat at that very table before this committee some several weeks ago was asked if it could make an impartial evaluation. They did a great service to the country and particularly to the Marine Corps in putting into perspective where we are in this complicated aircraft system and where we should go in the months and years to come. I am prepared to support the recommendations of that panel. I wanted to know, Mr. Christie, if you have had an opportunity to review it?

Mr. CHRISTIE. I have looked over the briefing that was presented here by the panel and do support their recommendations. In fact, I do believe that the Under Secretary of Defense for Acquisition, Technology, and Logistics is working with the Navy to develop a revised program that will do the necessary testing, that perhaps we skipped, in order to address the deficiencies that we found in the earlier testing before we proceed with any full production or deployment decision. If confirmed, I assure you that I will be part of those deliberations, assessing whether that testing will be adequate to fulfill the requirements that are laid down.

Senator WARNER. In that context, during the course of the hearing towards the end, the issue of the dissemination of operational test information was looked into by the committee. We did not bring to closure exactly what happened. But there were some allegations to the effect that the program manager did not receive full information. I do not think there was anything intentional done to circumvent the rules and regulations, but I do think there should be absolute clarity as to how this information is distributed and shared.

There are tendencies, I think, by the services to push a program because of the oftentimes desperate operational requirements to have this system in an operational status. But you have to resist that. You have to make sure that the result of test and evaluation is known to all that have a degree of responsibility. Could you give me that assurance?

Mr. CHRISTIE. Yes, sir.

Senator WARNER. You will clarify those rules? Because there was something in here——

Mr. CHRISTIE. I am aware of some ongoing negotiations or some interactions with this committee staff to look at whether a new policy should be promulgated in the Department.

Senator WARNER. We have isolated the problem, and Ms. Livingstone, I want you to work with Mr. Christie on it. It comes with the normal responsibilities of the Under Secretary.

Ms. LIVINGSTONE. Senator Warner, I would be pleased to do so if both of us are confirmed and agree that we have a major issue and challenge before us in terms of restoring the trust and confidence in the Osprey program. We will work with Congress, OSD, and the pilots and the maintainers to do that.

Chairman LEVIN. Senator Nelson has been kind enough to yield to Senator Carnahan even though Senator Nelson was here first, because of her commitment. Senator Carnahan.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. Thank you very much, Mr. Chairman. I just want to thank you for inviting me to this hearing. I am eager to rejoin this committee as soon as possible and I am looking forward to working with you and Senator Warner on the challenging issues ahead. In the meantime, I want to——

Chairman LEVIN. Excuse me for interrupting. If I may, for a second, that may be a bit of an in-joke that our audience is not totally in on, so we might explain that until we have a new resolution of organization in place, members that joined the committee this year are technically not on the committee. But we have welcomed them to participate in these hearings and, of course, any vote that we have will hopefully take place after they have "rejoined" the committee. But we can assure you all that we consider you full members.

Senator WARNER. I assure you, I fervently desire to have you specifically stay on this committee.

Senator CARNAHAN. Thank you very much.

Senator WARNER. You have a been a valuable member and we very much want you to remain.

Senator CARNAHAN. Thank you. I want to welcome our distinguished panel to the committee hearing today. I am delighted to hear your testimony and I am looking forward to working with you on issues affecting our Navy and U.S. Departments of Energy and Defense. At this time I would like to direct my comments specifically to the nominee for Assistant Secretary of Energy for Environmental Management.

I enjoyed meeting with Ms. Roberson yesterday about an issue that is of great concern to us in Missouri and that is the cross-country shipment of nuclear waste through Missouri. As some of you may know, the Department of Energy's Environmental Management Program, which Ms. Roberson will oversee in her new role, is responsible for managing the disposal of spent nuclear fuel in this country. This includes both foreign and domestically produced nuclear waste. For the past several years the DOE has been making cross-country shipments of foreign nuclear waste. They plan to do another shipment in the near future. This shipment is scheduled to cross Missouri's I–70 right through two major metropolitan areas of St. Louis and Kansas City.

What we have asked the DOE repeatedly is if it makes sense to ship this waste on this route versus shipping it on another route where perhaps the roads are better, or on one that avoids major metropolitan areas. We want proof that this is the safest determinable route. We have asked the DOE to prove to us that it is, in fact, the safest route, prior to the shipment coming through our state.

So, Ms. Roberson, as I said to you yesterday, I sent a letter to Secretary Abraham on May 25 asking if the Department of Energy had conducted a peer review of its route selection process. If so, I would like to know who conducted it and what the results were. If not, I would like to request that such a peer review be conducted. I would also like to have the general cooperation of the Energy Department and especially the Environmental Management Program that you will oversee in working with us on these kinds of route selections, analyses, and decisions.

We are not trying to be obstructionist here. We are only saying prove to us that your route determination for shipment of nuclear waste is, in fact, based on careful and rigorous analysis. Considering the seriousness of this issue to the people of Missouri, I firmly believe this is only fair to expect, and I hope you will work closely with us on this issue. I would welcome your comments on this subject today.

Ms. ROBERSON. Senator Carnahan, thank you for the question. I too enjoyed our meeting yesterday. My understanding is that there has been a peer review conducted and that the Department of Energy is working expeditiously to respond to your letter. I would like to commit to you—or demonstrate to you—my commitment to work with you and the Governor of Missouri to make sure that we address your safety concerns and those safety concerns across the country as we pursue this program. I will be open and transparent in those interactions and you certainly have my commitment to work with you.

Senator CARNAHAN. Thank you very much. I appreciate that. Thank you, Mr. Chairman.

Chairman LEVIN. Senator Reed, it is a pleasure to call upon you as always.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you, Mr. Chairman. Thank you ladies and gentlemen for your testimony. Mr. Christie, you answered a prehearing question on acquisition streamlining related to spiral development and its relationship to weapon system testing. Do you believe that the approach of testing this spiral development program could or should be applied to the fielding of commercial off-the-shelf technology in weapons systems or administrative support systems?

Mr. CHRISTIE. I think so, Senator. One thing about spiral development—if I may make a comment—perhaps it is becoming a little bit of a buzz word, but it is a way of getting new technology into the field faster. We have to be careful that what we introduce into the field at the end of one spiral and before we go one to another one is in fact useful and effective for the user. I do believe that test

techniques that are being used in the systems that are in that context are being used for commercial off-the-shelf equipment.

Senator REED. Thank you, Mr. Christie. Mr. Christie, let me turn my attention to another issue. Prior to his departure, your predecessor, Mr. Coyle, looked at the testing program for the National Missile Defense in the Ballistic Missile Defense Office and recommended a significant increase in the robustness in the testing, in the number tested, and the challenges inherent in the testing. Would you continue that effort, which I believe, is critical?

Mr. CHRISTIE. Yes, sir, Senator. I am not familiar at this point in time with what the administration is developing in the way of a new National Missile Defense Program. Mr. Coyle's assessment was, of course, based on the previous administration's primarily land-based interceptor program. As soon as the Department has come together with their strategy for National Missile Defense, and if confirmed, I'm sure that I will be involved in working to ensure that proper testing or robust testing is planned and executed before we make decisions to deploy such a system.

Senator REED. While I think that is absolutely critical and seems to be obvious, sometimes the obvious in Washington is not a reality. This is one of the more challenging technological endeavors that we have engaged in in many years and if we proceed forward with the land-based system, the current architecture, that requires increasingly more sophisticated and challenging testing. If we move to other architecture we are starting close to ground zero. So, I would assume that you would be intimately involved and I would urge you to be very demanding in the testing.

Mr. CHRISTIE. If confirmed, I will do so, sir.

Senator REED. So far you are doing pretty well. Let me turn my attention to Ms. Roberson. Ms. Roberson, there is consensus that the Department of Energy's budget request for fiscal year 2002 is about $1 billion short of the amount required to keep the DOE current on all of its enforceable commitments to the states and to the EPA. Now if the supplemental or amended budget request does not address this funding shortfall and you are confirmed, how do you plan to deal with these issues? In effect, how do you plan to keep DOE in compliance with state judgments and Federal judgments?

Ms. ROBERSON. Senator Reed, if confirmed, one of the first tasks that I will undertake, which Secretary Abraham is committed to, is a complete review of the Environmental Management Program. That program recently celebrated its 10-year anniversary. So, we have 10 years of successes and disappointments to learn from to advance the program in the future. I believe that we will identify opportunities to aid and complete our clean-up activities in a more expeditious way. However, I am committed to working with this committee and Congress to make sure that we spend the budget that is allocated for this program, once that budget process is complete, in an efficient and effective manner.

Senator REED. Part of your job is certainly to spend the money that is appropriated but I would assume in other parts to advocate within the Department of Energy and within the OMB and within the administration and even within Congress for sufficient funds. This seems to me to be a case which is quite compelling. There are judgments and outstanding Federal requirements that we have to

meet and we are about $1 billion short. I presume—it is obvious you recognize that—and I would hope that you could see that we follow through on our commitments to the states and the EPA.

Ms. ROBERSON. If confirmed, Senator, it is my goal and my commitment to work with the parties involved to make sure that we satisfy our environmental obligations as committed.

Senator REED. One of the challenges you face, Ms. Roberson, is to deal with other agencies, among them the National Nuclear Security Administration, in order to carry out your responsibilities. Could you just briefly indicate how you view your relationship and what you will do to provide for an integrated approach to the challenges at the DOE?

Ms. ROBERSON. Senator Reed, quite frankly, as a result of being a member of the Defense Nuclear Facilities Safety Board I have had the opportunity to see where those opportunities exist across the complex. I have met with General Gordon and I believe that we will have a very positive working relationship. I do not think that there will be any difference in the goals. Where our goals meet, they are very much aligned and I believe I will have a very good working relationship with General Gordon and his staff.

Senator REED. Thank you very much. Mr. Chairman, my time is up. I have one additional question, if I may.

Chairman LEVIN. Go ahead.

Senator REED. Thank you, Mr. Chairman. Thank you, Senator Warner. Ms. Livingstone, currently the Navy is considering a conversion of Trident submarines. How do you feel about that conversion process? Could you elaborate on it?

Ms. LIVINGSTONE. Senator Reed, I wish I could elaborate, but unfortunately, I have not been briefed. I am not yet confirmed and have not been really briefed on the program. It is something, however, I recognize as an important program area and I certainly will work with Secretary England and the Department of the Navy to get up to speed as quickly as possible, if I am confirmed.

Senator REED. Sorry, I should ask you questions about the Army then because you are fully conversant on the Army. [Laughter.]

Ms. LIVINGSTONE. I was an Air Force brat and I worked for the Department of the Army and now I am honored to work on behalf of the Navy and the Marine Corps, if I am confirmed. But you have to say the Navy and Marine Corps are air, sea, and land, so we have it all covered.

Senator REED. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed. Senator Reed raised a number of questions that I want to pursue and get a little more assurance on. I think these are really important areas that he has opened up. First on the question of the Department of Energy's budget request for 2002, as he pointed out, it is, we believe, about $1 billion short of the amount that is necessary to keep the DOE current in its commitments. These are legally binding commitments to states and to the EPA. You have indicated that you will spend the budget allocated and will seek an adequate budget. Those are the assurances you gave to Senator Reed and those are very important. Do you agree that there is a shortfall?

Ms. ROBERSON. Mr. Chairman, I really have not had the opportunity to look at the details of the budget and work with the site

managers and the contractors responsible for implementing those. So, I am really at a disadvantage to answer that question.

Chairman LEVIN. Fair enough. I expect and hope you will be promptly confirmed. Will you get back to this committee after you are in office with your assessment of that issue, of that problem?

Ms. ROBERSON. Absolutely.

Chairman LEVIN. Let us know whether or not after you have had a chance to look at it if you believe there is a shortfall. We need your opinion. Whether or not you get the money from OMB, we need your commitment to give us your opinion on that.

Ms. ROBERSON. Yes, sir.

Chairman LEVIN. Mr. Christie, Senator Reed asked you about testing the National Missile Defense system to make sure that you will continue your predecessor's determination that the testing be robust and realistic. You made a commitment that you would do the same.

Mr. CHRISTIE. Absolutely.

Chairman LEVIN. I assume then that it would include a commitment that if the operational testing and evaluation of the National Missile Defense system does not demonstrate that the items and the components tested are effective and suitable for combat, that you would then recommend against acquisition or deployment.

Mr. CHRISTIE. Mr. Chairman, I view my mission or my responsibility to be one of reporting to the Secretary of Defense and to Congress the test results and whether or not the system was operationally effective, suitable, and survivable in the tests that were conducted, and that those tests were in fact robust enough or adequate enough to reach that conclusion. It is not my responsibility, in my view, to recommend that we deploy or not. That is, in fact, a decision that is to be made by the Under Secretary of Defense for Acquisition, Technology, and Logistics and in this case, no doubt, the Secretary of Defense and the President. I will just lay the facts on the table: here are the test results; here is my view of the tests that were conducted and how realistic they were, how robust they were. That decision on deployment or acquisition is in other hands.

Chairman LEVIN. Fair enough. Do you believe that the program that you have described from operational testing and evaluation for the National Missile Defense system includes the use of countermeasures?

Mr. CHRISTIE. Yes, sir, it will.

Chairman LEVIN. I guess the most important point is you have given us the assurance, which is so essential, which is you are just going to tell it like it is.

Mr. CHRISTIE. Yes, sir. I may not last long, but I will tell it like it is.

Chairman LEVIN. Mr. Christie, I have a question on Army transformation. The National Defense Authorization Act for Fiscal Year 2001 requires the Secretary of the Army to conduct a comparative evaluation of the interim armored vehicles selected for the fielding of the interim brigade combat teams with equipment that is already in the inventory. The law requires that the evaluation plan, including the sizes of the units involved in the evaluation, be approved by the DOT&E. Last month the acting DOT&E approved an

evaluation plan for side-by-side testing at the platoon level. Do you agree that an evaluation of platoon level missions is sufficient for such a new and unique unit that is designed primarily for operations at the brigade level?

Mr. CHRISTIE. My understanding of what has been looked at or has been approved, by the acting DOT&E, is that this will be a company-size unit as to the numbers of vehicles in the side-by-side comparison carrying out missions that are at the platoon level. I think the feeling is—and I have not looked into this in enough detail to form my own thoughts that it would be sufficient to enable a good assessment of the differences in the vehicle and to provide information to decision-makers as to whether they should proceed with one or the other. I believe that, if we go on with the IAV into IOT&E, it would of course be a much larger test. But right now I believe the side-by-side comparison is 13 or 14 vehicles, which is a company-level vehicle unit, but they will be carrying out platoon-level missions.

Chairman LEVIN. After you review the decision, after you are confirmed, would you take a personal interest in providing the oversight for the conduct of the operational comparison?

Mr. CHRISTIE. Absolutely. Certainly.

Chairman LEVIN. Senator Warner.

Senator WARNER. I want to follow-up. That is a very important inquiry that our Chairman has brought up. The Army certainly needs this transformation but the selection of the particular vehicle is subject to a great deal of controversy right now. It is an enormously expensive system. I really think that this is among the five major responsibilities—missile defense, this, the Osprey—that you have to bear down on. I would hope that you could expedite this situation. We will have to address it in the 2002 budget and any preliminary information you could supply to this committee would be a great help to us. We want to do the right thing by the Army. It has to be right. It has to be fixed, and has to be fixed right. So, I wish you luck on that.

Mr. CHRISTIE. Thank you, sir. If confirmed, I commit to getting into this personally.

Senator WARNER. It is a top priority. Give us interim reports on it.

Ms. Livingstone, of course, the number of ships in the Navy is always a matter of great concern. You will be directly responsible for a lot of the shipbuilding and contracting and you will work with the Secretary on the budgeting. All indications are that our Nation is falling short on laying the plans today, tomorrow, and in the future for an adequate number of hulls to carry out the missions, which our Navy must carry out. The sea lanes of the world are the arteries of this Nation not only in terms of our national security but indeed in our ever-expanding trade with nations abroad. The protection of sea lanes is absolutely imperative. So I presume you are going to go to work on that early on.

Ms. LIVINGSTONE. Senator Warner, absolutely. I share your concerns about the current rates of shipbuilding not only in terms of the implications it has for combat capability and readiness, but also in terms of the business aspects of it in the economies of scale and production efficiencies and also the impacts on the shipyard in-

dustrial base. I look forward to working on that issue with Secretary England and also within the context of the strategic reviews ongoing and in the Quadrennial Defense Review.

Senator WARNER. Good. Ms. Roberson, on behalf of Senator Allard, I am going to submit a very detailed question to you regarding the Rocky Flats situation and ask that you provide a response for the record.

Another question, you have stated that "sound science and innovative technology are critical to solving the complex technical problems that the Department faces including up to the DOE complex." You have also acknowledged that the EM Technology Development Program has experienced problems in transferring cutting edge research to DOE clean-up and waste management sites. How do you view your role in ensuring that science and technology activities are responsible to on-the-ground needs identified in the field and then the users that participate in all aspects of technology decision-making from planning through deployment? You can amplify your response to that rather technical question in the record, but if you could give us a preliminary, I would appreciate it.

Ms. ROBERSON. Senator Warner, if confirmed, I will be responsible for ensuring that integration occurs and having been a field manager on the other end as a client and recipient of technologies, I think I understand quite clearly how that relationship has to work to be effective. I will work with the staff in the Department to ensure that those areas of improvement are implemented, and then I will provide a more detailed response to you.

Senator WARNER. I wish you luck. You have a real challenge. I serve on the Senate Environment and Public Works Committee and, therefore, have another oversight responsibility for the clean-up of America's distressed sites. I really think we have to assign priority to those sites that have the potential to or are actually contributing to a degrading of the quality of life on a real-time basis. Many of the military sites are basically dormant so far as we know. Now scientific evidence may show leakage into the underground water system and things that are not apparent on the surface. I think you are going to have to prioritize your clean-up operations with your budget and how urgent it is with respect to the quality of life. I hope you exercise sound judgment and flexibility and petition your Secretary, whom I know very well and is a wonderful man, to give you some leeway in how you proceed on these issues.

Now, Ms. Livingstone, this is a question that is interesting. I greeted this day, as most of us do, listening to the news of the world and also the news here at home. Our air traffic situation is in need. I will let you answer this for the record so you can sit back and relax—the air traffic situation is becoming desperate. Commercial air traffic is expected to increase 6 percent annually and military airspace use will also increase for the next generation of high performance weapons. As a result of the pressures associated with commercial air traffic congestion, noise, and environmental concerns, the acquisition and use of special use air space has evolved into a challenging endeavor for all of the military departments. I want to put you on alert there because you are going to have to work to try and resolve that. It's not unlike Vieques, where you have the essential need for that training site to maintain our readi-

ness and the same with our airspace here at home. Fortunately, we have not had a breakout of hostile viewpoints on this, but it is something you need to take a look at. With the commercial air system growing rapidly, it juxtaposes in many instances with our military requirements and airfields. Look at it and get ahead of the curve on this.

Ms. LIVINGSTONE. Senator Warner, I appreciate your question very much and also appreciate the opportunity to respond for the record later on. It is an important issue, thank you.

[The information follows:]

As airspace needs change with the evolution of new weapons systems and tactics, the drastic increase in civilian aviation traffic, compounded by urban sprawl, remains a continued threat to the retention of current airspace assets and the expansion of those assets. Scheduling/using agencies of Special Use Airspace delegated to Navy by the Federal Aviation Administration continually evaluate this resource to assure that it is properly sized, both vertically and laterally, to support the mission for which it was designed. Navy currently has three proposals at FAA headquarters for approval and a small number of proposals in the early stage of development. Preliminary discussions suggest that these proposals, if properly documented, have an excellent chance for approval. To facilitate continued interagency cooperation, we continue to expend a considerable amount of time in cultivating relationships with senior FAA officials in Washington Headquarters and the Regional Offices.

Senator WARNER. Mr. Chairman, thank you. I think you are off to an excellent start. That completes my questions.

Chairman LEVIN. Senator Warner, thank you. We thank our nominees and we congratulate you again. We look forward to a prompt confirmation and to your service.

Ms. LIVINGSTONE. Thank you.

Ms. ROBERSON. Thank you.

Mr. CHRISTIE. Thank you, Mr. Chairman.

[Whereupon, at 10:40 a.m., the committee adjourned.]

[Prepared questions submitted to Susan Morrisey Livingstone by Chairman Warner prior to the hearing with answers supplied follow:]

May 21, 2001.

CHAIRMAN,
Committee on Armed Services,
United States Senate,
Washington, DC.

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

Sincerely,

SUSAN M. LIVINGSTONE.

cc: *Ranking Minority Member.*

QUESTIONS AND RESPONSES

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. I am committed to the complete and effective implementation of these reforms.

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

Answer. I believe these reforms have been accepted and implemented. They have clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman

of the Joint Chiefs. As a result of these reforms, the effectiveness of our joint warfighting forces has improved.

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

Answer. I consider the most significant value of these reforms to be an improvement in joint warfighting capabilities. Our military is now stronger and more lethal because our Services can work better together. If confirmed, I will maintain and extend the Navy's commitment to the principles of joint warfare including interoperability and joint doctrine.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

DUTIES

Question. Section 5015 of Title 10, United States Code, states the Under Secretary of the Navy shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

Assuming you are confirmed, what duties and powers do you expect to be assigned to you?

Answer. The role of the Under Secretary of the Navy is to keep the Department on track and focused on the Secretary of the Navy's top priorities and keep him informed of any impediments to their successful completion. If confirmed, I will monitor and maintain those priorities and, in coordination with the SECNAV, if needed, take the lead on any item needing special attention, as well as perform any other duties assigned by the Secretary.

Question. In carrying out your duties, how will you work with the Assistant Secretary of Navy for Manpower and Reserve Affairs; the Assistant Secretary of the Navy for Installations and Environment; the Assistant Secretary of the Navy for Financial Management and Comptroller of the Navy; the Assistant Secretary of the Navy for Research, Development and Acquisition; and the General Counsel?

Answer. If confirmed, it is my intention to work closely and directly with the Assistant Secretaries of the Navy and the General Counsel to ensure the Department maintains a clear focus on the priorities outlined by Secretary-designate England consistent with the appropriate laws and Title X of the U.S. Code. I intend to encourage and foster teamwork within the Department of the Navy developing integrated product teams both within the civilian leadership and between the civilian leadership and their uniformed counterparts.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Secretary of the Navy and Under Secretary of the Navy?

Answer. I agree with Mr. England that there are four major areas of challenge facing the Department of the Navy:

- Combat Capability—The primary purpose of the Navy and Marine Corps is to deter, train for, and when necessary, fight and win our Nation's battles and wars. Combat capability, including readiness, must therefore be the primary focus with dedicated attention to the platforms, weapon systems, and training needed by the Navy and Marines in the context of the National Military Strategy.
- People—The men and women of the naval forces team are our most valued resource. Accordingly, if confirmed, I will work diligently in support of "quality of service" which includes both a quality workplace and quality of life for our sailors and marines (both active duty and reserve), civilians, and their families. An environment of excellence throughout the Department should be the standard. We must also maintain faith with those who came before: our retired community.
- Technology and Interoperability—The foundation of our military's strength lies in the application of advanced technology. Currently, the application of advanced technology is significantly lagging in its availability.

We must become far more agile in applying and leveraging the capability of technology. We must improve the interoperability within and between all of the military services and our allies.

• Modernization of Business Practices—More effective management processes must be applied and institutionalized to systematically improve the efficiency of the Department of the Navy.

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

Answer. I will immediately work with the Secretary of the Navy to establish priority actions in each of these areas and then support him in initiating each as rapidly as possible.

SHIP ACQUISITION

Question. The Navy recently delayed two key ship acquisition decisions, T–AKE acquisition and DD–21 design selection. Regardless of the reasons for these delays, they raise questions about the Navy's ability to keep major ship programs on schedule.

As Under Secretary of the Navy, how would you intend to ensure that the acquisition decision process possesses the discipline to adhere to established schedules?

Answer. If confirmed as Under Secretary of the Navy, I will focus my attention in several areas to ensure that the acquisition process possesses the discipline to adhere to established schedules. I believe that the overall acquisition process must include:

• stability of operational requirements for acquisition programs which also recognize the rapid pace of technological change;

• stability of funding required to procure the ships needed for the 21st century naval forces;

• adequate staffing and training of acquisition organizations responsible for performing the contract source selections and life cycle management; and

• effective communications between the Department of the Navy, the Office of the Secretary of Defense, and Congress to ensure understanding of the shipbuilding procurement plan and prevent surprises on any shipbuilding program.

NAVY FORCE STRUCTURE

Question. Navy operational commanders have testified that there are not enough ships to complete the tasks required and that the burden of this inadequate force structure is being borne by the men and women of the Navy and the Marine Corps.

Do you concur with the operational commanders' assessments of the Navy's force structure versus operational commitment? If so, how would you address the mismatch? If not, what is your assessment?

Answer. I have not had an opportunity to review the issue of Navy and Marine Corps resources versus commitments, but this is an area that certainly falls within Secretary-designate England's focus on combat capability. If confirmed, I will work closely within the Department of the Navy and, through the Secretary of the Navy, with the Secretary of Defense's staff and Congress, to ensure the men and women of our Navy and Marine Corps have the resources they need to meet current and future requirements.

INDUSTRIAL BASE

Question. In recent years, several industrial suppliers of important weapons subsystems or components have decided to leave the market. This raises questions about the adequacy of the industrial base to provide key Navy and Marine Corps operational capabilities.

If confirmed, how would you determine whether or not the industrial base is sufficient to support required Navy and Marine Corps programs and to ensure that the Department of the Navy is adequately tracking this industrial base?

Answer. The Navy Department has a vital concern and interest in assessing and ensuring the industrial base's ability to develop and produce the weapons systems required for the 21st century. Therefore, if confirmed, one of my priorities will be to examine our Nation's industrial base to identify issues that may impact Navy acquisition programs and work with the OSD team and Congress to determine how best to resolve those issues. The health of the industrial base is a vital component of our future combat capability and readiness.

AIRCRAFT MAINTENANCE

Question. The CNO has stated that in addition to quality of life issues, we must also be attentive to quality of service if we are to recruit and retain the sailors and marines we need. In the area of aircraft maintenance, the hours of maintenance dedicated to aircraft for each hour flown continues to rise as our aircraft continue to age. This aging aircraft problem is consuming more fiscal and human resources on an annual basis, and is often paid for by the RDT&E and modernization accounts that would replace the aging equipment.

What are your views on this one aspect of quality of service, increased working hours for maintenance as well as aircraft cannibalization, and what do you think should be done about it?

Answer. I am concerned about the increased hours that our sailors and marines are working to support the aging equipment that we have in our inventory. The key to reducing this impact is to establish a proper balance between the acquisition of new equipment, which helps reduce maintenance requirements, and properly funding the support elements for our in-service equipment.

ORGANIZATIONAL CHANGES

Question. The CNO staff was recently reorganized to create a Warfare Requirements and Programs division.

Are there organization changes that you would recommend to the Secretary of the Navy regarding the staff that will support your decision-making?

Answer. I understand that the Deputy CNO for Warfare Requirements and Programs (N7) has fit well into the current Department of the Navy organization. I don't anticipate recommending any additional changes until I have had the opportunity to closely observe the Department. If confirmed, I will work closely with the SECNAV in evaluating the Department's organization to determine if any additional changes are required.

READINESS

Question. Over the last few years we have seen increasing evidence that the readiness of the U.S. Armed Forces has begun to deteriorate as a result of the over-commitment of an under-resourced military.

What do you view as the major readiness challenges that will have to be addressed by the Navy and Marine Corps, and, if confirmed, how would you approach these issues?

Answer. I am concerned about the increasing stress placed on the people and equipment of our Navy and Marine Corps. In the near term, if confirmed, I will work with the Secretary of the Navy to identify actions that might help to balance the "TEMPO" stresses. In the longer term, we must ensure the naval forces are right-sized, trained, and equipped to meet the commitments that are placed on them. One major readiness challenge will be finding the resources to provide the proper balance between the modernization of our equipment and the support of the equipment that is already in place. Recruitment and retention also remain readiness challenges. Having the right measures and metrics is also critical to ensuring we identify thoroughly the resources needed to meet these readiness challenges.

ENCROACHMENT

Question. Some of the most significant issues that will impact the readiness of the Armed Forces as we enter the 21st century involve the Armed Forces' ability to operate and train effectively. The Senior Readiness Oversight Committee is currently reviewing several readiness challenges it has characterized as "encroachment" issues. These issues include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, transfer of radio frequency spectrum from the Department of Defense to the wireless communications industry, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

In your opinion, how serious are these problems for the Navy?

Answer. Encroachment is a very serious problem. As encroachment grows, training and testing plans and procedures are impacted. These impacts include decreased days for testing and training, restrictions on the location and timing for testing and training, and limitations on the types of training available. The cumulative effect can diminish readiness. If confirmed, I will work with the Secretary of the Navy, as well as OSD and other federal agencies to seek resolve of specific encroachment concerns as well as assess the issue from a broader, overall policy perspective.

ENVIRONMENTAL SECURITY

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Would you agree that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. It is important that the Navy and Marine Corps maintain a positive relationship with local authorities and communities. In this regard, compliance with environmental protection requirements is vital and must be budgeted for appropriately. If confirmed, this is an area that will have my close attention.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. In general, no. However, application of some environmental laws and regulations to militarily-unique training actions should be examined and may require some regulatory clarification to ensure national security.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. In general, yes. There may be circumstances where environmental regulations must be tailored to accommodate the unique military mission or special circumstances related to military training while balancing the need to ensure good environmental stewardship.

VIEQUES

Question. Over the past 18 months, naval forces deploying from the East Coast of the United States have been prevented from conducting live-fire training on the Navy's training range on Vieques, Puerto Rico, which has had a significant impact on the readiness of these forces to execute their wartime missions. An agreement was reached in 2000 with the former Governor of Puerto Rico, and legislation passed to implement that agreement, which will provide economic incentives to the people of Vieques in return for their cooperation in the restoration of live-fire training. Unfortunately, the current Governor of Puerto Rico has stated that she will not abide by the terms of this agreement and that she will insist the Navy cease operations immediately.

Recent press reports have quoted the President as saying that the agreement "evidently is not satisfactory with the government of Puerto Rico" and "the Navy needs to find another base" for Atlantic fleet training. In the past, Navy officials have stated that no such alternative is available.

Do you agree with the Chief of Naval Operations and the Commandant of the Marine Corps that Vieques is essential to the readiness of East Coast naval forces?

Answer. Yes. The Navy and Marine Corps have briefed me on the importance of Vieques to ensuring the readiness of naval forces. Integrated combined arms training and evaluation are an essential step to prepare deploying forces to perform any task the President may direct. Vieques provides an unequalled environment for this training and evaluation. That said, this is an issue that involves not just the Department of the Navy, but also OSD, the current administration, and Congress. If confirmed, my role in this issue will be to advocate the training needs of our naval forces.

Question. If confirmed, would you ensure that the $40.0 million Congress appropriated to fund economic development and outreach programs on the island of Vieques is released and put to effective use?

Answer. Yes, I will continue the Department's commitment to implement effective outreach and economic development in Vieques.

Question. Does the Navy now believe that an alternative training site to Vieques can be located?

Answer. Vieques provides a unique training environment to prepare deploying forces. President Clinton directed the Navy to examine long-term alternatives for live fire training on Vieques. From the briefings I have received, that review is underway using the following operational criteria:

- Availability of an air-to-ground live ordnance range with tactically realistic and challenging targets and airspace, which allow the use of high-altitude weapons delivery.
- Availability of naval surface fire support range that permits training of ships, forward spotters, and fire coordination teams.
- Ability to exercise combined arms amphibious operations.

- Availability of nearby naval and base support.

At this point, it is unclear whether any such alternative could completely replicate the training and evaluation capabilities available on Vieques.

Question. Does the administration intend to proceed with the November 2001 referendum?

Answer. I cannot speak for the administration on that issue and must therefore defer that question to others. I understand that the law says a referendum must be held unless the Chief of Naval Operations and Commandant of the Marine Corps certify that the Vieques Training Range is no longer needed for training.

INSTALLATION READINESS

Question. Based on your prior service as Assistant Secretary of the Army for Installations, Logistics, and Environment, your expertise will be important to the Secretary of the Navy especially as it relates to shore-based infrastructure. According to the General Accounting Office, by 1992 the military had accumulated an estimated $8.9 billion in deferred maintenance. By 1998, that had grown to $14.6 billion. It now exceeds $16.0 billion. Last year in his testimony before Congress, the GAO's Neil Curtain said, "There really is a risk of losing the value of those (military) facilities. Real property maintenance is in disarray."

What priority would you place on installation readiness and eliminating this backlog in maintenance and repair?

Answer. My past experience as Assistant Secretary leaves me well-acquainted with the difficult challenges the military departments have faced to sufficiently invest in infrastructure. If confirmed, I will work with the Secretary on the Navy, the Assistant Secretary for Installations and Environment, the Chief of Naval Operations, and the Commandant of the Marine Corps to improve installation readiness so that it best supports the Department of the Navy's ability to accomplish its national defense mission.

Question. What are your views regarding the transfer of real property maintenance funds to meet operational needs?

Answer. I know from my previous experience that in preparing the Department's budget request, the Service Secretaries and the Secretary of Defense must make tough choices to balance competing demands. During budget execution, events can unfold that place severe financial pressure across the operating accounts.

Question. Would you support fencing real property maintenance funds to eliminate the backlog in maintenance and repair?

Answer. No. I believe we need to maintain financial flexibility during program execution to handle unexpected events.

BASE REALIGNMENT AND CLOSURE

Question. Over the past several years, various departmental officials have testified that there is excess defense infrastructure and have requested Congress to authorize another round of base closures.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. Once ongoing reviews are complete, a vision of how we must reshape the Department of Defense to best meet the threats of today and tomorrow to our Nation will be identified. Any discussion of where there may be excess capacity must await completion of these reviews, which will likely involve a shift in the focus and priorities of the military departments, including its supporting shore establishment.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

1. Senator WARNER. In September 1999, as a result of environmental and worker safety issues, the Navy began conducting ship disposal through the Ship Disposal Project. Since that time, the Navy has budgeted for the disposal of 3 to 4 ships per year. At that funding level, it could take about 12 years to dispose of the backlog of about 47 obsolete Navy ships. These vessels are berthed in several locations around the United States, to include Portsmouth, VA. The communities in which these vessels are berthed recognize that the potential for environmental and navigational problems increases with length of time they are stored.

Wouldn't you agree that it is important to develop a budget and plan that allows the Navy to complete the disposal of its obsolete ships in the near-term? When is it anticipated that the Navy will complete disposal of its obsolete ships?

Ms. LIVINGSTONE. I would agree. In order to further reduce the size of the Navy's inventory of inactive ships in an orderly and cost-effective manner, the Navy utilizes multiple ship disposal methodologies, including transferring ships to eligible foreign governments under the Arms Export Control Act, donating ships as memorials or museums, utilizing vessels as targets or for other experimental purposes, transferring title of certain merchant-type ships to the Maritime Administration under the Department of Transportation (MARAD) for disposal, and domestic scrapping. As of June 7, 2001, the total number of stricken Navy ships available for disposal by all methodologies combined is 94 ships. The Navy expects to dispose of all but one of these ships by the end of fiscal year 2007, 19 by domestic scrapping and 74 utilizing the other methodologies. Additionally, 8 currently active ships are designated for scrapping upon their decommissioning through fiscal year 2007. Thus, the Navy expects to complete the scrapping of 24 conventionally powered destroyers and frigates by the end of fiscal year 2007.

RESOURCE PROTECTION

2. Senator WARNER. Maritime resource protection laws, Executive orders, and interpretations of Federal and state regulations have affected the conduct of maritime operations, test, and training activities.

As Under Secretary of the Navy, what measures would you take to preserve fleet operations and training exercises under the current regulatory and statutory framework?

Ms. LIVINGSTONE. I understand that the Navy has taken several positive steps in response to impacts from various laws, regulations, and Executive orders affecting maritime activities. This year, the Department of the Navy has been designated as the Department of Defense executive agent for maritime sustainability. This program, which will be implemented through the Office of the Chief of Naval Operations, has as its goal to achieve sustainable readiness in compliance with statutory and regulatory requirements. To that end, the Navy has adopted a strategy with four principal elements: sound legal position, knowledge advancement, consistent policy and procedures, and education and engagement. These pillars are being applied to solve some of the existing and future regulatory constraints facing service training within marine operational areas and ranges. I will support this program as needed to ensure continuation of fleet operations and training exercises.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

3. Senator THURMOND. In recent testimony before the Subcommittee on Readiness and Management Support, Navy officials testified that the Navy's backlog of critical installation maintenance and repair was approximately $2.5 billion. The officials further testified that over 33 percent of the Navy's base readiness reports reflect C–3 and C–4 readiness ratings due to facility conditions.

Based on your experience as the former Assistant Secretary of the Army for Installations, what are your concerns regarding this significant backlog in the critical repair and maintenance of Navy installations? What role will you assume in correcting this problem, if confirmed as the Under Secretary?

Ms. LIVINGSTONE. Our inability to maintain Navy infrastructure at acceptable levels and the resulting backlog growth make it more and more difficult and costly to turn the corner on the chronic deterioration of our bases. Lack of sufficient maintenance funds also translates directly to morale, retention, and readiness problems. I look forward to closely monitoring our progress in arresting backlog growth, reporting continuous improvement in our base readiness reports, and exploring ways to accomplish these objectives in a more timely manner.

BASE CLOSURE

4. Senator THURMOND. In response to the advance policy question on the need for additional base closures, you indicated that any discussion regarding base closure should be deferred until the completion of the strategic reviews.

Although I appreciate your response, I would like your views on the process used for base closures. Do you believe the process used for prior base closures is appropriate? If not, what changes would you advocate?

Ms. LIVINGSTONE. While the base closure process used in the past is not perfect, it has accomplished its primary intended goal—to close unneeded bases and remove excess and costly-to-maintain capacity from the Department of Defense. The criteria to evaluate the military need for installations and activities have been based on explicit standards established by Congress. Before the process begins, the data for analyses are obtained and verified by outside sources, the recommendations of the President are reviewed by an impartial commission, and communities are given the opportunity to participate. The all-or-nothing congressional approval keeps the focus on the overall picture; the process is based on a reasonable time schedule. In short, the process is fair and it has worked. That is a major accomplishment in comparison with the many previous failed efforts.

In terms of improvement, I think there are opportunities to accelerate property cleanup and disposal. In some cases, communities have been slow to accept the closure decision and begin reuse planning. By the same token, the cleanup and disposal process by the DOD has been hampered by uncertainty over cleanup standards to meet reuse needs, lack of timely funding, and expensive cleanup costs. The needs of both can often be best met when cleanup and disposal are integrated into the construction phase of redevelopment.

PRIVATIZATION

5. Senator THURMOND. It is generally assumed that privatization of functions performed by government employees achieves savings. Although I believe that in many cases there may be short-term savings, over the long-term these savings disappear as contracts are renegotiated.

What are your views on the long-term savings realized as a result of privatization?

Ms. LIVINGSTONE. The benefit of having a contract is the degree of control it provides the government in managing its business. Contracts can be re-competed to ensure the most economical price is provided for the requirement. Further, additional requirements cannot be assigned to a contract without defining the work scope and negotiating the price. This ensures the government is fully cognizant of the increase in requirements and additional cost to accomplish this requirement. Informed business decisions can be made with the factual understanding of the requirement and cost. Based on this information an acquisition decision can be made on the need for competition. Competition provides the baseline for determining the most cost efficient method to procure goods and services using the efficiency tools of privatization or competitive sourcing.

TRANSFORMATION

6. Senator THURMOND. Based on your affiliation with the Association of the United States Army, I know you are familiar with the need to transform the Army to meet the challenges of the new strategic environment.

Do you anticipate that the Navy will have to undergo some level of transformation to support the new threat environment? If so, what changes would you advocate?

Ms. LIVINGSTONE. Transformation is a process of meeting strategic mission and capability requirements through major changes in operational concepts, technology, and organization. The Navy's transformation started in 1992 with publication of . . . *From the Sea,* commencing a strategic shift from the Cold War's emphasis first upon sea control and then sequential power projection ashore once the Soviet fleet

was defeated, to today's simultaneous sea control and power projection directly ashore at the very initiation of conflict from the littoral.

The key operational challenge for the U.S. Navy today and in the near-term is sustaining assured access to deny the ability of any prospective adversary to be successful in employing an area denial strategy. The key to sustaining assured access lies in the Navy's evolution from a platform-centric to a network-centric force. Naval forces already forward, properly programmed, will deliver the sustained assured access from the first day of conflict that is needed for joint forces to flow into theater to carry out U.S. military strategy. While no one service can assure access on its own, by dint of already being forward and immediately employable, the Navy plays a key role in enabling the rapid deployment of decisive combat power to the theater of operations.

In the mid-term, geographically dispersed and interoperable naval forces will take advantage of network-centric operations to maintain a dominant military advantage, enhancing the Navy's ability to assure access when and where our Nation chooses to fight, and thereby deterring potential adversaries. The Navy will leverage its unmatched battlespace awareness with the capability to project offense ashore in effects-based attacks with vast volume from stealthy strike platforms and "artillery from the sea", holding even time critical targets at risk.

In the far-term, the Navy transformation will result in a universally netted force of dispersed manned and unmanned systems that leverages knowledge superiority with improved lethality. With assured access now established in all warfare dimensions, forward deployed naval forces will play a vital role in dissuading potential adversaries from pursuing policies inimical to U.S. interests. The Navy will maintain sea superiority with directed energy weapons and project offense ashore with supersonic strike missiles and unmanned combat aerial vehicles.

By maintaining sea superiority on, below, and above the sea, now and in the future, naval forces can continue to also project offense ashore—artillery from the sea, deep-land attack, and USMC operations ashore—and simultaneously project defense ashore with theater ballistic missile defense, all integrated through netted sensors that assures accuracy and lethality through knowledge superiority.

All this said, the DOD is currently undergoing a series of strategic reviews and the Quadrennial Defense Review. If confirmed, we will need to assess how the Navy's current transformation plans fit within the context of revised national security strategy and national military strategy. In addition, I need to become more knowledgeable about the overall planned architecture for USMC-Navy joint operations for the 21st century.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

JOINT STRIKE FIGHTER

7. Senator SANTORUM. The Joint Strike Fighter is approaching a major decision point, with a source selection and entry into engineering and manufacturing development (EMD).

Do you feel the program can receive the stable funding required for it to meet its goals in light of other programs competing for limited resources, e.g. F–22 in the case of the Air Force and F/A–18E/F in the case of the Navy?

Ms. LIVINGSTONE. The Secretary of Defense is currently conducting a comprehensive strategic review of the Department's near- and long-term requirements. The results from that review will be incorporated into the Quadrennial Defense Review to provide the appropriate prioritization of our programs to meet those requirements. The allocation of Department resources will be based on that prioritization.

VIEQUES

8. Senator SANTORUM. Last year, the Navy and the Commonwealth of Puerto Rico negotiated an agreement concerning the Navy's use of the Atlantic Fleet Weapons Training Facility (AFWTF) at Vieques, Puerto Rico. A deal negotiated by President Clinton and Governor Rossello allowed for the Navy to resume training exercises with inert ordnance in exchange for an infusion of $40 million in economic development funds to the island and a promise for a referendum on a resumption of live fire training. If the residents of the island support a resumption of live fire testing, an additional $50 million will be provided by the U.S. government. If the residents of the island oppose a resumption of live fire testing, the Navy must leave by 2003.

Do you believe that the Navy needs to train at Vieques? Do you support the Clinton-Rossello agreement that was negotiated last year? What will be the impact on the Navy's readiness levels if it is denied access to the AFWTF at Vieques?

Ms. LIVINGSTONE. The central issue is effective training for our sailors and marines. The naval forces need and deserve the best training we can make available to them. I understand that although the Navy plans to discontinue training on Vieques in May 2003, they will, until then, continue to use the range facilities on Vieques in accordance with the mutually agreed upon restrictions on live fire and usage rates. I understand that the Navy is working to find alternatives to Vieques. While a 2-year timetable to find alternatives is certainly challenging, I believe it is reasonable and achievable. It is my understanding that this study on alternatives also will assess the impact on training readiness. The Clinton-Rossello agreement has been codified into law and is supported by the Department of the Navy.

SHIP DEPOT MAINTENANCE REQUIREMENTS

9. Senator SANTORUM. Last spring, during consideration of the Fiscal Year 2001 National Defense Authorization Act, Congress added $142 million for the Navy to maintain its ships. Then, last October, Congress was informed that ship maintenance availabilities were being canceled due to lack of ship maintenance funds. In a briefing to staff on the Senate Armed Services Committee, the Navy indicated that it was $283 million short in ship maintenance funding for fiscal year 2001. The October 12, 2000, terrorist attack on the U.S.S. *Cole* added another $150 million to that requirement. Using the Navy's numbers, this brings the total ship maintenance requirement shortfall for fiscal year 2001 to $433 million.

Please explain how the Navy estimates its yearly ship maintenance requirements. How is it possible for the Navy to have miscalculated by $283 million for its ship maintenance needs? Will you work to see that a more accurate method of projecting ship maintenance requirements is developed?

Ms. LIVINGSTONE. The Navy estimates its yearly ship maintenance requirements using the best information available including historical execution data and estimated requirements of future needs. Engineered maintenance requirements, current ship material conditions, operational and maintenance schedules, and anticipated labor and material costs are components used to establish representative requirements for each planned CNO-scheduled ship availability.

Programming estimates are made up to 2 years in advance of actual execution of ship maintenance. Unanticipated requirements such as increased private sector man-day rates, material and support costs, unplanned repairs, and chronic underfunding to less than 100 percent of requirements in ship maintenance accounts led to the shortfall in ship maintenance funding in fiscal year 2001. Additionally, Navy must often reallocate available funding to unplanned emergent ship repair requirements, creating shortfalls in planned maintenance availabilities.

Navy has committed substantial resources to improving its estimates of ship maintenance requirements. I fully support these initiatives and full funding of all known requirements to prevent reallocation of funding in the year of execution. I will work closely with Navy leadership to provide the best information available about requirements to Congress.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

NAVAL FORCES

10. Senator COLLINS. I believe that strong leadership is needed to address the declining naval shipbuilding rate and our shrinking industrial base. The numbers are very troubling to me. The U.S. Navy has shrunk from a fleet of 594 ships in 1987 to approximately 315 today, while during the same period, deployments have increased more than 300 percent. Moreover, regional CINCs have repeatedly warned that the fleet is stretched perilously thin and needs to be increased to about a 360-ship Navy to meet the present mission requirements.

At the current low rate of production, the cost per ship will increase and the efficiency at our yards will go down. The fact is that this administration and Congress will be faced with the challenge of rebuilding and recapitalizing the Nation's naval fleet. The numbers are just as clear as can be: at present rate of investment, our Navy is heading toward a 200-ship fleet, which is alarmingly inadequate.

What are your thoughts on the need to increase the rate of production for our naval forces?

Ms. LIVINGSTONE. I believe the rate of production needs to be increased. In order to maintain the 1997 Quadrennial Defense Review (QDR) battle force of approximately 310 ships per year, Navy must procure approximately 9 ships per year.

DDG 51

11. Senator COLLINS. In your advance questions, you address the issue of delays in the acquisition process and the impact of those delays on stability in acquisition programs. As you may know, this committee took the lead last year to authorize a follow-on DDG 51 shipbuilding multi-year procurement for the period fiscal year 2002 through fiscal year 2005 at the sustained rate of three ships per year.

Could you comment on the benefits of utilizing multi-year procurement in mature programs, such as DDG 51, and the importance once a multi-year process has been initiated to sustain it for further requirements in order to continue to gain maximum cost efficiencies and other industrial base benefits that result from program stability?

Ms. LIVINGSTONE. As I understand it, multi-year procurement (MYP) in mature programs ultimately strives to achieve affordability and workload stability. It does so by providing a stable business base and sufficient workload to various manufacturers, and second- and third-tier vendors needed to justify enhanced capital investment and a long-term commitment. MYP stabilizes the manufacturer and GFE industrial base resulting in:

- Greater manufacturer and vendor efficiency and improved overhead planning and capitalization, enhanced viability of the manufacturers as well as other providers;
- Continuous, stable construction of ships, aircraft, and combat system components;
- Stable employment levels and retention of skilled labor;
- Large lot or economic order quantity material procurement which reduces the cost through volume discounts; and
- More efficient pre-production planning for one build of multiple ships at each yard, rather than separate, annual efforts.

DD 21 PROGRAM

12. Senator COLLINS. Recently, along with eight of my colleagues, I sent a letter to Secretary Rumsfeld highlighting the leap-ahead technologies and support that the DD 21 program will provide the Navy, if pursued. I don't know how familiar you are at this point with the DD 21 program, but could you share with the committee your understanding of some of the real breakthroughs anticipated from this program: technology wise, in terms of acquisition process, in terms of dramatically reduced total ownership costs, in terms of littoral warfare and joint interoperability, improved quality of service/quality of life for our sailors, greater survivability, employment of stealth features beyond any current applications on surface ships, introduction of integrated power systems with electric drive and the greater maneuverability and endurance capability with that technology and any other aspects you would care to discuss.

Ms. LIVINGSTONE. As I understand it, DD 21 will bring many unique capabilities to the fleet. These include a land attack warfare capability to meet USMC/JROC requirements for gunfire support for forces ashore; an Integrated Power System (IPS)/Electric Drive that provides electric power to the total ship (propulsion and ship service) with an integrated plant to reduce operating costs and improve warfighting capability and architectural flexibility; optimized manning through automation that will allow it to meet mission requirements with a significantly reduced crew size of 95–150 sailors while improving the sailor's quality of service; affordability resulting from DD 21's streamlined acquisition approach and significant cost savings through the use of advanced commercial technologies and non-developmental items; a new radar suite which provides DD 21 and other applicable surface combatants with affordable, high performance radar for ship self-defense; survivability improvements that will lead the Navy in the development of system and protection concepts that reduce vulnerability to conventional weapons and peacetime accidents under reduced manning conditions; and stealth design features which reduce acoustic, magnetic, infrared, and radar cross section signatures resulting in lower vulnerability to mine and cruise missile attack in the littoral environment in which it will be operating.

P–3 AIRCRAFT

13. Senator COLLINS. Currently, the P–3 aircraft is an integral part of our current war plans, carrying out our patrol and reconnaissance missions. As you may be aware, however, the average age of the P–3 platform is roughly 25 years old. While aircraft avionics upgrades have kept the plane relevant and viable in today's threat environment, the airframe itself is reaching the end of its use service life. The CINCs have come to rely on the P–3 to perform their roles and missions on a daily basis, and a follow-on to the program should be pursued in the near-term.

I am aware that an ongoing service life assessment program is studying the airframe fatigue life of the plane. I am also aware that there is an ongoing analysis of alternatives underway to look at the multi-mission aircraft (MMA) as a potential follow-on to the P–3 program.

What are your thoughts on the MMA program as a follow-on contender for the Navy patrol and reconnaissance missions?

Ms. LIVINGSTONE. It is my understanding that the Navy and OSD continue to analyze a variety of options to fill CINC requirements currently filled by P–3 and EP–3 aircraft. The options include not only manned aircraft (i.e., MMA) but also innovative ways to provide part of the capability the CINCs need that do not require manned aircraft such as unmanned aerial vehicles. The analyses suggest that a manned aircraft is an essential element of filling the void created if P–3s and EP–3s are not replaced soon. I also understand that the Navy and OSD have examined both extending service life and remanufacturing the airframes as part of the analysis of alternatives. Preliminary results seem to indicate that new procurement may be a more economical solution than remanufacture of legacy airframes. Both the MMA and promising adjunct systems are to be further examined next year as a follow-on effort to the work already completed. If confirmed, I will work with the senior Department leadership to structure a program that meets warfighting requirements within fiscal constraints.

[The nomination reference of Susan Morrisey Livingstone follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 7, 2001.

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

Susan Morrisey Livingstone of Montana, to be Under Secretary of the Navy, vice Robert B. Pirie, Jr., resigned.

[The biographical sketch of Susan Morrisey Livingstone, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF SUSAN M. LIVINGSTONE

For more than 30 years, Susan Livingstone has held demanding, high profile positions, both inside and outside of the Federal Government. She has headed five major management operations, served in three Federal departments (culminating in Presidential appointment/Senate confirmation as an Assistant Secretary of the Army), served as a vice president for the Nation's largest humanitarian organization, and held senior leadership, executive, strategic policy and planning, line management and operational roles.

Mrs. Livingstone currently is CEO of the Association of the United States Army (AUSA) and deputy chairman of its Council of Trustees. She also serves as a vice president and on the Board of the Procurement Round Table, as well as consults on policy and strategic management issues.

From December 1993 to October 1997, Mrs. Livingstone served as Vice President (Health and Safety Services) for the American Red Cross (ARC), responsible for leading and operating a major new strategic direction and restructuring of a $100 million gross revenue and profit center that provides health and safety, education to over 15 million people a year. From November 1996 to May 1997, Mrs. Livingstone also served as ARC Acting Senior Vice President, Chapter Services, declining

to be considered for the permanent position. She served as a consultant to the ARC from October 1997 to March 1998. From April 1998 to August 1998, Mrs. Livingstone served as a committee chairman and consultant to the 1998 Defense Science Board (DSB) Summer Study on Logistics Transformation and consulted on phase 2 of this D8B study from October–December 2000.

Prior to joining the Red Cross, Mrs. Livingstone worked for over 20 years in the Legislative and Executive branches of the Federal Government, most recently, as Assistant Secretary of the Army for Installations, Logistics and Environment (November 1989 to January 1993).

As an Assistant Secretary of the Army, Mrs. Livingstone was responsible for oversight and policy direction for programs with $20 billion in annual appropriations and employing over 125,000 people. Her responsibilities included the Army's military construction program, installation management program, logistics systems, chemical munitions stockpile demilitarization program, base realignment and closure program, energy and environmental programs, the Pentagon's support to domestic disaster relief, and the emergency reconstruction of Kuwait's public infrastructure following Operation Desert Storm.

From 1981 to 1989, Mrs. Livingstone served in the Veterans Administration (now Department of Veterans Affairs) in several Assistant Secretary level positions, including Associate Deputy Administrator for Logistics and Associate Deputy Administrator for Management. During her service at the VA, Mrs. Livingstone's responsibilities included direction and management of the Nation's largest medical facility construction program ($1 billion annually) and the Federal Government's fourth largest procurement and supply program ($4 billion annually). Prior to her executive branch service, Mrs. Livingstone worked for more than 9 years in the legislative branch on the personal staff of both a Senator and two Congressmen. From 1975 to 1981, she served as an Administrative Assistant to a House member.

Mrs. Livingstone is the recipient of the Army's highest civilian award (1993), the VA's highest civilian award (1989), two VA Unique Contribution Awards (1987 and 1988), and the ARC Special Achievement Award (May 1997). She received the highest performance ratings for all years of Federal service (1981–1993). She has spoken extensively throughout the United States and abroad, testified on numerous occasions before Congress, and appeared in a variety of print, radio, and television media.

Mrs. Livingstone has an A.B. from the College of William and Mary, an M.A. in Political Science from the University of Montana, and spent 2 years in postgraduate studies at Tufts University and the Fletcher School of Law and Diplomacy. She married Neil C. Livingstone in 1968.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

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

Susan Morrisey Livingstone—nee Susan Morrisey—Susan M. Livingstone—Susan Livingstone—Mrs. Neil (N.C.) Livingstone.

2. **Position to which nominated:**

Under Secretary of the Navy.

3. **Date of nomination:**

May 7, 2001.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**

January 13, 1946; Carthage, Missouri (Jasper County—USA).

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

Married to Neil C. Livingstone—1968.

7. **Names and ages of children:**

None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

High School—9/60—6/64—Summerville High School, Summerville, South Carolina. High School diploma received 6/64 (salutatorian). (My father was stationed at Charleston Air Force Base at the time.)

Undergraduate—9/64–6/68—College of William & Mary, Williamsburg, VA 23185. AB received 6/68.

Further undergraduate language study: 7/65–9/95—Georgetown University, Washington, DC.

Masters—9/70–8/71—University of Montana, Missoula, Montana. Masters awarded either 12/72 or early 1973.

Ph.D. Studies—9/71–5/72—Tufts University (NDEA Fellowship and Full Tuition Scholarship), Medford, Massachusetts 02155. No degree. Course credits transferred for further study at the Fletcher School (see next below).

MA, MALD, Ph.D. Studies—9/72–6/93—The Fletcher School of Law and Diplomacy, Medford, Massachusetts 02155. No degree. Completed course requirements for MA, MALD and Ph.D. Wrote MALD (Masters of Arts of Law and Diplomacy) thesis. Passed Ph.D exams (4/18/78).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

11/89–/93—Assistant Secretary of the Army (Installations, Logistics and Environment), Department of Army, The Pentagon, Washington, DC 20310.

1/93–12/93—Took time off (unemployed).

12/93–10/97—Vice President (Health and Safety Services), American Red Cross National Headquarters, 8111 Gatehouse Road, Falls Church, Virginia 22042. From 11/96–5/97, I also served as Acting Senior Vice President for Chapter Services, American Red Cross.

10/97–3/98—Paid consultant for American Red Cross division of Armed Forces Emergency Services, 8111 Gatehouse Road, Falls Church, Virginia 22042.

From 3/98 to present, I have been working pro bono (volunteer)—(see No. 11 below).

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

a. 1966–68—(STATE)—Researcher for the Philosophy Department, College of William & Mary.

b. 2/69–8/70—(FEDERAL) Legislative Researcher—Senator Mark O. Hatfield.

c. (1970–73)—Interim years in graduate school.

9/70–8/71 (STATE): Graduate Researcher, Graduate Assistantship and Full Tuition Scholarship, University of Montana.

Summer 1972 (STATE): Wrote 2 film scripts for the State of Montana (a travelogue on Helena, MT and a state film on mental retardation).

1971–72 (academic years): NDEA Fellowship and full tuition scholarship, Tufts University.

d. 9/73–1/81—(FEDERAL) Legislative Assistant and Press Secretary (9/73–8/75) and Administrative Assistant/Chief of Staff (8/75–1/81) to Congressman Richard H. Ichord.

e. 1/81–7/81—(FEDERAL) Consultant to Congressman Wendell Bailey (part time pending Executive Branch appointment.

f. 7/81–9/81—(FEDERAL) Deputy Director (Legislative Liaison), Community Services Administration.

g. 11/3/81–11/81—(FEDERAL) Detailed to the Department of Health and Human Services to write the report on the closure of the Community Services Administration.

h. 10/4/81–10/31/81—(FEDERAL) Detailed to the Small Business Administration to conclude close out of the Community Services Administration and initiate the close out report.

i. 11/81–6/89—(FEDERAL)—Department of Veterans Affairs (then was Veterans Administration). From 11/81–2/85, I was Executive Assistant to the Associate Deputy Administrator for Logistics (VA). From 2/85–6/89, I was Associate Deputy Administrator for Logistics (VA). From 12/85–4/86, I was dual-hatted as Associate Deputy Administrator for Logistics and Associate Deputy Administrator for Management.

j. 6/89–11/89—Unemployed pending clearance for Assistant Secretary of the Army position.

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

None.

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

a. Consultant and Panel Chairman, Defense Science Board Summer Study on Logistics Transformation (Phase I: 4/98–8/98). Consultant to follow-on study (Phase II) 10/00–12/00.

b. CEO and Deputy Chairman, Association of the United States Army (AUSA), 2000–present.

c. Prior to above work with AUSA, I was on the AUSA Council of Trustees (1996–2000) and the AUSA Advisory Board (1994–96). I have been a member of the George Washington Chapter of AUSA since 1994.

d. Member (1993–present) and a vice president (1999 or 2000–present), Procurement Round Table, Washington, DC.

e. Member, Advisory Board to the Martin Institute, University of Idaho, Moscow, Idaho. I was invited to be a member of this Board and accepted, but our first meeting was to be 5/2001, which I will not attend.

f. I also have done pro bono work for American's Promise (wrote a marketing plan 5–11–98); wrote and consulted for "The National Moment of Remembrance" (2000); and served on as a volunteer representative of our apartment building to the rest of the apartment complex as well as served on our apartment "architectural and engineering" committee (1999–present).

13. **Political affiliations and activities:**

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

None.

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

None.

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

6/6/00—ASHCROFT 2000—$500.

10/20/00—RNC VICTORY—$500.

6/21/01—George W. Bush Campaign—$500.

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

Special Achievement Award, American Red Cross (May 1997).

Army Distinguished Civilian Service Award (1993).

VA Exceptional Service Award (1989).

VA Unique Contribution Awards (1987 and 1988).

NDEA Fellowship and Full Tuition Scholarship, Tufts University (1971–72).

Full Tuition Scholarship, University of Montana (1970–71).

Also in "Outstanding Young Women in America" (1979) and "Who's Who in America" (since 1989).

Have received numerous other Federal awards, certificates, and recognitions (but never kept a list).

Counselor (1964) and participant (1963), American Legion's Girls State (South Carolina).

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

I was an occasional "student" reporter for the College of William and Mary student newspaper, *The Flat Hat,* from approximately 1966–68. I may have gotten several "by-lines", but this would need to be checked as it has been a long time. In the summer of 1972, my husband and I co-authored some film scripts for the State of Montana: one was on mental retardation and one was a travelogue on Helena, Montana. In 1983, I had the following 2 articles published: "Terrorism: The Original Cheap Shot—An Interview with Ambassador Diego Asencio," *World Affairs,* Vol 146:1, Summer 1983, and "Terrorism Wrongs vs. Human Rights—An Interview with Assistant Secretary of State Elliott Abrams," *World Affairs,* Vol 146:1, Summer 1983. Other than these, I have written numerous articles and/or given numerous speeches in association with my work in the Federal Government, at the American Red Cross, and my volunteer work with the Association of the United States Army. I also have appeared in the TV media in association with my Federal work. I have attribution on two Defense Science Board reports (both on "Logistics Transformation"), one was completed in 1998 and the other in December 2000. In addition, I wrote first drafts of two papers for the Procurement Round Table (1998 and 2000), one on outsourcing and the other on Federal acquisition reform in the 21st century.

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

I have given speeches at events at the Annual Meeting of the Association of the United States Army (but not with a formal prepared text) and these were more "toastmaster" in nature (1996–2000).

I gave a number of speeches while I was at the American Red Cross (1993–1997) pertinent to my work area.

I gave a speech before "Women in International Security" on 10/24/96, on "Presidential Appointments: Preparing for the Next Administration". (I spoke from notes.)

I gave a speech on "logistics transformation" in the Pentagon courtyard for Logistics Reform Focus Day (10/1/98), but do not have a final version.

I also spoke at the Pentagon during Women's History Month on "Women at DOD" (4/97) and spoke from notes.

I was the guest speaker at the dedication of the Emilie Lawrence Reed Women's Imaging Center at Walter Reed Army Medical Center (6/12/97).

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

Yes.

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

SIGNATURE AND DATE

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

SUSAN MORRISEY LIVINGSTONE.

This 8th day of May, 2001.

[The nomination of Susan Morrisey Livingstone was reported to the Senate by Senator Warner on July 11, 2001, with the rec-

ommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 19, 2001.]

[Prepared questions submitted to Jessie Hill Roberson by Chairman Warner prior to the hearing with answers supplied follow:]

CHAIRMAN,
Committee on Armed Services,
United States Senate,
Washington, DC.

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

Sincerely,

JESSIE HILL ROBERSON.

cc: *Ranking Minority Member.*

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Energy for Environmental Management under current regulations and practices?

Answer. In broad terms, these responsibilities include managing and overseeing the environmental restoration of contaminated soils and water, managing and disposing of waste created by past DOE missions, establishing the policy and procedures to promote safety and regulatory compliance, and supporting the development of new technologies to address unique cleanup and waste-management challenges.

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

Answer. If confirmed, I would be responsible for the duties and functions assigned to the position by law and regulation. I also would be tasked by Secretary Abraham to lead a top-to-bottom assessment of the program, in order to promote efficiency and accelerate efforts to complete cleanup projects and site closures. The assessment offers tremendous opportunities to review all aspects of work—ranging from contracting strategies to program and management efficiencies that could be gained based on recommendations of independent reviewers and the Office of the Inspector General, actual cleanup strategies using innovative technologies, and future land-use options.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the Assistant Secretary of Energy for Environmental Management and the Environmental Management Program?

Answer. I believe there are two major fundamental challenges facing the Energy Department's environmental program: the pace and cost of cleanup. I believe the program has made progress to date in managing a number of highly complex projects and completing work in the field. However, recent baseline estimates indicate that it may cost over $200 billion and take up to 70 years to complete cleanup at the Department's major sites. The Secretary has indicated that his goal is to do better—and to make every effort to cut these costs and get the job done more quickly. I support these goals.

Question. Cleaning up the legacy of 50 years of nuclear weapons production and research is one of the toughest and most important jobs facing this country. These are some of the riskiest problems in the country, as well as the most technically complex and perhaps politically difficult. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. This review will look for opportunities to improve the effectiveness of the EM program by identifying opportunities for greater integration within EM, as well as opportunities to apply new technologies and efficiencies in our operations, eliminating redundant or unnecessary DOE requirements, and working with regulators and communities to prioritize our activities.

FUNDING SHORTFALLS

Question. The majority of the Department of Energy (DOE) complex-wide cleanup program is included in enforceable regulatory commitments made to Congress through the Defense Nuclear Facilities Safety Board. It now appears that the DOE did not obtain sufficient funding from OMB and therefore sites across the Nation may not be able to fulfill their binding commitments. How do you propose to meet the Department's legally enforceable commitments?

Answer. The DOE is committed to meeting its legal obligations, and I am committed to find a way to do so. I also commit to look at all sites in the complex to find better ways to achieve the goals we share with Congress and the States.

PLANT CLOSURES AND COSTS

Question. The DOE's closure sites are dependent upon an integrated plan whose success depends on the interaction of multiple sites for storage and shipment of waste material. What are your views on the integrated plan and the technical, policy, and other barriers to accelerating closure?

Answer. The Department has formulated an extensive baseline for the Rocky Flats closure project, which has been an important element in evaluating the technical, policy, and logistical challenges facing the Department in its Rocky Flats closure effort. This baseline is currently undergoing an external validation. If confirmed, I hope to expand upon this approach by making visible the interdependencies and required integration of all sites to achieve cleanup. The complex was operated in an integrated fashion when these issues occurred and must be operated in an integrated way to achieve a stepwise, but progressive cleanup.

Question. An integrated and cooperative system across the EM complex must be maintained for the closure sites to remain on schedule. For example, to stay on their closure schedule, Rocky Flats needs to ship all of their plutonium metals and oxides to the K-Area at the Savannah River Site for storage. What would you do to ensure compliance and cooperation continue so there will not be a slow down in cleanup or delays in closure, at Rocky Flats, or any of the other closure sites?

Answer. First, the DOE needs to ensure a greater level of integration of its activities, both within the EM program and among different departmental elements. Second, we need to demand accountability from the DOE's field managers and contractors to proactively identify problem areas earlier so that actions can be taken. Finally, the DOE needs a robust process to ensure that problems and challenges are addressed at an early stage, with less financial and schedule impact.

Question. What can Congress do to make sure Rocky Flats and the Ohio sites are cleaned up and closed down according to their closure plans by 2006 or sooner?

Answer. Congress' strong support of the DOE's efforts to close Rocky Flats and the Ohio sites have been key to keeping them on track. Your support for the President's fiscal year 2002 budget request for these sites will be critical.

Question. Former Secretary Richardson implemented the notion of stable environmental funding applied to each site. Because this was done without regard to whether a site is an enduring site or a closure site it appears to lack an objective appreciation of complex-wide priorities. What is your long-term vision for the DOE complex regarding those sites with enduring missions as compared to closure sites?

Answer. Every activity within the EM program should, at its core, be considered a closure project. Closure consists of three phases: first, stabilization and material removal; second, remediation and restoration; and third, stewardship. As I stated earlier, cleanup of these sites must be integrated and progress in a stepwise manner. Integration must include consideration of cleanup activities and their relationship to enduring missions. Our role is to reduce or eliminate the environmental risks and ensure long-term stewardship of the sites by meeting Federal and State requirements.

Question. Does the decision to suspend plutonium immobilization activities at the Savannah River Site have any impact on the DOE's ability to ship plutonium from Rocky Flats to Savannah River, and thus the closure schedule for Rocky Flats?

Answer. There is no issue delaying or impacting the shipment of waste to Savannah River. Nevertheless, I recognize and appreciate the concerns of the State of South Carolina regarding the status of this important activity. In this case, shipment of plutonium from Rocky Flats to Savannah River is an EM activity while plutonium immobilization is an NNSA activity. If confirmed, I would look forward to working with my counterparts in NNSA, as well as working closely with the State of South Carolina, to ensure that these activities are fully integrated.

WORKFORCE ISSUES

Question. There has been some indication that the DOE, in its efforts to achieve savings, may be looking at reducing requirements for worker safety. If confirmed, would you work to ensure that the safety of the workforce is never compromised?

Answer. Yes.

Question. As the DOE gets closer to the point in time when it will actually close sites, how would you propose to keep the workforce needed to close on schedule?

Answer. The DOE needs to focus on policies aimed at retention and transition in order to keep the workforce we need. We need greater integration among the sites to ensure that we can optimize critical skills throughout the complex. It is my experience that retention and transition policies are not one size fits all. Different strategies are needed at different sites.

Question. Do you believe some type of incentive system is appropriate, and if so, do you have any proposals for such incentives?

Answer. Yes. It is my understanding that there are incentives in place at some sites for these purposes. If I am confirmed, I will review these programs carefully. I will also review the existing authority available to me to implement further incentives.

ENVIRONMENTAL MANAGEMENT STRATEGIC REVIEW

Question. When the Secretary of Energy unveiled the budget for fiscal year 2002, he mentioned his plan to implement a top-to-bottom review of the Environmental Management (EM) program, also known as the EM Mission Assessment. If confirmed, what general outcomes and recommendations do you anticipate will come out of the Secretary's EM Mission Assessment?

Answer. It would be premature to speculate or attempt to prejudge the outcomes of the review. The review will look for opportunities to improve the effectiveness of the EM program by identifying opportunities for greater integration within EM, opportunities to apply new technologies, efficiencies in our operations, eliminating redundant or unnecessary DOE requirements, and working with regulators and communities to prioritize activities.

Question. If confirmed, would you commit to provide this committee with interim and final reports and recommendations from this review?

Answer. Yes. If confirmed, I commit to informing and consulting with Congress as the review progresses.

FUNDING

Question. Over the course of the past year, the DOE has renegotiated or entered into new contracts at almost all EM sites. These contracts were designed to provide incentives to the contractors to do more work with less money, but were all predicated on a predetermined funding profile. Is the fiscal year 2002 budget request adequate to meet this funding profile, or will the DOE be forced to modify the terms and conditions of these contracts?

Answer. At this time, I do not know if the fiscal year 2002 budget request will require modifying any DOE contracts. If confirmed, I will review these contracts and take the necessary steps to ensure that the impacts are minimized. The budget process for fiscal year 2002 is still ongoing, so it would be premature for me to speculate on the final outcome. I will keep this committee informed of any actions I consider necessary as a result of the final 2002 budget.

Question. Must you renegotiate the various agreements and consent orders with the states and the EPA if the funding requested by the DOE for fiscal year is the amount authorized and appropriated for fiscal year 2002?

Answer. The DOE is committed to meeting its legal obligations, and it is my commitment to find a way to do so. I also am committed to looking at all sites in the complex to find better ways to achieve the goals we share with Congress and the States. It is my hope that we can find more effective and more cost-effective ways to satisfy our cleanup obligations and to make concrete progress towards cleanup at all sites.

Question. In the past, the Department of Justice (DOJ) took the position that all sums available to the Department were available to the Department's cleanup effort before the Department could claim that it had no funds to comply with enforceable orders and agreements. Do you believe that is still the view of the DOJ?

Answer. I will work closely with the Department's General Counsel to ensure a coordinated strategy for complying with regulatory agreements.

Question. Do you have any plans to stop taking surplus buildings and facilities from other components of the DOE?

Answer. The EM's mission makes it the logical program to manage surplus DOE facilities. However, to maintain focus on cleanup and closure work, a more structured and disciplined transition process may be necessary to provide for more timely characterization, cleanup, and funding plans. Any specific change in policy on this issue would have to come from Secretary Abraham.

Question. What requirements would you place on the other DOE programs before you take additional facilities and buildings?

Answer. Before contaminated excess facilities are transferred to the Environmental Management program, I would want to ensure that the current requirements for such transfers are met. If confirmed, I would like to examine this issue more fully to determine whether we are implementing the most effective program and that sufficient funding is available to ensure that we are not merely shifting a problem from one part of the Department to another.

MANAGEMENT ISSUES

Question. There are a variety of complex issues facing the Environmental Management program, but one of the issues which has received criticism over the years is management. What are your views on the roles and responsibilities of Environmental Management field managers relative to those of Environmental Management headquarters managers? Do you favor more delegation of authority to field managers or less? What is your view of EM's organizational structure? Is there a smooth and consistent chain of command and reporting structure from the field staff to headquarters staff, from the contractors to DOE officials, and from the Office of Environmental Management to the Secretary of Energy and other DOE officials? Do the field offices have enough autonomy and flexibility to work with the contractors at the sites to get the cleanup finished in a safe and efficient manner? Should the field offices have more autonomy than they currently have?

Answer. As a former field office manager, I am very familiar with the dynamics between the field offices and DOE headquarters. Both elements are important. However, it is important to balance autonomy with integration and authority with responsibility. The cleanup of the sites in the EM program will achieve mission success only if it is managed and carried out in an integrated fashion. The key to maintaining this healthy balance is in clearly defining the authorities and responsibilities of both elements, and avoiding overlapping work and a confusing command structure. I do believe strongly in a corporate approach to the EM program, and I intend to manage this program accordingly, if confirmed. The effectiveness of the current EM organization is something I can only determine and address after a period of daily observation.

Question. The Environmental Management program has used a variety of contracting methods, including Management and Operating (M&O) contracts, performance-based or fixed-priced contracts, and privatization contracts. What is your view of these, or other, contracting methods, and what principles should the DOE follow when entering into EM contracts in the future?

Answer. Different contracting models have different applications, and what works in one instance may fail in another. Success in EM is not dependent on a specific contract structure, but on competent DOE oversight and management of technically competent and capable contractors. Integral principles include a clearly defined and well-understood scope of work, a defined duration for the accomplishment of that scope, a clear understanding of the expected result, sufficient understanding of the nature and depth of the problem, and technical sophistication on the part of the DOE officials charged with contract oversight.

CLOSURE PROJECTS

Question. You were in charge of the Rocky Flats Field Office, when enormous progress was made towards its closure by 2006. What are your plans for implementing a closure strategy for the entire Environmental Management complex?

Answer. I believe that the strategies that were successful at Rocky Flats are instructive for other sites, but are not necessarily solutions that will apply everywhere. However, I also believe that there are a number of factors that should be considered as the Department develops its cleanup strategies. First, cleanup priorities should be risk-based, ensuring that the highest risks receive priority attention. Second, it is important to establish and reach agreement on the end goals. These goals will focus activities and help to prevent disagreements on a small number of issues from hampering progress on the majority of issues. Third, contracts and contractors that are dedicated and properly incentivized and focused on achieving results must be in place at every site. Fourth, the Department's regulators and stakeholders must be fully involved in the Department's cleanup decision-making proc-

esses. Compliance is important but needs to be results-oriented, flexible, and recognize the constraints on the Federal budget. Short-term, enforceable milestones with long term policy goals for site cleanup are a way to achieve this. Fifth, building trust is critical to successful relationships. The Department needs, through its actions and by keeping its commitments, to earn the trust of its regulators, stakeholders, and Congress. At first, trust will have to be earned slowly. But over time, this will lead to productive and cooperative relationships with the regulators and stakeholders.

Question. At Rocky Flats, the contractor implemented a plan which incorporated environmental, safety, and health (ES&H) responsibilities and accountability directly to the line workers themselves. This removed a separate group of DOE staff who had previously provided ES&H oversight at Rocky Flats and who currently provide such oversight at other EM sites. Please describe the benefits or detriments of assigning ES&H responsibilities directly to the cleanup workers.

Answer. A strong safety culture must be infused through every layer of DOE and contractor employees, and direct ES&H responsibilities help create this culture. The workers themselves are the first line of defense for safety, balanced by independent oversight and enforcement. A key challenge for managing each site and the overall program is striking the appropriate balance between empowering the frontline and maintaining sufficient independent oversight.

REGULATORY FRAMEWORK

Question. Numerous laws, DOE rules, DOE orders, and DOE policy guidance have created an enormous body of law and policy with which the EM sites must comply. Many of these laws and policies have become outdated, obsolete, or inconsistent due to technical errors. Do you believe these existing laws and policies are harmful to the goals of the closure projects and the broader EM program? What plan could be put in place by the DOE to catalogue outdated or inconsistent laws and policies? Is this issue being addressed in the top-to-bottom review of the EM program?

Answer. Technology developments, research advancements, work control improvements, and changing site missions are a few of the factors constantly modifying the activities at DOE sites. It is essential for the Department and its contractors to review the applicability and relevance of both formal and informal requirements to keep pace with these changes. This important matter will be addressed in the top-to-bottom review.

ENVIRONMENTAL MANAGEMENT TECHNOLOGY DEVELOPMENT

Question. Please give us your views on the importance of a vigorous, national technology development effort within EM?

Answer. Sound science and innovative technology are critical to solving the complex technical problems the Department faces in cleaning up the DOE complex. The Department needs to bring the best scientific and technological information and expertise to bear to solve these problems. This science and technology must be focused on the specific obstacles to achieving progress. The Department will need technological breakthroughs in order to get the job done, to improve system productivity, and to reduce the costs of many of the projects. The Department must use the considerable technological talent and resources available to better link research with "on-the-ground" cleanup needs.

Question. Do you believe that EM can effectively meet its proposed cleanup and closure goals without a viable EM technology development program?

Answer. No. Some of the challenges facing EM do not currently have solutions. New technologies must be developed to address these challenges in a responsible manner.

Question. Please give us your views on the effectiveness of the EM Technology Development program and its current management? Specifically, do you believe that this program has been effective in transferring cutting-edge research to DOE cleanup and waste management sites?

Answer. I believe that the EM Technology Development Program has experienced legitimate criticism. My impression is that the program is now beginning to realize the benefits of the investment. It is premature for me to offer an overall assessment of this program at this time. If confirmed, I will carefully review this program and identify ways to make it more effective in helping EM achieve its mission more effectively.

LOW-LEVEL WASTE DISPOSAL

Question. What are your views on the use of commercial disposal options for DOE-origin low-level radioactive waste?

Answer. There is great potential in using commercial facilities for low-level waste disposal, when it is cost-effective for the Department and is protective of public health and the environment. At Rocky Flats, the DOE made extensive use of such facilities during my tenure as Field Office Manager.

Question. Do you support increased competition for low-level waste disposal contracts?

Answer. I support any policies that will lead to the lowest cost for the taxpayer and that will provide for the DOE greater stability and diversity of disposal options. In this context, I believe that increased competition can play an important role.

Question. Do believe the current policy encourages the DOE facility contractors to seek the lowest cost option, even if that option is utilization of a commercial disposal facility?

Answer. It is my understanding that current policies do enable the DOE to choose the lowest cost option. If confirmed, I will review these policies and review how they are implemented to ensure that the DOE's overall waste management program is using the best mix of government and commercial facilities.

WASTE DISPOSAL

Question. Are there any remaining issues with maintaining shipments of transuranic (TRU) waste or mixed-TRU waste to the Waste Isolation Pilot Plant (WIPP) which will delay or prevent completion of the closure sites by 2006?

Answer. Based on my understanding of the WIPP program, I believe that the Energy Department can promote its efforts to accelerate waste disposal and close sites by streamlining the work that is being conducted under WIPP permits and regulatory requirements. I understand that the Energy Department and the WIPP program managers are also working with both the State of New Mexico and the Environmental Protection Agency to review the proposed permit as well as requirement modifications that could be made without compromising safety in order to promote effciency—and reflect the experience and knowledge gained from WIPP operations conducted to date. If confirmed, I will examine whether there are any additional steps the Department can take to support accelerated closure at the Department's sites.

COMPLIANCE

Question. Are there compliance issues at any of the EM or closure sites which will prevent the DOE from maintaining a focus on cleanup and closure?

Answer. At this time, I am unaware of any particular compliance issue at any specific site that may be hindering a focus on cleanup. If confirmed, I will work closely with regulators, communities, and Congress to ensure that there is no conflict between compliance and progress towards closure.

Question. The DOE's poor record on compliance has resulted in some states going or planning to go to court to enforce cleanup agreements. Subsequent orders have compelled the DOE to proceed with cleanup, but this process has resulted in the cleanup occurring in a costly and inefficient manner. The 3100 TRU waste issue at the Idaho National Engineering and Environmental Laboratory (INEEL) is an example where the State of Idaho felt compelled to assert its right to compel the DOE to proceed with shipments of TRU waste out of Idaho. While this legal process was effective in getting the DOE to act, it did so with a much larger cost than it should have. What would you do to make sure the DOE remains on time and within compliance, to avoid these costly and potentially inefficient court-ordered schedules?

Answer. I share your concern that litigation and court-ordered schedules are not productive ways to do business. My experience as a field office manager has taught me the importance of working closely with the regulators and citizens at the site. Consulting with them and keeping them informed about policies, issues, and decisions will not only help the Department make better decisions that are more likely to hold up over time, it increases the chances that they will afford the Department needed flexibility when the time comes to make the tough decisions. A second key element is to do a better job of planning up front—to clearly define from the outset what is to be accomplished, when, how, and at what cost. This is a critical element for building credibility to support needed flexibility.

PRICE-ANDERSON ACT

Question. The Department of Energy's Price-Anderson Act authority to provide indemnity protection for nuclear hazards expires on August 1, 2002, unless again renewed by Congress. In 1999, the Department submitted a report to Congress indicating the Act should be extended again in substantially its present form. Does the Department continue to support reauthorization of this important Act?

Answer. Yes. I understand that the Act is important to the Department's operations.

Question. Is Price-Anderson Act reauthorization a priority of the Department's legislative agenda for 2001?

Answer. Yes. I believe it is important for the Department's nuclear operations.

Question. The current indemnification authority under Price-Anderson expires in 2002. Should this authority be extended this year or can it wait until next year? What are the consequences of waiting until next year?

Answer. I believe that reauthorizing this legislation needs to be assigned a high priority by Congress to prevent it from expiring and potentially disrupting DOE nuclear program activities.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEAN CARNAHAN

1. Senator CARNAHAN. Could you explain what you believe is an appropriate method for the Department to evaluate alternative routes for cross-country nuclear waste shipments?

Ms. ROBERSON. I believe it is critical that the Department complies with regulations and guidance provided by the Department of Transportation and Nuclear Regulatory Commission for routing of shipments of spent nuclear fuel. Those regulations establish interstate highways as "preferred routes" for spent fuel shipments, and provide criteria for evaluating and selecting potential routes, including limiting the time in transit.

It is my understanding that the Department not only adheres to such regulations, but, in addition, participates in a working group of State and Tribal Nation representatives to identify and evaluate potential shipping routes.

2. Senator CARNAHAN. Would you commit to conducting a thorough, scientific analysis that compares the safety of 1–70 with other alternative routes?

Ms. ROBERSON. It is my understanding that the Department of Transportation is the Federal agency responsible for conducting safety analyses of interstate highways. If confirmed, I am committed to working with you to address the process used by the Department of Energy to evaluate potential shipping routes consistent with Federal regulations, and I also will ensure the involvement of other appropriate agencies to address interstate highway safety issues.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

3. Senator THURMOND. The Nation is spending over $6 billion per year on DOE environmental cleanups. I am concerned that DOE spending plans are determined by the most vocal outside groups, or by compliance agreements made years ago, and not by the urgency of the work.

Under the current criteria, is the Department focused on cleaning up the worst problems and are we getting the best return for our investment?

Ms. ROBERSON. I share your concern that the Department's cleanup activities need to be properly aligned to focus on cleaning up the worst problems and getting the best return for our investment. As you are aware, Secretary Abraham has called for a complete top-to-bottom review of the Environmental Management (EM) program. If confirmed, one of the first tasks I will undertake is this evaluation of the EM program with the aim of ensuring the EM programs are aligned to safely cleanup our worst problems in the most efficient manner. As a part of this review, we will examine our compliance agreements to ensure that they are properly aligned to address our worst problems and work with the necessary parties to ensure that they reflect current cleanup priorities.

4. Senator THURMOND. The President's budget reduces environmental remediation activities by approximately 60 percent. A reduction of this magnitude could result in SRS violating cleanup program commitments to the State of South Carolina and the Environmental Protection Agency. Many of the reductions are associated with cleanup of the SRS groundwater.

What steps do you plan to take in regard to the environmental remediation account at SRS in light of the decreased funding for Environmental Management?

Ms. ROBERSON. The budget process for fiscal year 2002 is still in progress. The President has proposed a budget; Congress is now considering that budget. It is inappropriate for me at this time to comment on the budget status or prognosis of individual projects at specific sites. If I am confirmed, I will work closely with Congress to align the budget with cleanup priorities and obligations. In the long run, it is incumbent on the EM program to develop ways to achieve progress faster at all of our sites. This will be one of my principle commitments, if confirmed.

5. Senator THURMOND. In response to the recent tank 6 leaks in the SRS high level waste tank farm, the Defense Nuclear Facilities Safety Board issued a highly critical report. Although I agreed with many of the recommendations in the report, I am concerned with the recommendation to empty tank 6 by pumping the waste into other tanks. I believe the right course of action is to get the waste out of the ground and make glass through the vitrification process as fast as possible.

Are you committed to vitrification? What is the best solution to resolve the high level waste tank farm problems?

Ms. ROBERSON. I am committed to vitrification of high level wastes at the Defense Waste Processing Facility. The high-level waste tank farm is but one part of the system through which wastes are processed. The current problems affecting the high-level wastes tank farm must be addressed in the full context of the waste processing system without compromising safety margin in the short term. If confirmed, I will work to ensure that we resolve the tank farm problems in the most efficient manner.

6. Senator THURMOND. I recognize that the cleanup of Rocky Flats is extremely important for the Department and the Environmental Management program. The removal of plutonium from Rocky Flats to permit further cleanup is largely dependent on the support of the Savannah River Site, which is expected to receive that plutonium for interim storage pending ultimate disposition. Without that support, Rocky Flats closure cannot be successful. I have stated on a number of occasions that SRS agreed to accept waste and materials from other sites based on assurances that a "path out" of South Carolina will exist. The EM budget and many of the new missions scheduled for SRS represent that "path out." If the "path out" becomes cloudy, the "path in" may become a "road closed."

Will you serve as an advocate for proper funding for EM at SRS?

Ms. ROBERSON. I am keenly aware of the interdependency between the cleanup of Rocky Flats and the missions at SRS. In fact, there are interdependencies like this throughout the complex. None of the EM sites can be successful without the cooperation and active support of many sites. One of my chief priorities, if confirmed, will be to manage the EM complex as a unified complex with a corporate philosophy. Success will not occur anywhere if they are operated as islands unto themselves. I can commit that I will be a visible advocate for the overall EM mission and cleanup priorities. At the same time, I recognize that EM has many crucial activities at SRS that will require significant management support. If confirmed, I will work closely with the State of South Carolina and Congress to ensure that EM activities are adequately supported and that the DOE meets its obligations at SRS.

7. Senator THURMOND. It has come to my attention that the position of assistant manager for high level waste at the Savannah River Site has been vacant for the past 8 years. Please review this situation and provide me the following information:

what are the plans for filling this position and is this an appointed or civil service position?

Ms. ROBERSON. In general, it is not appropriate for me to comment on specific departmental personnel matters. It is my understanding that this position is a civil service position. It is my understanding that at this time there is a permanent assistant manager for high-level waste. I can assure you that I am committed to filling vacancies and retaining the technical and managerial expertise needed to manage this program.

QUESTION SUBMITTED BY SENATOR RICK SANTORUM

8. Senator SANTORUM. The steel and metals industry, along with others, have been very concerned about the release of scrap steel and metal from radioactive areas of DOE facilities. A policy allowing release of scrap metal from radioactive areas into the general stream of recycled scrap metal in this country essentially shifts the costs—both financial and health costs—of removing and dealing with radioactive contamination from the DOE to the steel mills and metal recyclers which have to make certain that no contaminated metal gets into new products. In addition, a policy allowing release by the government raises fears of the consuming public about the safety of steel and metal products, even if those industries are taking precautions to make sure the products in fact are safe. I think we all know of the condition of the U.S. steel industry. It certainly does not need the Federal Government working against it by allowing the release of scrap metal and steel.

In light of concerns about the effect of releasing scrap steel and metal from DOE facilities, last year the Department of Energy instituted a moratorium on release of scrap steel and other metals from radioactive areas in DOE facilities.

First of all, have you had an opportunity to review this issue and will you support a continuation of the moratorium on release of scrap steel and metal from radioactive areas?

Second, can you assure us that a waiver will not he used to undermine the moratorium?

Third, I would like your assurance that prior to making any changes in policy regarding release of scrap steel and metal from DOE facilities, that the Department will inform members of Congress who are concerned about this issue, to make sure that our concerns are addressed before any changes are made to the current moratorium on release?

Ms. ROBERSON. I have not yet been briefed on this issue, but share your interest in ensuring the safe disposition of metal products. However, I am not able at this time to comment on this issue in depth nor to comment on the current moratorium, or on the possibility of granting individual waivers. If confirmed, I will work closely with interested members of Congress and the public prior to making any policy changes on release or recycling of scrap metal. Further, I can commit that the DOE will not take any steps that will endanger public health and the environment.

QUESTION SUBMITTED BY SENATOR SUSAN COLLINS

9. Senator COLLINS. In your advance questions, you stated that "there are two major fundamental challenges facing the Energy Department's environmental programs; the pace and cost of cleanup." While I understand that the Department will be undergoing a top-to-bottom review, known as the Environmental Management Strategies Review, or EM Mission Assessment, how do you plan in the immediate future to confront these challenges?

Ms. ROBERSON. I do not believe there are any quick fixes to these challenges. It is my goal, if confirmed, to make changes that have lasting and permanent impact on this program. Changes like that are not made lightly or casually. If confirmed, I commit to consult with Congress on any steps and initiatives necessary in the short-, medium-, and long-range to help us improve the pace, cost, and performance of the EM program.

[The nomination reference of Jessie Hill Roberson follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
April 30, 2001.

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

Jessie Hill Roberson of Alabama, to be Assistant Secretary of Energy (Environmental Management), vice Carolyn L. Huntoon, resigned.

[The biographical sketch of Jessie Hill Roberson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JESSIE HILL ROBERSON

In September 1999, President Bill Clinton nominated Ms. Jessie Hill Roberson, of Evergreen, Alabama, to the Defense Nuclear Facilities Safety Board. After confirmation by the United States Senate, Ms. Roberson began her duties as a Board Member on January 18, 2000.

She has more than 17 years of experience in the nuclear field, with in-depth experience in low level waste management, environmental restoration, reactor operations, and project management.

Prior to her appointment to the Board, Ms. Roberson served with the Department of Energy (DOE) in a variety of responsible and challenging positions. In 1996, she became the Manager of the DOE's Rocky Flats Field Office at the Rocky Flats Environmental Technology Site in Colorado, with the responsibility for integration and performance of all environmental cleanup activities on the Site. She served with distinction in this position until December 1999. In her 10 years with the Department of Energy, she has held numerous technical and managerial positions at the DOE's Rocky Flats Environmental Technology Site and the Savannah River Site in Aiken, South Carolina, including environmental cleanup, waste management, safeguards and security, as well as nuclear reactors and weapons.

Before joining the Department of Energy, she worked with Georgia Power Company as a system engineering specialist from 1987 to 1989. At Georgia Power, Ms. Roberson focused on maintenance, testing, upgrades, and performance reliability of electrical and mechanical plant systems and equipment. She has extensive experience in nuclear reactor operations and successfully completed the testing requirements for reactor operations with E.I. DuPont in 1982. Later with DuPont she trained nuclear reactor operators and supervisors in both nuclear and field operations. Before leaving DuPont in 1987, Ms. Roberson worked as a nuclear reactor operations manager at several sites.

From 1977 to 1980, Ms. Roberson completed work assignments as a student engineer for Westinghouse at the Clinch River Breeder Reactor in Oak Ridge, Tennessee and the Nuclear Center in Monroeville, Pennsylvania. Ms. Roberson received a B.S. in Nuclear Engineering from the University of Tennessee in Knoxville, Tennessee.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Jessie Hill Roberson.
Jessie Mae Roberson.
Jessie Mae Hill.

2. **Position to which nominated:**
Assistant Secretary for Environmental Management, Department of Energy.

3. **Date of nomination:**
April 30, 2001.

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

5. **Date and place of birth:**
October 8, 1958; Escambia County, Alabama.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced.

7. **Names and ages of children:**
Jessica Whitney Roberson—Age 12.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

Institution	Dates attended	Degrees received	Dates of degrees
University of Tennessee, Knoxville	8/77–6/81	Bachelor of Science	6/81

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Title/job description	Employer	Work location	Dates of employment
Sr. Reactor Manager	E.I. DuPont de Nemours	Aiken, SC	1981–1987
Lead Systems Engineer	Georgia Power Company	Baxley, GA	1987–1989
Dep. Asst. Manager for Environmental Restoration and Waste Mgt.	U.S. Department of Energy	Aiken, SC	1989–1994
Site Manager	U.S. Department of Energy	Golden, CO	1994–1/2000
Member	Defense Nuclear Facilities Safety Board	Washington, DC	1/2000–Present

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

None.

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

None.

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

None.

13. **Political affiliations and activities:**

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

None.

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

None.

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

I have made approximately four contributions of $100 or less to the Colorado Democratic Party and the National Democratic Party in the last 5 years.

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

University of Tennessee Minority Engineering Scholarship.
Honorary member of Rocky Flats African American Alliance.
Small Business Administration (8A) Business Development Support Award—1999.
Engineering New Record Newsmaker Award—1997.
National Baptist Convention CHRISTAR Award—1997.
American Association of University Women Trailblazer Award—1997.
Girl Scouts Women of Distinction Award—1997.
Denver Business Journal's Up and Comers Award—1997.
Urban Spectrum Certificate of Honor—1997.
U.S. Black/Hispanic Engineers Merit Award—1996.
Blacks in Government Excellence in Leadership Award—1996.
Environmental Protection Agency Certificate of Appreciation—1996.
NAACP Scientific Achievement Award—1996.
Award for Achievement in Equal Employment Opportunity—1996.
Notable Women in Energy—1996.
Black Engineer of the Year-Professional/Government—1995.

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

"Environmental Restoration Strategy for DOE"—Rocky Flats Environmental Technology Site, Published in 1995, co-authored with Robert Card.

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

In the past 10 years, I have given a wide variety of speeches related to nuclear cleanup of facilities and cleanup plans and progress. I have also frequently given speeches or participated in panel discussion for women, minorities, high school students, and college students related to continuing education, academic subject matters, engineering careers, managing changing culture and missions in the government, and leadership and professional development. I do not keep copies of my speeches and in most cases I do not have a prepared statement.

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

Yes.

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

SIGNATURE AND DATE

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

JESSIE ROBERSON.

This 21st day of May, 2001.

[The nomination of Jessie Hill Roberson was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Thomas P. Christie by Chairman Warner prior to the hearing with answers supplied follow:]

June 6, 2001.

CHAIRMAN,
Committee on Armed Services,
United States Senate,
Washington, DC.

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

Yours truly,

THOMAS P. CHRISTIE.

cc: *Ranking Minority Member.*

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of the DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

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

Answer. From my point of view, the most important aspects are the clear responsibilities and authorities given the CINCs for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am unaware of any proposals to modify Goldwater-Nichols. The Department should consult closely with Congress, especially this committee, on any changes that might be appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Director of Operational Test and Evaluation?

Answer. I understand that, if confirmed, my duties as Director, Operational Test and Evaluation will be to serve as the principal advisor to the Secretary of Defense and Under Secretary of Defense for Acquisition, Technology, and Logistics as to the conduct of test and evaluation within the Department and in formulating and implementing test and evaluation policy. Equally so, I am required to provide to Congress an annual report to Congress summarizing operational test and evaluation activities, to include comments and recommendations on test and evaluation resources and facilities, levels of funding required for operational test and evaluation activities, beyond low rate initial production reports, and specific requests from Congress for information relating to operational test and evaluation in the Department of Defense. If confirmed, my duties will include responsibility for prescribing policies and procedures for the conduct of operational test and evaluation, providing guidance to and consultation with the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics, and for monitoring and reviewing all operational and live fire test and evaluation within the Department. I will also be responsible for coordinating joint operational testing, review of and recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational and live fire test and evaluation, including test facilities.

I believe my role is to provide information on a continuous basis to the decision maker, assist in the learning needed in the development of new systems, and to provide an objective evaluation for the user of the system's capabilities and limitations early, or as it evolves or is upgraded. I also believe operational testers should assist in the development of tactics, techniques, and procedures for the system's employment and should provide evaluations on whether the systems are effective and suitable before full rate production or deployment.

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

Answer. I would expect Secretary Rumsfeld to look to the Director, Operational Test and Evaluation to fulfill all the duties assigned to that office by statute and regulation—in particular, advice and proposed policies on all test and evaluation activities, and funding/management of operational test facilities, test ranges, and other related issues.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Director of Operational Test and Evaluation?

Answer. I believe that testing needs to be conducted more adequately, and requires better funding, both in phasing and magnitude. Funding for operational and live fire testing, test ranges, test facilities, and the test infrastructure—as a whole needs to be improved. I also feel that the state of the testing infrastructure, to include the physical plant, range real estate, instrumentation, data reduction and analysis, targets, and personnel, is in need of near-term investment and high-level emphasis. I am also concerned with the use of waivers to defer testing of key performance parameters and the lack of resources available to the service operational test agencies for testing smaller acquisition programs.

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

Answer. To meet the above challenges, if confirmed, I plan to reinforce the initiatives of early involvement of operational testers during system development. I would also establish a system to track the problems identified by that early involvement to highlight them until they are resolved. If confirmed, I will engage the budget process and will institute effective long-range planning to link approval of TEMPs to the commitment of infrastructure investment. I will also give serious consideration to recent Defense Science Board recommendations on infrastructure management. On the issue of waivers, I would continue the DOT&E practice of ignoring waivers or deferrals in my assessment unless they reflect requirements changes approved by the JROC.

ADEQUATE OPERATIONAL TESTING

Question. Section 2399 of Title 10 requires a report from the Director of Operational Test and Evaluation on whether the operational test and evaluation of each major defense acquisition program has been adequate and whether the results of such testing "confirm that the items or components actually tested are effective and suitable for combat."

Can you assure the committee that, if confirmed, you will meet this statutory requirement and that you will require adequate operational test and evaluation of all major defense acquisition programs?

Answer. If confirmed, I promise to fulfill to the best of my ability my responsibilities with regards to Section 2399 of Title 10. I will ensure that adequate testing is conducted by the Department and will vigorously assess the effectiveness and suitability of defense acquisition programs under DOT&E oversight.

INDEPENDENCE AND OBJECTIVITY

Question. Congress relies on the Director of Operational Test and Evaluation to be an independent and objective evaluator of the performance of major systems.

Can you assure the committee that, if confirmed, you will be independent and objective in your evaluations, and that you will provide your candid assessment of major defense acquisition programs to Congress, regardless of the consequences?

Answer. Yes. I strongly believe independence to be crucial to objective testing and reporting. If confirmed, I intend to be independent and to provide candid assessments of all oversight programs to Congress.

Question. Section 2399 of Title 10 establishes certain requirements regarding the impartiality of contractor testing personnel and contracted advisory and assistance services utilized with regard to the test and evaluation of a system.

What is your view of these requirements?

Answer. It is my view that Section 2399 of Title 10 prohibits persons employed by the contractor for the system being tested from being involved in the conduct of the operational test and evaluation and restricts the DOT&E from contracting any person for advisory and assistance services with regard to the operational test and evaluation of a system if that person participated in the development, production, or testing of such system. These sections appear to me to strike a good balance in maintaining objectivity and independence without impacting the ability to conduct OT&E.

Question. Will you comply with them?

Answer. Yes.

MODELING AND SIMULATION

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

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

Answer. I believe modeling and simulation can be effective in supporting test and evaluation in the test design and planning process. Another potentially high payoff area is in the logistics support area. I believe it is extremely difficult to measure the cost and time benefit associated with the use of modeling and simulation in the test and evaluation process and that most attempts so far have lacked the up-front funding needed for success. Modeling and simulation in not a substitute for testing, but there are situations where field-testing alone cannot represent the realistic situation. This is the case in some missile defense and chemical-biological defense scenarios. In those cases, modeling and simulation can help in the evaluation of what has been learned from field-testing.

Question. How is the amount of this actual testing determined to ensure reliability and maintainability thresholds are met with sufficient statistical confidence?

Answer. I am not aware of any standard or DOD guidance in this area. When the National Academy of Sciences looked at OT&E in 1998, they found that "Our assessment is that the current level of test planning and experimental design for operational testing in the Department of Defense is neither representative of best industrial practices, nor takes full advantage of the relevant experimental design literature." If confirmed, I plan to review this situation.

DEVELOPMENTAL TESTING

Question. During the past several years, a number of changes have been made to the historical divisions between developmental and operational testing activities. Largely, these have involved providing for earlier involvement of the operational

testing community in developmental testing in order to increase the confidence that weapons systems will be ready for operational testing and reduce the need to repeat testing during the operational evaluation phase that has already been demonstrated satisfactorily during developmental testing.

Do you believe that the current relationship between developmental and operational testing activities is appropriate?

Answer. I believe the relationship between developmental test activities and operational test activities within the Department is appropriate. Developmental testing is intended to verify the status of engineering development, verify that design risks have been minimized, verify technical performance, and certify readiness for operational test. Operational test and evaluation is to determine if a system is operationally effective and operationally suitable for use by intended users before production or deployment.

There is growing evidence that there is a need to conduct more thorough developmental testing to preclude weapon systems from entering operational testing before the systems are ready.

Question. Do you believe that the Department should make additional changes in this arena?

Answer. If confirmed, I will work with the Under Secretary of Defense for Acquisition, Technology, and Logistics to promote the value of developmental testing and, if appropriate, to strengthen the readiness for operational test and evaluation certification process. I also intend to review the current practices of the services to "waive" or "defer" requirements.

Question. Are you concerned that the increased involvement of the operational testing community in developmental testing could undermine the confidence we need in the independence and objectivity of our operational testers?

Answer. I believe that experience has shown that increased operational testing involvement has not compromised the independence and objectivity of operational testing and evaluation. DOT&E and Operational Test Agency independence is absolutely vital. I believe that operational testers must always retain a clear view of their primary responsibilities—to ensure that the weapon systems are operationally effective and operationally suitable before those systems are acquired for our operational forces. If confirmed, I will reinforce that responsibility.

Question. There has been concern that some programs are not being adequately tested during the developmental testing phase.

What do you propose to do, if confirmed, to ensure adequate developmental testing is taking place?

Answer. I share the concern that some programs are not being adequately tested during developmental testing. I believe that the readiness for operational test certification process needs to be reviewed and strengthened.

I also recognize the Director's responsibility to offer advice to those who are responsible for developmental testing. I place high importance on thorough developmental testing before initiation of operational testing. I fully support the need for operational testers to be involved early in the program, with emphasis on understanding the developmental testing that has occurred and the results of that testing. If confirmed, I would vigorously make known my advice if I perceive that developmental testing was insufficient.

Question. Do you feel that operational testers should have earlier insight into the developmental testing process?

Answer. Yes.

Question. When is it appropriate for developmental and operational testing to be combined?

Answer. Combining developmental, operational test, and live fire test and evaluation is appropriate when test objectives are similar or overlapping and makes sense when a test event can meet multiple test objectives, including being conducted in an environment or scenario that is relevant to all. Depending on the test, either the developmental, live fire, or operational testers may conduct the test, with the data from the test available fully to all. I believe that the evaluation of the results of such combined testing is then best done independently in accordance with the differing objectives and perspectives of the evaluators.

STREAMLINING THE ACQUISITION PROCESS

Question. Both Secretary Rumsfeld and Under Secretary Aldridge have indicated that they believe that there is a compelling need to streamline the acquisition process to reduce the fielding times for new weapons systems and capabilities.

If you are confirmed as the Director of Operational Test and Evaluation, how would you propose to achieve an appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate operational testing?

Answer. The time to conduct operational testing is only a small percentage of the overall acquisition cycle time. Delays in entering operational testing usually are much longer than the time frame of the operational test itself. Because the operational tests supporting full production occur near the end of the acquisition cycle, there is greater pressure to rush such tests. I feel that the operational testers can contribute to reducing cycle time by identifying problems early in the development cycle when the problems can be solved with less impact on the program.

Question. There has been an initiative toward evolutionary acquisition, or spiral development, to field weapons systems sooner and then to evolve them once fielded.

What is the impact of this initiative on the testing process?

Answer. The operational testers will need to remain intimately involved with a weapons system program well beyond the full-rate production decision.

Question. What requirements and criteria would you propose to ensure an effective test program is established for an evolutionary acquisition program?

Answer. Spiral development requires a time-phased requirements process with a distinct set of requirements for each development spiral. Each spiral can then be operationally tested and evaluated against appropriate requirements.

Question. Do you foresee that follow-on operational testing will be required for each program "spiral"?

Answer. Yes. The first spiral that represents a fieldable configuration will undergo initial operational test and evaluation supporting the beyond low-rate initial production decision. Subsequent spirals will undergo follow-on operational test and evaluation.

"SYSTEM OF SYSTEMS" TESTING

Question. Many programs are now developing what is called a "system of systems" approach.

What challenges to operational testing are inherent for DOD programs that are a part of an overall "system of systems"?

Answer. I believe the most significant challenge to operational testing of systems deployed in an integrated "system of systems" is to adequately assess interoperability in terms of the system's contribution to the integrated "system of systems" effectiveness and efficiency. This challenge is becoming more complex due to the modernization and automation of the integrated battlefield where most all systems must function to some degree in a "system of systems" architecture. Multiple factors contribute to the challenge of operationally testing interoperability.

Since acquisition programs are typically managed in a "stovepipe" manner, the system program managers are neither chartered nor funded to ensure the individual system's contribution to the "system of systems." The challenge is made more difficult by the expense and logistics in pulling all the members of a "system of systems" together for adequate interoperability testing of a new acquisition program.

Question. How should a "system of systems" be tested to assess the effectiveness of the whole?

Answer. I believe that prior to the production decision for a new acquisition program, the new system should be operationally tested in the "system of systems" architecture. "System of systems" testing should be integrated and conducted with the Initial Operational Test and Evaluation (IOT&E) prior to the production decision. All "system of systems" testing should be planned and detailed in the Test and Evaluation Master Plan. Final evaluation of the system's performance and contribution to the "system of systems" should be in the IOT&E where systems are deployed with trained operators and operated in accordance with approved tactics and doctrine. This substantially increases the scope of OT as systems become more interoperable.

ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS (ACTD)

Question. ACTDs have been viewed as a method to get promising technology into the hands of the operational forces in an expeditious manner.

How do you view DOT&E's role in the execution of ACTDs, especially for those demonstrations where the system is to be fielded operationally upon completion of the ACTD?

Answer. Although most of the ACTDs do not reach the dollar value of a major defense acquisition program, several—because of their significant impact on combat operations—have been placed under DOT&E oversight. In those cases, it is my understanding that DOT&E conducts independent early operational assessments of the ACTD and includes assessment reports in the DOT&E annual report to Congress.

These assessments also provide the operational user with an understanding of the capability and weaknesses of the systems if they are deployed before they go through test and evaluation of a normal acquisition program. If confirmed, I will encourage the service operational test agencies to do the same for ACTDs that are not under DOT&E oversight, but this requires additional resources.

FUNDING FOR TESTING AND EVALUATION

Question. Over the past 12 years, we have cut the operating and investment budget for our major range and test facility bases by more than a billion dollars. At the same time, a number of major programs have reduced their test and evaluation budgets.

Do you believe that the test and evaluation function is adequately funded in the Department of Defense today?

Answer. No. I agree with the DSB finding that "the T&E process is not funded properly—in phasing or magnitude. Funds are not available early enough, [and] corners are cut in the testing that is done." As a consequence, there is an aging workforce, skills imbalances, and few military left in the T&E organizations. The age of the facilities and capabilities average over 35 years, with some over 50 years old.

Question. What, in your view, are the likely consequences of underfunding testing and evaluation?

Answer. The recent DSB found that "the T&E process is not funded properly in phasing or magnitude." As a result, the report went on to conclude that "testing is not being conducted adequately—if systems are not adequately tested they enter the inventory with latent defects that can be very costly and can impact operational effectiveness." I agree with that assessment.

LIVE FIRE TESTING

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

Do you believe that the Department's current live fire testing program is accomplishing its purpose?

Answer. Yes. I believe the Department's live fire testing program is accomplishing its purpose, and I strongly support the intent of Congress when it passed the statutory requirement to assess the vulnerability, lethality, and survivability of platforms with realistic testing. In virtually every live fire program conducted to date, there have been unexpected lessons learned that have resulted in design corrections to improve the survivability (or lethality) of the systems under test.

COMBINATION OF TESTING WITH TRAINING EXERCISES

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

Should testing be combined with scheduled training exercises? What are the barriers, if any, to doing so?

Answer. The Department has combined testing and training events since the 1960s, with combined testing and training as one of the themes for operational test and evaluation articulated by Secretary William Perry in 1995. I favor combined test and training events when they provide increased test realism, more realistic friendly and threat forces, and provide a broader operational context, but still allow for the necessary collection of data.

On the other hand, I recognize there may be differing testing/training philosophies—and objectives, data collection intrusiveness requirements, ability to control events, and flexibility of schedule are potential barriers that require close cooperation between the tester and trainer in order to be successful.

SCIENCE AND TECHNOLOGY FOR TEST AND EVALUATION

Question. In fiscal year 2002, the Office of Operational Test and Evaluation will initiate a Science and Technology for Test and Evaluation program in coordination with the Deputy Under Secretary of Defense for Science and Technology. The program is intended to accelerate the development of critical technologies for test and evaluation, provide the essential knowledge base, and build test and evaluation capabilities for the future.

If confirmed, what actions will you take to ensure that this initiative meets the stated objectives?

Answer. If confirmed, I will continue to work with all appropriate organizations to establish the initial framework for this program. For the first time, the Department has a structured program that fosters a robust T&E/S&T planning process. This program will allow test technologies to pace evolving weapons technology, and is absolutely critical to ensuring that the Department has the capability to fully and completely test the advanced systems that will be fielded in 2010–2020.

I will continue to work with all the stakeholders to develop a comprehensive test technology roadmap that is consistent with other departmental planning documents such as Joint Vision 2020. This entails working intimately with the test capability developers and leveraging heavily from technology that emerges from academia, the DOD S&T community, and industry. If confirmed, I will attempt to identify and invest in the critical, leap-ahead technologies that are required to test tomorrow's advanced weapons systems.

OPERATIONAL TEST AGENCIES (OTA)

Question. There is currently an OTA for each of the services and the Marine Corps. The OTA provides testing for new and evolving systems, however, each service has a unique funding process for this testing. For example, testing within Navy programs is funded through program managers, but testing within the Air Force is funded through the OTA.

What benefit, if any, would be realized through a single funding structure within the OTA and would you recommend funding testing through OTAs or program managers?

Answer. I believe that funding of OT&E through the OTAs has led to problems in the past, creating internal pressures within the OTAs to limit the amount of operational testing based on their budgets. There have also been difficulties due to substantial development delays that move OT&E from fiscal year to fiscal year. When the funding for OT&E is the responsibility of individual programs, as required by 10 U.S.C. 2399, the Test and Evaluation Master Plan (TEMP) becomes the basis for OT&E test resources and the program manager must plan for, budget, and provide those resources at the time of OT&E.

Question. Do you have any concerns about the independence of the OTAs?

Answer. Yes, I am concerned that there will always be pressures on the OTA commanders to support service acquisition strategies. I think that it is important that they continue to report to the top level of their respective services, independent of the service acquisition organizations.

Question. Should the policies and procedures of the OTAs be standardized?

Answer. Each of the service OTAs has unique processes for the conduct of OT&E. As long as these processes lead to a robust operational test and evaluation of weapon systems, I believe DOT&E does not need to standardize those processes. I also feel that the area of OT&E funding is an area where some standardization may be appropriate.

Question. Can you describe DOT&E's role and oversight of the use of waivers to operational testing requirements by the OTAs?

Answer. DOT&E does not recognize waivers that services may apply to the conduct of OT&E. I believe that operational tests conducted by the OTA must adequately address all required capabilities regardless of waivers.

Question. What are your thoughts on the establishment of a joint testing agency?

Answer. My major concern is that the OTAs receive adequate funding and manning to carry out their missions. Only if the OTAs were not adequately resourced would I consider a joint testing agency.

DATA SHARING DURING OPERATIONAL TESTING

Question. Recent experience during operational testing on the V–22 program indicated that there may be problems with sharing important data with responsible officials outside the testing chain of command generated during operational evaluation. It is clear that there need to be limits on the ability of the program office to influence the testing results. However, it is less clear why the program office should not have clear visibility of data generated during testing.

Are you aware of current limitations on program office visibility into the activity and results of operational testing?

Answer. Yes. I understand that one service does limit access to test data during the conduct of the operational test.

Question. If so, do you agree with those limitations?

Answer. No. I believe that the deficiency data during an operational test should be readily accessible to all organizations that have a legitimate need for such data. On the other hand, this is a two-way street as data from the program offices and

other organizations should be shared on a routine basis to provide greater insight to operational testers throughout the acquisition cycle.

Question. Should there be appropriate differences of access between contemporaneous access and subsequent access?

Answer. I believe that the deficiency data should be available as soon as practicable with expedited availability for potential safety deficiencies. Access to the deliberative information associated with the evaluation process, such as scoring, should be released with the final test report. I believe the specific timing of the release of data needs to be developed as a matter of policy over the near term.

V–22

Question. Over the last year, substantial questions have been raised about the viability of the V–22 program as a result of two fatal crashes and allegations that key maintenance data on the program may have been falsified. As a result of these problems, a decision to proceed beyond low rate initial production has been delayed.

Can you assure the committee that you will ensure that adequate operational testing and evaluation is conducted on the V–22 program, and that you will make a determination whether the items or components actually tested are effective and suitable for combat?

Answer. It is my understanding DOT&E will continue involvement with the V–22 program test and evaluation planning activities for the next several years, as well as with longer-term investigations into the unique qualities of tilt-rotors in general and the V–22 in particular. The planned experimental, developmental, and operational test activity to support a resumption of operational flying and eventual full-rate production will be documented in a revision to the Test and Evaluation Master Plan, which I will review, if confirmed.

Question. If the operational testing and evaluation on the V–22 program does not demonstrate that the items and components tested are effective and suitable for combat, will you recommend against proceeding beyond low-rate initial production on the program?

Answer. The decision to proceed beyond low-rate initial production is properly the responsibility of the Defense Acquisition Executive. If confirmed, I will issue a DOT&E report to the Defense Acquisition Executive, Secretary, and congressional defense committees at the time the decision is proposed. In that report, I will provide my opinion regarding test adequacy, operational effectiveness, operational suitability, and survivability of the V–22.

NATIONAL MISSILE DEFENSE

Question. The United States has been developing a land-based National Missile Defense (NMD) system that has an approved operational requirement for defeating all incoming ballistic missile reentry vehicles from a limited ballistic missile attack, with a very high degree of confidence.

Can you assure the committee that you will ensure that adequate operational testing and evaluation is conducted on any National Missile Defense system, and that you will make a determination whether the items or components actually tested are effective and suitable for combat?

Answer. If confirmed, my intention is to have an operational test and evaluation program developed that adequately addresses the approved system operational requirements. Upon completion of the initial operational test and evaluation, I will provide an assessment of the effectiveness and suitability of the tested system.

Question. If the operational testing and evaluation of a National Missile Defense system does not demonstrate that the items and components tested are effective and suitable for combat, will you recommend against the acquisition or deployment of the system?

Answer. The decision to proceed is that of the Secretary of Defense or his designated executive. I would not recommend the acquisition or deployment of an ineffective or unsuitable system.

Question. Do you believe that a program of operational testing and evaluation for a National Missile Defense system can be considered adequate if it does not include the use of countermeasures?

Answer. I feel that an adequate test and evaluation must include the use of countermeasures.

Question. The previous Director of Operational Test and Evaluation recommended additional and more realistic testing of the ground-based National Missile Defense system. The Bush administration may revise the architecture and requirements of the ground-based NMD proposed by the Clinton administration.

Can you assure the committee that, if confirmed, you would work with Secretary Rumsfeld and the Director of the Ballistic Missile Defense Organization (BMDO) to determine a reasonable test and evaluation program for any revised missile defense program proposed by the Department of Defense?

Answer. If confirmed, I intend to work with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director, Ballistic Missile Defense Organization to assure an adequate test and evaluation program is developed to determine that the selected architecture satisfies the approved operational requirements.

Question. The previous Director of Operational Test and Evaluation recommended an expansion of the NMD range and infrastructure to provide for more realistic testing.

Do you agree with this recommendation?

Answer. Yes. I would always agree to range and infrastructure improvements to provide more realistic testing. If confirmed, I will need time to review the program before I can offer any specific recommendations.

Question. The missile defense community, as well as many other development and acquisition communities, makes extensive use of modeling and simulation.

What role should modeling and simulation play in the test and evaluation process?

Answer. I believe that modeling and simulation is indispensable to modern test and evaluation and can help the process in many ways. Simulations can help identify critical operational issues and key performance parameters to help focus test objectives. They can help develop test scenarios and otherwise assist in detailed test planning. Simulations can examine performance under conditions that cannot be replicated on a test range. I expect that simulations will evaluate missile defense performance for larger scale scenarios than planned for flight test and for numerous countermeasure variations that might be conceived.

Question. Can modeling and simulation streamline or reduce BMD operational test requirements? If so, to what extent?

Answer. I cannot speak to specific reductions modeling and simulation could bring, and until I fully understand program specifics and the NMD acquisition strategy, I am not prepared to elaborate on any specific BMDO test requirements.

Question. Countermeasures deployed by rogue nations could pose a challenge to BMD systems, but if and when such countermeasures would be deployed remains open to question.

If confirmed, how do you intend to address the challenge of BMD testing against countermeasures?

Answer. If confirmed, I intend to work with all the interested organizations to develop a broad program of flight tests, hardware-in-the-loop ground tests, and simulations to confirm that the system has sufficient performance margins to handle likely countermeasures.

Question. The DOT&E Fiscal Year 2000 Annual Report recommended that the NMD program office "should consider a much more parallel approach whereby flight testing can continue at an aggressive pace in the wake of a possible failed intercept."

Do you agree with this recommendation?

Answer. Until I fully understand program specifics and the NMD acquisition strategy, I am not prepared to elaborate on any specific BMDO test requirements.

ARMY TRANSFORMATION

Question. The National Defense Authorization Act for Fiscal Year 2001 requires the Secretary of the Army to conduct a comparative evaluation of interim armored vehicles selected for the fielding of interim brigade combat teams with equipment already in the inventory. The intent of this law is to carry out a side-by-side comparative operational evaluation of units similarly organized, trained, and equipped, other than for the differences in medium armored vehicles.

The law further requires that the evaluation plan, including the size of the units involved in the evaluation, be approved by the DOD Director of Operational Test and Evaluation. Last month the acting Director of Operational Test and Evaluation approved an evaluation plan, which examines platoon level missions in accordance with the interim brigade combat team organizational and operational concept.

Do you agree that an evaluation of platoon level missions is sufficient for such a new and unique unit designed primarily for operations at brigade level?

Answer. I believe that platoon level missions carried out at the company level in terms of vehicles and manpower are appropriate with robust technical testing. I think the test strategy is sufficient for an adequate vehicle level comparison. In con-

trast to the vehicle comparison, the interim armored vehicle IOT&E, currently scheduled for fiscal year 2002, will be a much larger test and evaluation of the capability of an interim brigade combat team equipped with medium armored vehicles to accomplish its missions. The IOT&E is currently designed to be conducted with an interim brigade combat team battalion and a brigade headquarters.

Question. Do you intend to review that decision?

Answer. Yes. If confirmed, I will work closely with the committee and the Army to ensure the intent of the law is met. The Army will be submitting a detailed comparative evaluation test plan to DOT&E for approval this month. If confirmed, I will review the plan for the comparison evaluation.

Question. Will you assure the committee that you will take a personal interest in providing oversight for the conduct of that operational comparison to ensure that this evaluation is valid and fulfills the intent of the congressional language?

Answer. Yes.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Director of Operational Test and Evaluation?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. With the greater reliance on the use of computer simulations in virtually all aspects of military training and testing, is there a continuing need for the extensive and costly live fire test and evaluation program?

Mr. CHRISTIE. There is a continuing need for an adequate and thorough Live Fire Test and Evaluation (LFT&E) program. Congress established the LFT&E program as a mechanism for reducing the vulnerability of American military personnel using our combat equipment and increasing the lethality of their weapons.

The current (and foreseeable) state-of-the-art in modeling and simulation (M&S), does not support the exclusive use of M&S predictions for system vulnerability or weapon lethality evaluations in lieu of live testing. The final product of an LFT&E program is a comprehensive evaluation of a system's vulnerability or lethality under operationally realistic conditions. This evaluation, which supports the decision to proceed beyond low-rate initial production, is based on realistic testing complemented by the best analytical tools available, to include M&S.

These M&S tools have proven both useful and necessary in the design of military systems and their test programs. Significant advances have been made in certain kinds of vulnerability and lethality modeling, such as physics-based modeling in support of ballistic missile programs. Such models help us identify munition-target interactions with uncertain or mixed results, allowing us to focus testing on areas where we are unsure of the outcome.

DOD regulations require each live fire test to be preceded by a prediction of results, using M&S. In part, this is intended to help validate those aspects of the model that appear to have predictive capability. Frequently, however, we have found that the predictive capabilities are severely limited or are inadequate. Model-test comparisons have assisted us in determining the appropriate role of M&S in our evaluations, and have helped the model developers to identify priorities for M&S improvements.

Finally, I should note that LFT&E involves a relatively modest cost to the program. Typically, the cost of LFT&E has not exceeded three-tenths of 1 percent (0.3 percent) of program costs and, in most cases, the cost has been much less. This includes the cost of testing as well as the M&S applications in support of the LFT&E.

2. Senator THURMOND. One of the goals of the Live Fire Testing and Training Program is to bring together the testing and training communities in the fielding of a weapons system. I personally believe that this must be a priority and that it should be done at the earliest possible time in system development.

Based on your earlier tour in the Operational Test and Evaluation office, are the services and OT&E doing enough in this area and what changes would you advocate, if confirmed?

Mr. CHRISTIE. I agree that priority should be given to achieving greater cooperation between the testing and training communities to better serve the Department's goal of fielding weapon systems with demonstrated operational capability in a more timely manner. If confirmed, I will advocate and support initiatives to share technologies and data between the two communities and to foster early collaboration that is crucial to lower cost and speedier acquisition of new weapon systems.

For example, I believe up-front investment in the training package for new systems can speed the process of fielding new capabilities, not merely passing a contractual milestone such as full-rate production. Early development of the training package could also allow more meaningful consideration of how the system will be used by our combat forces and that, in turn, could facilitate the design of a more robust and productive operational test and evaluation. Another initiative would involve the early development of man-in-the-loop training simulators containing the same software as the actual system that could then serve early on as effective software test beds.

3. Senator THURMOND. Many so-called experts believe that the solution to all problems in the Department of Defense can be resolved by adopting commercial practices. After all, Boeing and other corporations have their test and evaluation programs for commercial projects and they seem to get their products in the hands of customers much faster than the Department of Defense.

How is the civilian testing program different from that within the Department of Defense and should we be looking at commercial practices in the testing area?

Mr. CHRISTIE. There are a number of differences between the business practices of the Department of Defense and those of the commercial sector. In the main, commercial product development practices place much greater emphasis on testing than does defense. Commercial products that do not perform up to expectations suffer severe consequences in the marketplace. Of the thousands of new commercial products introduced each year, most fail to be profitable and soon disappear from the marketplace. Thus, there is a very strong incentive to ensure product effectiveness and suitability through robust testing. On the other hand, while defense weapons systems are not subject to the discipline of the marketplace, it is imperative that they be operationally effective, suitable, and survivable when employed by our soldiers, sailors, and airmen across a spectrum of demanding combat scenarios.

In many commercial cases, testing can be the largest single effort in development and, for the most part, it is an integral part of the development process. Commercial testing capability is planned, resourced, and conducted early to ensure that product development is well-focused on meeting product objectives. Achieving that same early emphasis for weapons systems testing will be one of my major goals, if I am confirmed.

QUESTION SUBMITTED BY SENATOR BOB SMITH

4. Senator SMITH. Congress has funded the Live Fire Testing and Training Initiative for the last 7 years. This has been a successful program which has saved lives and taxpayer dollars.

Can you assure me that as the Director of Operational Test and Evaluation you will advocate this initiative and that you will ensure it is included in the President's defense budget submitted to Congress?

Mr. CHRISTIE. I agree that the Live Fire Testing and Training Initiative has been a successful program that has saved lives and taxpayer dollars over the years that it has been funded by Congress. If confirmed, I will use my position as the Director, Operational Test and Evaluation to advocate funding this program in the President's defense budget, but could not ensure that any particular program or its level of funding will be included in the budget. That decision will be made by the Sec-

retary of Defense who must balance a host of competing demands for scarce resources in his deliberations on the defense budget.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

5. Senator SANTORUM. In an answer to advance questions, you state that you intend to promote the value of developmental testing and, if appropriate, to strengthen the readiness for operational test and evaluation certification process. During the past 2 years as Chairman of the Airland Subcommittee, I have expressed concern over migration of developmental test content out of the F–22 Raptor program. It seemed as if every time cost or schedule difficulties loom, more "testing efficiencies" had been discovered.

As the Director of Operational Test and Evaluation, how will you, if confirmed, and how are we, in our oversight role, to gain confidence that an appropriate level of developmental test has occurred before a program enters its operational test and evaluation?

Mr. CHRISTIE. I am also concerned with the "migration" and reduction in content of early developmental testing across the Department. If confirmed as the Director of Operational Test and Evaluation, I will work with the Under Secretary of Defense (Acquisition, Technology, and Logistics) and the service secretaries to reverse this disturbing trend. Consistent with statutory limitations on my involvement in developmental test issues, if confirmed, I will strive to ensure that the services implement a process whereby new systems must demonstrate sufficient maturity through developmental testing prior to entering operational test and evaluation. Additionally, I would continue to closely monitor system performance in early testing, conduct early operational evaluations, and provide independent advice and assessments to senior decision-makers and work to eliminate "migrations," "waivers," and "deferrals".

You refer to the problem of cost and schedule difficulties leading to test "efficiencies" that reduce testing. The most efficient test capability is one that accomplishes all the required testing within a schedule that is reasonable for the program. Certainly, the funding cap has been a major problem leading to the changing F–22 Raptor test program, but the test and evaluation infrastructure has had some problems accommodating all the flight test sorties the Air Force needs to accomplish in the time remaining on the schedule. If confirmed, I will seek to enhance the capabilities and responsiveness of our T&E infrastructure so that adequate testing is not perceived as a threat to the program manager's schedule.

6. Senator SANTORUM. The National Defense Authorization Act for Fiscal Year 2001 directed the Director of Operational Test and Evaluation to approve the Secretary of the Army's plan to conduct a side-by-side comparison of the infantry carrier variant of the interim armored vehicles selected for the interim brigade combat teams and the troop-carrying medium armored vehicles currently in the Army inventory.

This committee directed this test because of its concern that the Department of the Army had selected a vehicle for its interim brigade combat team that was more costly than medium armored vehicles currently in the inventory but not operationally more effective.

Do you agree that a side-by-side test be conducted before the Department obligates funds for acquisition of medium armored combat vehicles for the third interim brigade?

Mr. CHRISTIE. I understand the requirement to conduct a side-by-side test prior to obligation of funds for the third interim brigade combat team by the Department of the Army. In addition, a cost and operational effectiveness comparison, using the results from that test, will also be conducted before release of that funding. In addition, I understand that the Secretary of Defense must certify his approval of the obligation of funds and that the resulting force structure will not diminish the combat power of the Army.

The Army concept for the Medium Armored Vehicle Comparison Evaluation, as briefed to DOT&E this past spring, appears adequate to address operational effectiveness, suitability, and survivability issues. However, I understand the DOT&E office is awaiting more details on this concept that will be available when the Army submits its formal plan for DOT&E approval later this July. Overall, the Army's evaluation concept relies on both developmental and operational testing, the use of existing data, and modeling and simulation. The operational test event consists of side-by-side military operations of an infantry company equipped with the interim armored vehicle equipped with Force XXI Battle Command Brigade and Below

(FBCB2) and an infantry company with M113A3 Armored Personnel Carriers (APCs) with FBCB2. Developmental testing includes performance envelope testing to measure payload, mobility, survivability, and suitability.

[The nomination reference of Thomas P. Christie follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
May 24, 2001.

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

Thomas P. Christie of Virginia, to be Director of Operational Test and Evaluation, Department of Defense, vice Philip Edward Coyle III, resigned.

[The biographical sketch of Thomas P. Christie, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF THOMAS P. CHRISTIE

Thomas P. Christie most recently served as the Director of the Operational Evaluation Division for the Institute for Defense Analyses, a position he held from 1992 to 2001. With IDA, he previously served as the Assistant Director of the Operation Evaluation Division from 1989 to 1992.

Mr. Christie has had a long and distinguished career in public service. From 1987 to 1989, he was the Director, Program Integration, in the Office of the Under Secretary of Defense (Acquisition). Prior to that, he was the Deputy Assistant Secretary of Defense (Programs and Resources) in the Office of the Assistant Secretary of Defense (Acquisition and Logistics) from 1986 to 1987, the Deputy Assistant Secretary of Defense/Deputy Director (General Purpose Programs) in the Office of the Assistant Secretary of Defense (Program Analysis and Evaluation) from 1979 to 1986, the Deputy Assistant Secretary of Defense (Operational Test and Evaluation) in the Office of the Assistant Secretary of Defense (Program Analysis and Evaluation) from 1977 to 1979, and the Director, Tactical Air Division, in the Office of the Deputy Assistant Secretary of Defense (General Purpose Programs), Office of the Assistant Secretary of Defense (Program Analysis and Evaluation) from 1973 to 1977.

Prior to his service at the Pentagon, Mr. Christie served at the Air Force Armament Laboratory, Eglin AFB, Florida, first as an Analyst in the Special Studies Branch from 1962 to 1965, then as the Chief of the Analysis Branch from 1965 to 1970, and finally as the Director of the Weapon System Analysis Division from 1970 to 1973. Prior to this, he began his professional career as an Analyst in the Ballistics Division at the Air Proving Ground Center, also at Eglin AFB, Florida.

Mr. Christie graduated from Spring Hill College in 1955 with a B.S. degree in Mathematics and from New York University in 1962 with an M.S. degree in Applied Mathematics. Over the years, Mr. Christie has received numerous awards and citations for his outstanding performance. These awards include the Presidential Rank, Distinguished Executive Award (1983), the Presidential Rank, Meritorious Executive Award (two awards–1980 and 1987), the Department of Defense Distinguished Civilian Service Award (four awards—1979, 1981, 1983, and 1989), and the Air Force Scientific Achievement Award (two awards—1965 and 1970).

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Thomas Philip Christie.

2. **Position to which nominated:**
Director, Operational Test and Evaluation, Office of the Secretary of Defense, Department of Defense.

3. **Date of nomination:**
May 24, 2001.

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

5. **Date and place of birth:**
May 28, 1934; Pensacola, Florida.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Kathleen Ann Lawson.

7. **Names and ages of children:**
Son, Kevin Patrick Christie—29 years old.
Daughter, Stephanie Marie Christie—26 years old.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Attended Pensacola Catholic high School 1947–1951; graduated May 27, 1951.
Attended Spring Hill College in Mobile, Alabama 1951–1955; received Bachelor of Science Degree on May 24, 1955.
Attended Courant Institute of Applied Mathematics, New York University 1961–1862; received Master of Science Degree in Applied Mathematics in September 1962.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1989–1991: Research Analyst—responsible for evaluations of weapon system performance.

Operational Evaluation Division, Institute of Defense Analyses, 1801 N. Beauregard Street, Alexandria, VA 22311.
1992–2001: Director, Operational Evaluation Division—responsible for managing and directing staff of about 100 research analysts in the evaluation of weapon system performance.

Institute for Defense Analyses, 1801 N. Beauregard Street, Alexandria, VA 22311.

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

• 1955–1973: Series of increasingly responsible positions as federal employee working for the U.S. Air Force Armament Laboratory at Eglin AFB, FL.
• 1973–1977: Director, Tactical Air Forces; Office of the Assistant Secretary of Defense for Program Analysis and Evaluation (ASD/PA&E); Office of the Secretary of Defense (OSD).
• 1977–1979: Deputy Assistant Secretary of Defense for Operational Test and Evaluation; ASD/PA&E; OSD.
• 1979–1985: Deputy Assistant Secretary of Defense for General Purpose Programs; ASD/PA&E; OSD.
• 1985–1987: Deputy Assistant Secretary of Defense for Programs and Resources; ASD (Production and Logistics); OSD.
• 1987–1989: Director, Program Integration; Office of the Under Secretary of Defense for Acquisition; OSD.

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

As Director of Operational Evaluation Division, I was a member of IDA's Board of Directors. I resigned from this position when the President nominated me for the position of Director, Operational Test and Evaluation. I have no other business relationships.

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

I am a member of the organizations listed below. I hold no office in any of these.

National Defense Industrial Association.

National Historic Preservation Trust.

13. **Political affiliations and activities:**

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

I have never held any office with a political party nor have I ever been a candidate for any public office.

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

I have not been a member, held any office in or rendered any services to a political party or election committee during the last 5 years.

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

During the past 5 years, I have not made a political contribution of $100 or more to any individual, campaign organization, political party, PAC, or similar entity.

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

Four-year scholarship to Spring Hill College, 1951–1955.

Air Force Scientific Achievement Award, 1965 and 1970.

DOD Distinguished Civilian Service Award, 1979.

Presidential Rank, Meritorious Executive Award, 1980 and 1987.

First Oak Leaf Cluster to DOD Distinguished Civilian Service Award, 1981.

Second Oak Leaf Cluster to DOD Distinguished Civilian Service Award, 1983.

Presidential Rank, Distinguished Executive Award, 1983.

Third Oak Leaf Cluster to DOD Distinguished Civilian Service Award, 1989.

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

Other than several technical reports authored during my time as a weapon analyst at Eglin AFB in the 1955 to 1973 time frame and a few technical reports I coauthored as an IDA research staff member in 1990, I have authored no other books, articles, or other published materials.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

THOMAS P. CHRISTIE.

This 29th day of May, 2001.

[The nomination of Thomas P. Christie was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

NOMINATIONS OF ALBERTO J. MORA TO BE GENERAL COUNSEL OF THE NAVY; DIANE K. MORALES TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS; STEVEN J. MORELLO, SR., TO BE GENERAL COUNSEL OF THE ARMY; WILLIAM A. NAVAS, JR., TO BE ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS; AND MICHAEL W. WYNNE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY

FRIDAY, JUNE 22, 2001

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

The committee met, pursuant to notice, at 9:37 a.m. in room SR–222, Russell Senate Office Building, Senator Carl Levin (chairman) presiding.

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

Committee staff members present: David S. Lyles, staff director.

Majority staff members present: Daniel J. Cox, professional staff member; Creighton Greene, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; and Michael J. McCord, professional staff member.

Minority staff members present: Romie L. Brownlee, Republican staff director; Judith A. Ansley, deputy staff director for the minority; Brian R. Green, professional staff member; William C. Greenwalt, professional staff member; Ambrose R. Hock, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, minority counsel; Suzanne K.L. Ross, research assistant; Cord A. Sterling, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Kristi M. Freddo, Jennifer L. Naccari, and Michele A. Traficante.

Committee members' assistants present: Barry Gene (B.G.) Wright, assistant to Senator Byrd; Elizabeth King, assistant to Senator Reed; Eric Pierce, assistant to Senator Ben Nelson; John

A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; and Douglas Flanders, assistant to Senator Allard.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. The committee will come to order. The committee meets today to consider the nominations of Alberto Jose Mora to be General Counsel of the Department of the Navy; Diane K. Morales to be Deputy Under Secretary of Defense for Logistics and Material Readiness; Steven John Morello, Sr. to be General Counsel of the Department of the Army; William A. Navas, Jr. to be Assistant Secretary of the Navy for Manpower and Reserve Affairs; and Michael W. Wynne to be Deputy Under Secretary of Defense for Acquisition and Technology.

On behalf of the entire committee I would like to welcome you and your families and friends to the Armed Services Committee. We have a tradition on this committee of asking the nominees if they would like to introduce family members who might be present. Mr. Morello, I am going to start with you.

Mr. MORELLO. I would be very pleased and proud to introduce to you this morning my daughter, Rebecca, who traveled here from Michigan. Rebecca is a recent graduate of Ladywood High School in Livonia. She had a 4.0 and has been admitted to the University of Michigan this fall to study electrical engineering. Also with me this morning, Mr. Chairman, is a very distinguished citizen of Michigan and a friend and mentor of mine, Mr. Heinz Prechter.

Chairman LEVIN. We know Mr. Prechter well and I've been an admirer of his for a long time. We welcome him and your daughter.

Mr. Wynne.

Mr. WYNNE. Thank you, Mr. Chairman. It is my pleasure to acknowledge the support of my spouse of 35 years, Barbara. I appreciate that.

Chairman LEVIN. Ms. Morales.

Ms. MORALES. My family is in Texas, but I am surrounded by friends; Mr. Jim Guerin is with me, as is Mr. Maurice Henri, and Mr. and Mrs. Kenney.

Chairman LEVIN. Welcome everybody.

Mr. Navas.

Mr. NAVAS. Mr. Chairman, Senator Warner, I would like to introduce my spouse of 36 years, Wilda. She is here to give me the support she has given me throughout our careers.

Chairman LEVIN. Welcome.

Mr. Mora.

Mr. MORA. Thank you, Mr. Chairman. I would like to introduce my wife Susan Talalay; my son Alexander and his pet flamingo, whom you recognized earlier; my in-laws Dr. Paul Talalay and his wife Dr. Pamela Talalay.

Chairman LEVIN. We welcome them all, particularly the flamingo. I do not think we have ever had a flamingo here.

Chairman WARNER. Well, they had an alligator in New York City. [Laughter.]

We welcome you all and your family and friends and pets. The presence of families reminds us of the sacrifices that family will be asked to make on your behalf. Each of you has a previous record

of public service so your families I think have some idea of what they are in for. Certainly the members of this committee know the strain public service puts on normal family life. None of our nominees would be able to serve in these positions without the support of their families. We thank you in advance for the hardships that you will put up with during the service of your loved ones.

I would like to extend a particularly warm welcome to Mr. Morello who grew up in Michigan as he indicated. His dad worked for General Motors for 43 years. Mr. Morello went to the University of Detroit Law School. He currently works as vice president and general counsel and secretary of Prechter Holdings in South Gate. Heinz Prechter is here this morning and many of us know Mr. Prechter.

Mr. Morello also serves as a Roman Catholic Deacon in the Archdiocese of Detroit and he also, I believe, worked as a staff assistant many years ago for Senator Phil Hart, who was a great friend of all of his colleagues and a mentor of mine; and the person, of course, for whom the Hart Senate Office Building was named.

Mr. Wynne also has a strong Michigan connection, having served as vice president of General Dynamics Land Systems in Sterling Heights, Michigan for about 10 years.

Mr. Moore, if I can say so, although he doesn't have a Michigan connection, I believe, is a graduate of my alma mater, Swarthmore College. It's obvious that the Department decided that it is a good idea to butter up the new chairman of the committee. [Laughter.]

I just want to encourage them to continue that practice.

Mr. Mora, Ms. Morales, Mr. Navas may not have had the good fortune of these connections but all three have previously held important positions in the Federal Government and they are well-qualified for the positions to which they have been nominated. The General Counsels of the Army and Navy are among the top legal officials in the Department of Defense. The Assistant Secretary of the Navy for Manpower and Reserve Affairs is charged with the well-being of our men and women in uniform. The two nominees for Deputy Under Secretary positions will have important responsibilities for the management of the Pentagon's huge and complex acquisition and logistics systems.

The committee has a responsibility to get a clear understanding of our nominees' views on the national security issues which they are going to face and we look forward to their testimony.

Senator Warner, do you have a opening statement?

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Mr. Chairman, I commend you for the manner in which you have opened today's hearing. The Chairman and I are classmates. We came to the Senate at the same time. We consider ourselves very valued friends and yet there are times at which we have to differ. But this is not one of those times. This is family day before our committee and it is very heartening to have so many friends and families come long distances. We thank you for doing that.

This is an important day in your life. Some have been before the Senate on confirmation before. I have a piece of paper which is 32 years old when I sat in that seat seeking to get the advice and con-

sent of the Senate. It is one of my more valued possessions. More importantly, my children treasure copies of it. Fortunately I kept a few copies of the official record of that hearing. To see the young people here, they will in years forth take great pride in what you have done.

I interviewed all of you yesterday and in every case you are leaving more lucrative positions in the private sector to take on that responsibility known as public service. As a taxpayer I thank you.

I also wish to encourage you to avail yourself of this committee and I say that we have the most remarkable professional staff, I think, of any committee on Capitol Hill. It is not just because I have been privileged as has my good friend Senator Levin, to be chair and co-chair of this committee. But it really goes back decades. Our predecessors have always been able to attract eminently qualified young men and women to come here and serve on our staff.

You will find in your assignments more opportunity and need to work with our staff. You will find they are by and large bi-partisan. Their sole objective is to strengthen and keep strong America's defenses, and the well-being of the men and women who wear the uniform and the civilian force that work with them.

I congratulate our President and the Secretary of Defense and others who were able to persuade you to come into public service again. I wish you well and I think you will look back on this as I have as one of the high points of your distinguished career.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator WARNER. I will put the balance of my statement in the record which is exactly parallel to everything you said in your opening statement. At this time, I also place in the record the opening statement of Senator Strom Thurmond.

[The prepared statements of Senator Warner and Senator Thurmond follow:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming the nominees and their families. We have a distinguished group of nominees before us this morning.

Mr. Michael W. Wynne is a graduate of the United States Military Academy at West Point and served for 7 years on Active Duty in the Air Force. He has an impressive record of achievement in industry, retiring as a Senior Vice President from General Dynamics with responsibility for International Development and Strategy. During the course of his career, he was instrumental in the development of various complex and vital programs, including the F–16, Main Battle Tank, and Space Launch Vehicles including the Atlas and Centaur.

Ms. Morales has an impressive record of government and private accomplishments. From 1990 to 1993, a period encompassing United States military operations in Desert Shield/Desert Storm, she served as Deputy Assistant Secretary of Defense for Logistics and played a substantial role in meeting the challenging airlift and sealift requirements associated with those operations. Ms. Morales has previously served as a board member on the Civil Aeronautics Board, with OMB, and in the Department of the Interior as Deputy Assistant Secretary for Policy. She has also been successful in business, and, if confirmed, will bring her extensive experience to bear in this important position.

William Navas—Major General Navas—is no stranger to this committee. He has had a distinguished career in the Army, with Active Duty service in Vietnam and Germany. More recently, from 1995 to 1998, General Navas was Director of the Army National Guard, and, prior to that, served as Deputy Assistant Secretary of Defense for Reserve Affairs, Vice Chief of the National Guard Bureau, and in var-

ious other highly responsible positions. If confirmed, he will undoubtedly adjust quickly to the Navy and its unique ways of doing business.

Steven J. Morello is also a product of Army training, having served on Active Duty in the Judge Advocate General's Corps from 1978 to 1982 with service in Germany and at Fort Sheridan. He has worked for the Northrop Corporation, and has assembled an impressive record of professional and personal achievements. Thank you for your willingness to serve in this important capacity.

Finally, Alberto J. Mora, the nominee for General Counsel of the Navy, has prior government experience as a Foreign Service Officer in the Department of State and, from 1989 to 1993, as General Counsel of the U.S. Information Agency. He too has had an impressive legal career and is also highly qualified for the position to which he has been nominated.

Our nominees have a wealth of experience and accomplishments. I believe they will excel in the position to which they have been nominated. We welcome them and their family members and look forward to their comments and responses today.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman: Mr. Chairman, I join you and our Ranking Member, Senator Warner, in welcoming this distinguished group of nominees. I want to congratulate each of them on their nomination and thank them for their willingness to serve our Nation in the challenging positions for which they have been selected.

Mr. Chairman, I especially want to recognize General Navas. As the former Director of the Army National Guard and his distinguished service in various positions associated with the Reserve components, he will bring a unique perspective to the Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs. Our Nation is fortunate to have individuals of his caliber willing to serve.

I am confident that each of you will provide a valuable contribution to the security of our great Nation and especially to the men and women who wear the uniform of our military services. Good luck as you take on your new responsibilities.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you for your warm and perceptive words. Our nominees have all responded to the committee's prehearing policy questions and our standard questionnaire. Without objection these responses are going to be made a part of the record. The committee has also received the required paperwork on each of the nominees and we will be reviewing that paperwork to make sure it is in accordance with the committee's requirements.

The first round of questions will be limited to 6 minutes on the usual basis, which is the early-bird rule. I think we have a vote at 10:30 this morning, so we'll see if we cannot get a least one round in before that vote. There are certain standard questions which we ask every nominee who comes before the committee and you also have submitted responses to advance policy questions. You agreed to appear as witnesses before congressional committees when called and to ensure that briefings, testimony, and other communications are provided to Congress.

I will now ask you the following questions. Have you adhered to applicable laws and regulations governing the conflict of interest?

Mr. MORELLO. Yes, sir.

Mr. WYNNE. Yes sir, Mr. Chairman.

Ms. MORALES. Yes, Mr. Chairman.

Mr. NAVAS. Yes, Mr. Chairman.

Mr. MORA. Yes, sir.

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

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

Mr. WYNNE. No, Mr. Chairman.

Ms. MORALES. No, Mr. Chairman.

Mr. NAVAS. I have not, Mr. Chairman.

Mr. MORA. No, sir.

Chairman LEVIN. Will you ensure that the Department complies with deadlines established for requested communications including prepared testimony and questions for the record and hearings?

Mr. MORELLO. Yes, sir, I will.

Mr. WYNNE. Yes, Mr. Chairman.

Ms. MORALES. Yes, Mr. Chairman.

Mr. NAVAS. Yes, Mr. Chairman.

Mr. MORA. Yes, sir.

Chairman LEVIN. Will you cooperate and provide any witnesses and briefers in response to congressional requests?

Mr. MORELLO. Yes, Mr. Chairman.

Mr. WYNNE. Yes, sir.

Ms. MORALES. Yes, sir.

Mr. NAVAS. Yes, sir.

Mr. MORA. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. MORELLO. Yes, sir, to the fullest extent of the law.

Mr. WYNNE. Yes, sir.

Ms. MORALES. Yes, Mr. Chairman.

Mr. NAVAS. Yes, they will.

Mr. MORA. Absolutely.

Chairman LEVIN. Let me now call upon our nominees for any opening remarks they would like to make. Mr. Morello, let me start with you.

Senator WARNER. Mr. Chairman, might I indulge the chair and the members of the committee. I would like the record to reflect that I am now going to speak on behalf of the nominee, Ms. Morales. I am pleased to do so. She is a Virginian, having come from Texas 20 years ago. She came to serve in the Reagan administration as the Department of Interior's Deputy Assistant Secretary for Policy and later as a member of the Civil Aeronautics Board. After leaving government for several years to work in private industry, she returned to serve with distinction in the Bush I administration as the Deputy Assistant Secretary of Defense for Logistics. I will put the balance of the statement in the record, Mr. Chairman, given that our vote is upon us here momentarily.

I take great pride in introducing my constituent and indeed one that I have great admiration for. Thank you very much.

PREPARED STATEMENT BY SENATOR JOHN WARNER

Mr. Chairman, I am delighted to introduce Ms. Morales to the committee as the nominee for this important position.

Ms. Morales has an impressive record of government and private accomplishments. From 1990 to 1993, a period encompassing United States military operations in Desert Shield/Desert Storm, she served as Deputy Assistant Secretary of Defense for Logistics and played a substantial role in meeting the challenging airlift and sealift requirements associated with those operations. Ms. Morales has previously served as a board member on the Civil Aeronautics Board, with OMB, and in the Department of the Interior as Deputy Assistant Secretary for Policy. She has also been successful in business, and, if confirmed, will bring her extensive experience to bear in this important position. She has my strongest endorsement.

Chairman LEVIN. Thank you very much, Senator Warner. I wonder if either Senator Reed or Senator Inhofe might have an opening comment?

Senator INHOFE. No. I do have some questions.

Chairman LEVIN. Mr. Morello.

STATEMENT OF STEVEN J. MORELLO, SR., NOMINEE TO BE GENERAL COUNSEL OF THE ARMY

Mr. MORELLO. Good morning Mr. Chairman, distinguished members of the committee. It is indeed a high honor and great privilege for me to be here before you this morning. I thank you for giving me this honor of a hearing. I am also very grateful to the President of the United States, Secretary Rumsfeld, and Secretary White for giving me this opportunity and for reposing the trust in me that they have. I have prepared remarks, which I have brought. I would like to ask with your kind permission that they be inserted in the record.

Chairman LEVIN. They will be made part of the record as will be the other opening comments which our nominees might wish to place there.

[The prepared statement of Mr. Morello follows:]

PREPARED STATEMENT BY STEVEN J. MORELLO

Thank you, Mr. Chairman and distinguished members of the committee. It is a great honor and privilege to appear before this committee as the nominee to be the General Counsel of the Army. I am very grateful to the President, the Secretary of Defense, and the Secretary of the Army for the trust and confidence that they have placed in me. If confirmed, I pledge that I will work as hard as I possibly can to serve the soldiers, civilians, and families that make the United States Army the most powerful and professional army in the world.

When I joined the Army on active duty in 1978 as an officer in the Judge Advocate General's Corps, I could never have imagined that I would be joining it again, albeit in a different capacity, at this time in my life. I thoroughly enjoyed my assignments in Germany as a young captain in the late seventies and early eighties; I'll never forget the pride I felt while serving in the Berlin Brigade when it was the symbol of this country's commitment to freedom. After returning to the United States for a subsequent assignment with the United States Army Recruiting Command, I stayed in the Army Reserve until my civilian career made it impossible for me to continue my military service at that time.

When I was serving in the Berlin Brigade, I could hardly have imagined that so much change in the world could occur in such a relatively short period of time. Just as the international security environment has changed, I am keenly aware that the Army has changed to continue to meet the needs of the Nation. I understand that the Secretary of Defense and the Secretary of the Army are committed to developing a strategy and to setting forth a program that will meet those needs well into the future.

Should I be confirmed, I look forward to serving on their team as a way of once again joining the Army to continue serving the Nation during this landmark era of change and transformation. By serving on their team, I would also be serving with the Army team of Active, Reserve, and National Guard soldiers who distinguish themselves every day by their dedication and hard work. Finally, I would look forward to continuing my relationship with the members of The Judge Advocate General's Corps with whom I once proudly served. Alongside outstanding civilian lawyers, they provide legal services on a wide range of legal and policy issues that confront the Army around the nation and the world.

I believe that my prior military service, my experience in the legislative branch, and my extensive corporate background have prepared me for assuming the position of Army General Counsel. If confirmed, I pledge my best effort every day to be worthy of the trust placed in me and to uphold the proud tradition of selfless service that characterizes the dedicated soldiers, civilians, and families of the United States Army who protect and defend our Nation around the world.

Mr. Chairman, if confirmed, I look forward to a strong working relationship with you and this committee. I would be pleased to answer any questions at this time. Thank you.

Chairman LEVIN. Mr. Wynne.

STATEMENT OF MICHAEL W. WYNNE, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY

Mr. WYNNE. Mr. Chairman, members of this committee, I am honored to appear before you today as a candidate for the position of Deputy Under Secretary of Defense for Acquisition and Technology. I would also like to thank President Bush, Secretary Rumsfeld, Under Secretary Aldridge for their confidence in me for this nomination that you are considering. I look forward to joining this very vibrant Department and working with Congress and this committee on the many challenges facing the Department. Mr. Chairman, I would also like to thank you for acknowledging my spouse and I would like to submit the rest of my remarks for the record.

[The prepared statement of Mr. Wynne follows:]

PREPARED STATEMENT BY MICHAEL WYNNE

Mr. Chairman and members of the committee, I am honored to appear before you today as a candidate for the position of Deputy Under Secretary of Defense for Acquisition and Technology.

I would like to thank President Bush, Secretary Rumsfeld and Under Secretary Aldridge for their confidence in me, and for this nomination that you are considering. I look forward to joining this very vibrant Department of Defense team and working with Congress and this committee on the many challenges facing the department. I look forward to applying the skills that I have learned in many differing assignments in and out of the military and Defense Industry to the noble cause of the defense of my county in support of the warfighters. I acknowledge the presence and support of my wife, Barbara, who has stood by me throughout all of those assignments in addition to raising our wonderful daughters.

There is much work to be done. Mr. Aldridge has laid down some challenging goals, and I look forward to working with him and the rest of the Acquisition, Technology, and Logistics team to achieve these goals. I look forward to my own portfolio as well, as it is important to make the most use of our time to more effectively confront the major issues and give each their proper attention. I'm certain that I will be creating some of my own subordinate goals as I meet my new team and become familiar with the problems they face on a daily basis.

Mr. Chairman, I thank you for the opportunity to appear here today to introduce myself and provide you insight into my approach to the challenging post that I have been nominated for. If I am confirmed, I look forward to working with Congress and especially with this committee. I know that this committee has been a leader and partner in many defense acquisition initiatives, and I appreciate your interest in continuing to improve defense management. I will be happy to answer any questions you might have.

Chairman LEVIN. Ms. Morales.

STATEMENT OF DIANE K. MORALES, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS

Ms. MORALES. Mr. Chairman, I have no opening statement other than to express my appreciation to you, Senator Levin, for your prompt consideration of our nominations. I am confident that President Bush and Secretary Rumsfeld appreciate these efforts. I would also like to thank Senator Warner for his kind introduction, and members of the Armed Services Committee.

It is an honor and a privilege to appear before this committee today. I am grateful to the President and the Secretary of Defense for their confidence and trust in nominating me for this important position; one entrusted with ensuring that the soldiers, sailors, airmen, and marines have the logistics and material support necessary to carry out their mission. If confirmed, I look forward to returning to the Department and to working with this committee. Mr. Chairman, thank you, and Senator Warner, thank you and I am prepared to answer your questions.

Chairman LEVIN. Thank you.

Mr. Navas.

STATEMENT OF WILLIAM A. NAVAS, JR., NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND RESERVE AFFAIRS

Mr. NAVAS. Mr. Chairman, Senator Warner, members of the committee, it is my distinct honor to appear before you today seeking confirmation for the Assistant Secretary of the Navy for Manpower and Reserve Affairs. I also want to express my appreciation to President Bush, Secretary Rumsfeld and Secretary England for this opportunity to continue serving our Nation at this time in a civilian capacity in support of our sailors and marines, active and Reserve, civilians and their families. I fully support the Secretary of the Navy and his strategic thrusts to support the President's vision. These center on combat capability, people, technology, and business practices.

If confirmed, I plan to concentrate our efforts on building a team that would focus primarily on the people thrust that would make the Secretary's vision a reality. Our goal will be to create an environment where our men and women can excel at their chosen profession unimpeded by factors that divert their attention from work and sap their morale. Should I be confirmed, we will create definite objectives and establish a plan of action that will develop appropriate metrics to measure our progress.

I plan to work in close cooperation and coordination with the Under Secretary of the Navy, the Assistant Secretaries, the Service Chiefs and the commanding officers to achieve our primary purpose of combat readiness, understanding that people are our most important resource and accepting that premise as our core value. If confirmed, I will strive to provide our sailors and marines competitive compensation, quality housing, sufficient workplace resources, adequate health care and challenging training and a reasonable OPTEMPO.

To close, Mr. Chairman, with the committee's indulgence, I would like to thank my wife of 36 years—Wilda—who is here supporting me today as she has done throughout the years. She represents our children, their spouses, and our granddaughter. Thank you again for your kind attention and I look forward to your questions.

[The prepared statement of Mr. Navas follows:]

PREPARED STATEMENT BY WILLIAM A. NAVAS, JR.

Mr. Chairman, members of the committee, it's my distinct honor to appear before you today in seeking confirmation as the Assistant Secretary of the Navy for Manpower and Reserve Affairs. I also want to express my appreciation to President

Bush and to Secretary England for this opportunity to continue serving our Nation, this time in a civilian capacity. I fully support the Secretary of the Navy in his four strategic thrusts in support of the President's vision.

If confirmed, I plan to concentrate our efforts in building a team that will focus primarily on the "people" thrust to make the Secretary's vision a reality. Our goal will be to create an environment where our men and women can excel at their chosen profession unimpeded by factors that divert their attention from work and sap their morale.

Understanding that people are our most important resource, and accepting that premise as our core value, if confirmed, we will strive to provide our sailors and marines competitive compensation, quality housing, sufficient workplace resources, adequate health care, challenging training, and reasonable OPTEMPO.

Should I be confirmed, we will clearly define these objectives, establish a plan of action and develop the appropriate metrics to measure our progress. We will work closely with the Department of Defense, the Service Staffs and Congress to achieve our primary purpose of combat readiness.

Thank you for your kind attention. I look forward to your questions.

Chairman LEVIN. Thank you very much.

Mr. Mora.

STATEMENT OF ALBERTO J. MORA, NOMINEE TO BE GENERAL COUNSEL OF THE NAVY

Mr. MORA. Thank you, Mr. Chairman. It is a distinct honor to appear before you this morning to be considered by committee for possible confirmation as the 20th General Counsel of the Department of the Navy. I want to thank you personally, Mr. Chairman, for your gracious recognition of my wife and family. I want to thank you and the members of the committee, as well as the majority and minority staffs, for the many courtesies you have extended to me during the confirmation process.

In particular, I wish to express my appreciation for the committee's decision to schedule this hearing so rapidly following my nomination by the President. This gesture constitutes yet another example of the committee's long support of the military services.

I would not be here, Mr. Chairman, but for the decision made by President Bush and Secretary of the Navy England to entrust me with this responsibility. I am grateful to them both for the opportunity to add my name to the list of those men and women who serve or have served in the Navy and Marine Corps.

My debt to the President and the Secretary can only be repaid by dedication to duty and the diligent discharge of my responsibilities. If I am confirmed, I can pledge to you as I have to them that I will exercise my stewardship of the office of General Counsel to the fullest extent of my ability and energies. I ask that the remainder of my remarks be included in the record, Mr. Chairman.

[The prepared statement of Mr. Mora follows:]

PREPARED STATEMENT BY ALBERTO J. MORA

It is a distinct honor to appear before you this morning and to be considered by the committee for possible confirmation as the 20th General Counsel of the Department of the Navy. I want to thank you personally, Mr. Chairman, for your gracious recognition of my wife and family, and I want to thank you and the members of the committee, as well as the majority and minority staffs, for the many courtesies extended to me during the confirmation process. In particular, I wish to express my appreciation for the committee's decision to schedule this hearing so rapidly following my nomination by the President—this gesture constitutes yet another example of this committee's long history of support for the military services.

I would not be here, Mr. Chairman, but for the decision made by President Bush and Secretary of the Navy England to entrust me with this responsibility. I am

grateful to them both for the opportunity to add my name to the list of those men and women who serve or have served in the Navy and Marine Corps. My debt to the President and the Secretary can only be repaid by dedication to duty and the diligent discharge of my responsibilities. If I am confirmed, I can pledge to you—as I have to them—that I will exercise my stewardship of the Office of General Counsel to the fullest extent of my ability and energies.

From America's War of Independence to Desert Storm and with countless battles in between, our sailors and marines, along with their sister services, have fought and won America's wars and guarded the peace. They have helped our Nation achieve the security that has proven such a necessary element in the development of our freedoms and our prosperity. By helping also shield our allies and friends, they have been instrumental as well in creating the conditions that have made possible the dramatic growth and propagation of the democratic ideal that has flowered worldwide since 1989.

The attack on the U.S.S. *Cole* reminds us that service in the uniformed Navy and Marine Corps can and does entail risk and often sacrifice. Those of us whom you may decide to confirm to serve on Secretary England's team understand this sacrifice and accord it its proper value. We recognize that this sacrifice may include loss of life. We know, too, that sacrifice can take more subtle forms: for example, separation from family and friends; distance from home; long hours; financial sacrifice; the discipline to place duty and country before self; and other types of hardship that can appear in many other shapes and guises.

In my view, the willingness of the men and women of the Navy and Marines to place themselves in harm's way and incur these sacrifices imposes a moral obligation on the rest of us, particularly those who would assume responsibility for the civilian leadership for the Department of the Navy, to fully comply with our duty to ensure that the Navy and Marine Corps are supported, trained, and equipped at a level superior to any challenge that they may expect to encounter. That obligation takes the form of a covenant that runs from the Department in three directions: to the men and women who wear the uniform; to you in Congress who help provide the guidance and resources needed to properly deploy the Navy; and to the fathers and mothers who lend their sons and daughters to the Navy and Marines with the expectation that they will be sustained in the discharge of their duties.

Mr. Chairman, I look forward to assuming these responsibilities and honoring his covenant. If confirmed, I look forward to working closely with you and this committee to meet the needs of the Navy and Marine Corps and to meet the expectation of our Nation that we will do right by them.

Chairman LEVIN. Thank you very much. Ms. Morales and Mr. Wynne, let me ask you the following question. The President's February budget blueprint states that "with 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently". Do each of you agree or disagree that we have excess infrastructure in the Department of Defense today? Ms. Morales, let me start with you.

Ms. MORALES. It intuitively can be argued that the force structure has been drawn down further than the infrastructure, but I believe that both Secretaries Rumsfeld and Wolfowitz are deferring comment on this issue until the Defense Review has been completed.

Chairman LEVIN. OK. Mr. Wynne.

Mr. WYNNE. Thank you, Mr. Chairman. I am not as familiar with base closure as I will be when I am confirmed and learn more about this process. However, I believe that no opportunity for efficiencies should be off the table. Everything should be balanced against the future needs of the soldiers, sailors and airmen. We should carefully review every opportunity for cost efficiency and then judge it on its merits.

Chairman LEVIN. Mr. Navas, relative to Vieques, you are the Chairman of the American Veterans Committee for Puerto Rico Self Determination. I understand the committee has not taken a position on the Navy's continued use of Vieques. However, there

was a press release that has been brought to our attention, which was issued by the committee of which you are chair earlier this year. It has the following statement: "The Vieques issue should not overshadow a century of commitment to the United States by the American citizens of Puerto Rico. Instead it should remind us that despite all their contribution to the United States the people of Puerto Rico remain second-class citizens. Vieques is a symptom of a relationship which does not provide any mechanism for the people of Puerto Rico to address their just grievances."

Can you tell us what your own position is on the Navy's use of Vieques? Also, would you comment on that situation, the law which provides for a referendum of the people of Vieques, and the recent events on Vieques?

Mr. NAVAS. Yes, Mr. Chairman. The issue is a very complex one. On one side, as a combat veteran of 33 years in the Army, I strongly support realistic training as a principal underpinning of combat readiness. At the present time, Vieques provides the Navy and the Marine Corps team with an ideal place in which to conduct this training. That basically is the issue on one side.

On the other hand, the work that I did with the committee basically saw Vieques and the issue in Vieques as a symptom of a broader issue, which is the fact that the relationship between the United States and Puerto Rico for the last hundred years has not been resolved to the point where the people of Puerto Rico would have the right to self-determination and sovereignty. There are basically two options at the extreme of the spectrum; Puerto Rico becoming the 51st State of the Union or Puerto Rico becoming an independent republic in its own terms.

In those cases the relationship vis-à-vis the issues would have been dealt differently. I am torn between basically two issues. The issue at one hand of the requirement for combat readiness which I strongly believe and I have supported. Then on the other hand a more broader issue of resolving at some point the hundred year history of disenfranchisement of over 3.8 million Puerto Ricans citizens who do not have the opportunity to vote for the President or who do not have representation in our system.

Chairman LEVIN. What role would you expect to playing with regard to Vieques if confirmed?

Mr. NAVAS. Mr. Chairman, my portfolio obviously is personnel issues. I have not been involved in any of the issues. I would play whatever role the Secretary of the Navy sees fit for me. I would say intuitively that I might be able to provide him with some background, some insight on the broader issues of Puerto Rico because of the fact that I was born and educated and have been, except for the past 6 years, an official resident of Puerto Rico.

Chairman LEVIN. Mr. Mora, if confirmed, what are your objectives relative to Vieques and what role would you be playing?

Mr. MORA. Sir, as chief legal counsel of the Department of the Navy, my role would be as a legal advisor to the Department. The Vieques issue has, of course, significant legal dimensions, but it is fundamentally a policy issue centering on the readiness and the training of the military. I will, of course, advise the Secretary and other members of the Department of the Navy and the Marine Corps on the legal issues that may arise. Then beyond that I would

cooperate with the Secretary with whatever additional task or request for information or support he might care to give me.

Chairman LEVIN. Thank you, my time is up.

Senator Warner.

Senator WARNER. Mr. Chairman I will follow on with your line of questions relative to Vieques. First an observation. In the response you made to the chairman's questions, you indicated that Puerto Rico has suffered and that well may be the case because of the difference in the way it is treated as a territory versus a state. But the record should reflect that the people of Puerto Rico have never voted to express their desire to become a state. Am I not correct on that?

Mr. NAVAS. Senator Warner, the issue is that we have never had a congressionally-sanctioned referendum which defines very clearly what are the options to the issue of Puerto Rico. Actually there is a letter by the four congressional committees, that have jurisdiction over Puerto Rico dated 1996, stating that the question of Puerto Rico's political status remains open and unresolved.

What we have had historically are referenda that have been done locally. They are not binding with the U.S. Congress and as such the Congress of the United States, who basically has the authority over Puerto Rico under the territorial clause of the Constitution, has never put some options there, binding options, for the people of Puerto Rico. That was attempted last year in the 106th Congress with the Young Bill that did not progress.

Senator WARNER. But in the meantime the laws of the United States have a force and effect in Puerto Rico. Is this committee to assume that you will respect and work to support the laws of the United States as relate to the Commonwealth of Puerto Rico?

Mr. NAVAS. Most definitely, sir.

Senator WARNER. I thank you very much. You have a distinguished career and it may well be that your knowledge in depth of the issues could be of help to the Department of the Navy and indeed the Secretary of Defense as these critical issues evolve.

Mr. NAVAS. Sir, I hope I can be a part of the solution.

Senator WARNER. I hope that you give your objective viewpoints to the Secretary of the Navy and Secretary of Defense.

Mr. NAVAS. Yes, sir.

Senator WARNER. Mr. Wynne, I want to ask you about contracting out. The DOD contracted for approximately $54 billion worth of services last year, which is almost about as much as DOD paid for the procurement of weapons systems. The significance of this type of contracting has led this committee to ask the GAO to identify private sector "best practices" in services contracting, similar to what the GAO did for the committee in the area of systems acquisition. Do you believe that some changes are necessary to ensure that the DOD effectively acquires services from the private sector? If this is a bit technical, I would suggest you take that question for the record.

Mr. WYNNE. Thank you sir. I certainly will take that question for the record. I am concerned about the disciplining of services procurement.

[The information follows:]

ACQUISITION OF SERVICES

Mr. WYNNE. As Senators Warner and Levin correctly noted, DOD has steadily increased its investment in services over the last few years. Given this increased investment, we believe it will be beneficial to establish a process to better inform the Defense acquisition Executive and the Service Secretaries of the approach being taken on these significant investments. Our objective is to ensure that our approach to the acquisition of services reflects sound acquisition practices and capitalizes on industry best practices. Such a process is currently under discussion and we expect to implement a new oversight process in the near future.

Senator WARNER. I think this is very important because it is an ever-growing issue and we want to keep it in balance. What we receive has got to measure up to what the private sector receives. I want to ask a question of Ms. Morales. One of the most challenging issues you will have to address is how to effectively deliver the required equipment and maintenance to our military forces. Maintenance is now performed by uniformed personnel on the flight lines and in the motor pools, by Federal and civilian employees at the depots, and by the private sector in a number of locations.

Assuring we retain the capability to perform the required maintenance in the most efficient and effective manner will be one of your most important responsibilities. If confirmed, what plans do you have to improve the entire equipment maintenance system and what role do you envision for each of the elements of that system?

Let me give you a case in point. The Navy at the moment has an escalating problem with regard to the maintenance of its aircraft because many are very old. Spare parts are lacking simply because the manufacturers of those parts have gone on to other business and some of these parts have to literally be hand crafted. The cost of the maintenance of naval aircraft each year is rising at an exponential rate. I hope that you can turn to the spare parts and maintenance issue early on in your responsibilities. To what extent have you given some thought to that?

Ms. MORALES. Senator, the number one concern and challenge to material readiness throughout the Department is the rising cost to maintain these older systems. In the newer weapons systems reliability and sustainability are being engineered into the systems. The first thing that I believe needs to be done, if confirmed, is to review an end-to-end study of the logistics systems and take apart each phase of it and see what we can do to improve the situation. But the high cost of spare parts for these older systems, the fact that suppliers are limited, and that, as you have said, many have gone out of business is going to be a continuing challenge.

Senator WARNER. I thank the witness. I thank you, Mr. Chairman. My time is up.

Chairman LEVIN. Senator Warner, thank you.

Senator Reed.

Senator REED. Thank you very much Mr. Chairman and thank you all for not only today but for your dedication to public service throughout your careers. Let me first address a question to Mr. Wynne and Ms. Morales. Both individually and collectively you will make critical decisions that affect the industrial base of the United States, the defense industrial base through acquisitions, through procurement policies, through logistic policies. Sometimes decisions appear in terms of just bottom line analysis in favor of doing one

thing, but when you consider the nature of the industrial base the decision could change.

My general question is to what extent do you think it is important to consider the survivability of the industrial base in terms of the whole range of issues, aircraft production, submarine production, and even suppliers of uniforms? Mr. Wynne first.

Mr. WYNNE. Thank you, Senator. My feeling is that each case has to be considered on its merits. There is right now a lull in purchasing, which creates an overcapacity situation. The questions are where do you want to be 15 years from now and what are you going to do 15 years from now for industrial support. So, yes, I agree with you that more things have to be considered than just price. I think it is a best value situation and that is the way I will do it if I am confirmed, sir.

Senator REED. Thank you, sir.

Ms. Morales.

Ms. MORALES. I agree with Mr. Wynne and we have had several conversations about this.

Senator REED. Thank you very much. Mr. Mora and Mr. Morello, you will be in the General Counsels of the Army and Navy. Besides making a bet on the Army-Navy football game, you will have a lot of other interesting things to do, one of which is the ongoing concern about environmental issues affecting both the Army and the Navy. This, I believe, will be amplified by the Vieques situation because whatever resolution comes about in Vieques, there will be additional pressure on training areas throughout the Army and Navy by local community groups.

My general question is what is your position at this point about the environmental laws? My specific question is what is your position about a broadened appreciation of the interaction between the local communities and military facilities? Mr. Morello.

Mr. MORELLO. Thank you, Senator. In my preparation for these hearings I was heartened to learn that the Army General Counsel's office does indeed have a number of attorneys who just specialize in environmental issues. I think that shows or demonstrates to me at least the seriousness with which the Secretary of the Army places upon environmental issues. Local concern is always an important part of the input that would be taken with regard to an appropriate environmental plan of action regarding any kind of training or other base activity.

If confirmed, I would continue with that sensitivity based upon some of my experiences in private practice. I know it is very important, especially to the people who live anywhere around areas that may be impacted, to make sure that we do the best we can and be good environmental citizens.

Senator REED. Thank you. Mr. Mora.

Mr. MORA. Thank you, Senator. In the week of briefings I have had at the General Counsel's office, Senator, I would say the preponderance of the issues have touched upon environmental matters in one way or the other. It is clear that preoccupation with environmental law and compliance is one of the principal preoccupations of the Navy. In fact, from what I have seen, I am not aware that there is almost any Navy operation or activity that does not have

some sort of environmental consideration which the Navy takes into account.

Obviously, the Navy will obey the environmental laws and wishes to be a good neighbor in all the communities in which it is a member. By the same token, it is clear that environmental restrictions which seem to be growing provide an ever-growing restriction to training and readiness in the Navy. These are difficult questions that have to be balanced, Senator. We can promise our full attention to these issues.

Senator REED. Thank you, Mr. Mora.

Mr. Navas, let me ask you a question with respect to personnel policy, which I believe you will be involved with. There have been some studies of the quality of life and retention and one of them was completed by Admiral Jeremiah for Secretary Rumsfeld. He suggested a complete overhaul of the human resources architecture of the total force. He talked about changes including doing away with the up-or-out promotion policy and early investing in portability military retirement benefits. I would add to that list probably consideration of the overall evaluation system for both officers and non-commissioned officers. What are your views about reforming the system of both benefits and of evaluations within the Navy?

Mr. NAVAS. Senator, I have not had an opportunity to review those proposals. Like I mentioned in my opening statement, one of the thrusts of the Secretary of the Navy is people with what that encompasses and we are looking at programs that would deal with a quality of life and a quality of service of our sailors, marines, and the civilians. So if confirmed, I see that as a primary issue of priority for the Department and I will work very diligently with the other elements of the Department of Defense and Congress to try to provide that quality of life and quality of service to our sailors and marines.

Senator REED. Thank you very much, Mr. Navas. Thank you all for your testimony and again for your service to the country.

Chairman LEVIN. Senator Reed, thank you.

Senator Inhofe.

Senator INHOFE. Mr. Chairman, are we going to have another round after this?

Chairman LEVIN. As many rounds as we need.

Senator INHOFE. OK, fine. Let's go back to the question that the answer that you gave, Mr. Navas, concerning your background and this group that you are the chairman of. It has the term self-determination in it, but specifically what is the name of the group?

Mr. NAVAS. Sir, the group is a committee called the American Veterans for Puerto Rico Self-Determination.

Senator INHOFE. You implied in the answer to Senator Warner's question that while there have been several elections, several referenda, there have not been any that had restricted options. I would assume that you would support a referendum that said statehood or independence. Is this accurate?

Mr. NAVAS. Sir, at the end of the day, the two pure options for sovereignty or self-determination for Puerto Rico would be either a State of the Union under the Constitution of the United States or an independent republic. There might be a third option. I have not studied that because every time you look at that option it always

remains as a transition option, it's an option that could go beyond the two options. So the ultimate two would be those two, yes, sir.

Senator INHOFE. Do you think that is what your governor would like to see?

Mr. NAVAS. Sir, I cannot speak for the governor. I have not been a resident, an official resident of Puerto Rico for the last 6 years.

Senator INHOFE. Since you support self-determination would you support self-determination for the citizens of Vieques as is called for in the referendum that will come in November?

Mr. NAVAS. Sir, there is a law on the books based on a referendum for a very specific issue. As long as that is the law, I think we would support it. Of course, I am aware that there is a thrust to try to get relief from that law, and I am not at this point in the capacity to comment one way or the other.

Senator INHOFE. Well, Mr. Mora. Do you have any comments on that from a legal perspective? Do you see any problem with the language in the law that we passed in the Defense Authorization Bill last year?

Mr. MORA. Senator Inhofe, I have not had the opportunity to analyze that legislation in any great detail.

Senator INHOFE. I don't think there is. I just wanted to make sure that you didn't already have a predetermined opinion on it.

Mr. MORA. I have no predetermined opinion on the law.

Senator INHOFE. OK, Ms. Morales, I am very interested. I would like to have a courtesy call at some time in this process so we can get into some of the issues. When you were working in the two administrations back we had the 60–40 rule that would address the core work in our depots. That is now 50–50. However, we have changed the status of COS and ICS so that it's really essentially the same as it was before.

Recently we have been operating, I think, for 2 consecutive years, on national security waivers. Do you have any suggestions for changing the law as it affects depot maintenance?

Ms. MORALES. Senator, I think it would be premature to have any suggestions at this point.

Senator INHOFE. If it does not change, would you do everything you could to get this out about operating on national security waivers. It was pretty obvious to all of us in advance that we are going to have some problems. A lot of it is legitimate and that is the Kosovo and Bosnia operations and the effects that they have had. But would you make a real effort to comply with the law so that we don't have to go into these waivers?

Ms. MORALES. Senator, it is my intent to comply with the law. If confirmed, I believe that we need to examine this issue further. I would be most pleased to sit down with you and speak about it.

Senator INHOFE. I look forward to that. Senator Warner brought out the spare parts problems. You are going to be shocked when you get around and see things like the spare parts problem. Every installation you go to you are going to see the same thing that we have seen. Across all the services. It is a very serious problem and it is one that is going to surprise you relative to the way it was some 10 years ago. I think that is something that has to be addressed. We have helicopters that are sitting out there for spare parts. It is a very serious readiness problem.

Ms. MORALES. A complete review of the depot maintenance operations throughout this country is one of my highest priorities.

Senator INHOFE. We have some pretty creative ideas on things that we can do. A lot of times people are talking about outsourcing. There are partnership programs and we have some successful ones in my state, but I think we will respond to some of these concerns that people will have about the costs. I look forward to working with you on that. We have one particular project I want to work with you on. So I look forward to visiting with you.

My time is expired but on the second round I want to expand a little bit on some of the concerns that were expressed by some of the other Senators here on the environment and the cost of complying with some of these environmental regulations. There are at least three of you that will be dealing with that. I look forward to the next round.

Chairman LEVIN. Thank you, Senator Inhofe. On that very issue let me ask Ms. Morales this question. In your response to our pre-hearing questions, you stated that you support the basic principle of the Federal Facilities Compliance Act that Federal facilities, including DOD facilities, should be subject to the same standards as comparably-situated civilian facilities. However, you also stated that there may be cases in which environmental regulations or regulators should "make allowances" for DOD facilities. I am just wondering how you reconcile those two statements. Should DOD facilities be subject to the same standards as comparably-situated civilian facilities, or should they be given preferential treatment?

Ms. MORALES. Environmental laws should apply to defense facilities and I believe that is how the law is stated. However, Congress did permit allowances for the President to make special considerations of the application of compliance for national security reasons. I don't believe that the Department would take lightly its advice to the President to do so, but that provision is there.

Chairman LEVIN. Mr. Mora, unlike other parties facing substantial costs for the abatement and removal of asbestos, the Navy has not sought to recover any of these costs from the asbestos manufacturers. In your response to the pre-hearing questions, you said that you had not yet been briefed on this subject. If you are confirmed, will you look into this issue, will you report back to the committee promptly on the desirability of pursuing such a remedy?

Mr. MORA. Yes, sir, I would be happy to do so.

Chairman LEVIN. Mr. Wynne, you have spent much of your career in weapons systems development and acquisition and the priorities that you have established in your response to the pre-hearing questions all deal with weapons systems. However, the Department of Defense now spends almost as much purchasing services as it does purchasing weapons systems. Do you agree that the Department's acquisition, training and guidance need to place a greater emphasis on best practices in the acquisition of services?

Mr. WYNNE. Sir, if confirmed, I will certainly look into the acquisition of services. It is my belief that we need to bring a little more discipline to that practice as it grows to a larger percentage of the defense budget.

Chairman LEVIN. Should the Department make a greater effort to advance and reward acquisition personnel who play a successful role in managing the acquisition of services?

Mr. WYNNE. Sir, I am not familiar with all of the attributes of the personnel contracting for services. We have a very professional workforce and I am looking forward to working with them. I do think we need to bring a little more attention to the procurement of services as the committee is concerned.

Chairman LEVIN. Will you work with us to make sure that the Department implements best practices in this area such as the use of performance-based service contracting and the competitive award of task orders.

Mr. WYNNE. Sir, I have long admired the committee for their work in partnership with the Department to achieve procurement excellence and this would be no exception.

Chairman LEVIN. This is one example of what Senator Warner was referring to in his opening statement of where the committee staff can be very helpful. We look forward to you working with that staff on these kind of issues.

Mr. WYNNE. Thank you, Mr. Chairman. I appreciate that offer.

Chairman LEVIN. Ms. Morales, over the years the military services have complained about the overhead fees the DLA charges for the purchases out of inventory, which I understand can exceed 20 percent. Do you believe it would cost more or less for the services to purchase and stock these items themselves?

Ms. MORALES. Senator, that is a very interesting question. I think I would like to take that under advisement.

Chairman LEVIN. Would you take a look at that after you are confirmed, if you would, and then let us know what your findings are?

Mr. Morello and Mr. Mora, although the Judge Advocate Generals are primarily responsible for providing legal advice and services regarding the UCMJ and the administration of military discipline, the General Counsels have historically played a role in civilian oversight of these programs. If confirmed, how will you assist the Secretaries in providing civilian oversight of these important functions. Either one of you. Mr. Morello? Mr. Mora?

Mr. MORELLO. Mr. Chairman, thank you very much for that question. I already had an opportunity to have a brief discussion with the Army's Judge Advocate General, Maj. Walt Huffman. The discussions were very cordial and very friendly and reminded me a lot of the days when I served on Active Duty as a captain. I really admired the Judge Advocate General.

The General Counsel of the Army has statutory responsibilities to provide professional guidance to all the lawyers in the Department of the Army. I look forward to working very closely with the Judge Advocate General, offering professional guidance wherever it could be helpful and providing advice to the Secretary of the Army with regard to the kinds of needs that the Department might have from time to time.

Chairman LEVIN. Thank you. Mr. Mora.

Mr. MORA. Mr. Chairman, in my briefings and in my investigations on the Department of the Navy, I have found an extremely close, cordial and cooperative relationship between the JAG Corps

and the Office of General Counsel. I too have met with Admiral Guter who is the JAG and I fully anticipate to continue to build on this relationship of collaboration and cooperation.

Chairman LEVIN. Thank you. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. I would like to follow on that important question with two other observations to our General Counsels, Mr. Mora and Mr. Morello. There is, in my judgement, nothing more important to the integrity of the men and women of the Armed Forces than the integrity of the promotion system. Enlisted, yes, but perhaps more so because of the complexity of the officer system.

Each of you will have a role in working with your Secretaries and your Departments as a whole, as the case may be, on preserving that integrity. From time to time it is necessary to review it perhaps to change it. I just wish that each of you would give the assurance that that will be right at the top of your agendas.

In every system and every walk of life there is imperfection. This committee, in its responsibilities to preserve the integrity of the promotion system and in its oversight and its advise and consent role, is the trustee for the entire Senate in making our recommendations to the Senate to vote affirmatively on the slates of officers that come here from the President of the United States. It is necessary from time to time to ferret out, root out those who somehow have worked their way through the system, but have incidents or chapters in their careers which could be viewed as adverse and could well affect the judgment of this committee in its advise and consent role.

Each of you have that responsibility for your respective Secretaries or the Departments as a whole to make sure that this committee is kept informed and given all the facts necessary to discharge our constitutional function to advise and consent in that promotion system. Do I have your assurance Mr. Morello?

Mr. MORELLO. Yes, sir. Absolutely.

Senator WARNER. Mr. Mora?

Mr. MORA. Yes, sir, you do.

Senator WARNER. One further question for Mr. Wynne. The acquisition workforce needs a little morale building. It has sort of been downplayed through the years. Regrettably, for a decade or more we have had to put greater emphasis on expending funds for deployments rather than those necessary to get our new systems and weapons adequately maintained, a steady improvement in that infrastructure.

I just hope that you will, having visited with you at length yesterday, instill in this workforce a sense of real importance to modernize the Armed Forces of our United States. Instill in those in the civil service system, and indeed the uniform side, a sense of the importance of modernizing the Armed Forces of the United States under this administration. Will you do that?

Mr. WYNNE. Thank you for your concern, Senator. I think that is a marvelous attribute and I will certainly pursue that, if confirmed.

Senator WARNER. I thank the chair.

Chairman LEVIN. Thank you, Senator Warner.

Senator Inhofe, Senator Reed passes.

Senator INHOFE. Mr. Mora and Morello, and perhaps also Ms. Morales. You should form a law firm. [Laughter.]

Getting back to the question that was asked by the chairman on the BRAC process and the need for further rounds. It happens I don't fully agree with the chairman in this area, but there is one area where we might agree. I was elected to the House of Representatives the year that the BRAC process passed into law, and it was a very good one because its been very effective for four rounds.

There is one problem that I see with it, and that is anytime you start one, every city located near any type of an installation goes out and pays $100,000 or more to consultants, and everybody comes here to try to influence their case. We refer to this as municipal purgatory.

It would seem to me that with the combined brilliance of the three of you working on this problem, there ought to be a way of taking categories, maybe something like primary training and flight training, and say there is not a problem in this area. There is not excess capacity in this area and at least let some installations go out. You could do the same thing with the our logistics centers where we went down from five working at 50 percent capacity to three now working at close to 100 percent capacity. Because that problem has been taken care of they would be excluded from the future system. Do any of you have any ideas on how this could be done? Would this be desirable?

Mr. MORELLO. Senator, I would be happy to address that. I have not had an opportunity to study the base closing and realignment statute in any kind of detail. I do understand that it is a statute that works well and I am sensitive to the concern which you have raised. I do believe that if I am confirmed I would look forward to working with my colleagues in coming up with a way to deal with the issue that you raised and get back and work with yourself and other members of the committee who might have similar concerns.

Senator INHOFE. Mr. Mora.

Mr. MORA. Sir, let me echo what Mr. Morello just indicated. I too would hope that we could work, and I am confidant we can work cooperatively with the other services to ensure uniform procedures that are efficient in this process.

Senator INHOFE. Ms. Morales.

Ms. MORALES. I would agree that we could certainly look at opportunities.

Senator INHOFE. It is a huge problem and I am sure you are aware of it down in Texas. They have the same problem.

Ms. MORALES. I actually worked in the 1993 BRAC session for the NADEP at Pensacola. I am aware of all of the emotions that the communities and workers go through. It is very disruptive, yet I believe there are times when you have to focus on the overall goal, which is to align the infrastructure with the new force structure. It's definitely going to be a challenge to everyone.

Senator INHOFE. I would only ask, and I don't expect to have an answer, that you explore ways that this can be done. It would provide a great service for an awful lot of communities.

When you mention that there is some latitude in terms of the enforcement of the environmental laws in military installations, were

you referring to the fact that you can have Presidential waivers? Is this what you were referring to? I had not heard this before.

Ms. MORALES. It is my understanding, without having gone into great study of the environmental laws that Congress has provided, that the President can make certain waivers in compliance.

Senator INHOFE. I was a little embarrassed and had to check because I was not aware of that. I don't believe they have ever done that before. Let's discuss the Fort Bragg/Camp Lejeune red-cockaded woodpecker issue. Because of the efforts that were made by the military, they are creating more serious problems for themselves.

On two different visits down there they had these red areas that were excluded from training purposes because they are suspected habitats for the red-cockaded woodpecker. Now they have done such a good job, Mr. Chairman, that those are now expanding. They are taking more and more of the training area that was there. This needs to be addressed in some way because they are creating a greater problem for themselves.

At Camp Pendleton they came close to losing 70 percent of their training area. In training areas, whether they be live ranges, such as Vieques, or training areas such as those at Fort Bragg and Camp Lejeune, this is a very serious problem. I would like to ask that you look into these to see if there is something that can be put in place. If we don't do it, we are using up our training areas by the good job that we are doing.

Ms. MORALES. I agree with you, Senator, and if confirmed I look forward to finding common sense approaches to training and supporting training.

Senator INHOFE. That would be a very good thing to do and I look forward to that. I would like to be in on that with you. I happened to be exposed to this. The tortoise watchers between Yuma and Twentynine Palms. It really is a pretty good job. It is one I am sure is sought after.

Ms. MORALES. I think the services do their very best to comply with the law.

Senator INHOFE. That is an area that is very much a concern to all of us. Last, if I could, Mr. Chairman, just go back to the Vieques issue. The problem we are having there is that it is a unique place. While I make the statement that I have examined every possible alternative, I think that's an exaggeration because there might be some that we don't know about.

Of those that were in the Grace-Fallon Report and the Rush Report, I have had occasion to see the problems that are there. We are dealing with a very unique situation. We're dealing with a situation that when we deploy someone from the East Coast that ultimately goes to the Persian Gulf, the chances are better than 50–50 that they will find themselves in a combat environment and they must have integrated training. Of course, the battlegroup includes aircraft carriers and F–18s and F–14s doing their thing.

We had a very unfortunate thing that happened on March 12th on the range in Kuwait where five of our troops were killed. After reading the report, I believe that it was because they did not have live training. That was right at the time when they said you could do inert training instead of live training. I would hope all of you,

particularly you, Mr. Navas, with your background, would have a chance to really talk about the seriousness of this.

I want to make sure that you keep in mind that paramount is young Americans who are going into combat environments. We shouldn't be talking about this as a political issue. It is my understanding that there are even some, Mr. Navas, that feel so strongly about it that they have signed petitions to secede from Puerto Rico. Maybe Mr. Chairman, that is the answer. I don't know. If you would keep us involved in your decisions and your thinking as this thing progresses, I would appreciate it very much.

Mr. NAVAS. I will, sir.

Chairman LEVIN. Do we know of any Senators on their way? If not, what we will do then is adjourn now. We will not have to come back after this vote. We thank you all. We thank your families again. Alexander, your flamingo brought your daddy good luck. [Laughter.]

Or is that a pelican? I can't see what that is. It's a flamingo. Thank you all. Congratulations. We'll hope to bring these to the floor as soon as we have a committee to vote on them.

[Whereupon, at 10:42 a.m., the committee was adjourned.]

[Prepared questions submitted to Alberto J. Mora by Chairman Levin prior to the hearing with answers supplied follow:]

June 18, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

ALBERT J. MORA.

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes. I am committed to the complete and effective implementation of these reforms.

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

Answer. I believe these reforms have been fully implemented. It is my understanding that the legislation has clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs. These reforms also clearly defined the roles and responsibilities of the CINCs.

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

Answer. The most significant aspects of these Department of Defense reforms have been the overall strengthening of the civilian leadership and enhanced clarity of the chain of command. The enhanced ability of staffs and the combatant commanders-in-chief to plan and execute their assigned missions has been demonstrated both in peace and conflict.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can

be summarized as strengthening civilian control, improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles, which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am aware that, last year, the Services and OSD supported changes to Goldwater-Nichols that would improve the efficiency and effectiveness of Joint Officer Management while upholding the spirit and intent of the original reforms. However, I understand that there is currently consideration to initiate changes to last year's proposal with which I am not completely familiar. If confirmed, I will be in position to better understand and assess whether such proposals are warranted. Implementation of Goldwater-Nichols has enhanced the ability of the Services to act quickly and jointly. However, like all innovative efforts, this may warrant review and assessment in light of experience. If anything, the "next level of jointness" ought to be ensuring that the Services and our allies are fully interoperable.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Department of the Navy?

Answer. The General Counsel is the chief legal officer of the Department, and legal opinions issued by the General Counsel are the controlling legal opinions within the Department. The General Counsel provides legal advice, counsel and guidance to the Secretary, the Under Secretary and the Assistant Secretaries, and their staffs. He is also responsible for providing legal services throughout the Department in a variety of fields, including business and commercial law, real and personal property law, fiscal law, civilian personnel and labor law, intellectual property law, environmental law, and litigation. In addition, the General Counsel serves as the Debarring Official and Designated Agency Ethics Official for the Department.

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

Answer. If confirmed, I believe my work as General Counsel for the U.S. Information Agency (USIA), elsewhere in the Federal Government, and in the private sector will serve me well as the General Counsel. For 4 years from 1989 to 1993, as General Counsel for USIA, I advised senior government officials in the USIA and had extensive dealings with the White House, National Security Council, State Department and other foreign affairs agencies, Office of Management and Budget, Government Accounting Office, and Congress. I managed the legal staff serving the USIA and dealt with a wide range of legal issues.

My experience in private legal practice has provided extensive experience in problem solving, client counseling, dispute resolution, and management. This experience has provided me a broad experience in the law, with an emphasis on international litigation and transactions, much of it in the foreign affairs context.

Lastly, my tenure for the past 6 years as a Governor on the Broadcasting Board of Governors has provided significant, hands-on experience in agency management and, notably, in the policy formulation, budgetary, congressional, and inter-agency coordination aspects of work in a federal foreign policy. This expanded on and reinforced my prior experience, abroad and in the United States, gained as a State Department Foreign Service Officer.

Cumulatively, this experience, I believe, has well prepared me to take on the duties of General Counsel.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the General Counsel of the Department of the Navy?

Answer. I believe I possess the essential legal expertise and management skills to be the General Counsel. I continue to learn more about the Department and the work of the General Counsel. Additionally, I hope to benefit from the wisdom and knowledge of those who have devoted themselves to service in the Navy and Marine

Corps, as well as the career civil servants in the Department. If confirmed, I will seek out their advice.

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

Answer. If confirmed, I anticipate that Secretary England will expect me to perform the duties noted above in response to the first question in this section. I anticipate he will want my candid and objective legal advice concerning issues, opportunities and problems as they arise. I further anticipate he will want me to work closely with the Judge Advocate General to ensure the faithful execution of the laws throughout the Department of the Navy, with the General Counsel of the Department of Defense and others on matters of mutual interest or concern.

Question. In carrying out your duties, how will you work with the Judge Advocate General of the Navy?

Answer. The General Counsel and the Judge Advocate General need to have a relationship that includes full consultation, close cooperation and careful coordination. This relationship is essential to ensure the faithful execution of the laws throughout the Department. If confirmed, I am confident that this close and collegial professional relationship will continue.

Question. In carrying out your duties, how will you work with the Staff Judge Advocate to the Commandant of the Marine Corps?

Answer. The position of Staff Judge Advocate for the Marine Corps is established in Title 10, Sec. 5046. While the Staff Judge Advocate's primary responsibility is advising the Commandant on military justice matters, if confirmed, I expect that our respective offices will consult and coordinate on any matters of mutual interest or concern that may arise.

Question. How are the legal responsibilities of the Department of the Navy allocated between the General Counsel and the Judge Advocate General?

Answer. I understand that the Judge Advocate General has primary responsibility for the administration of the military justice system. If confirmed, I expect that he and I will consult and cooperate on matters of mutual interest or concern relating to military justice, bearing in mind his statutory duties and special expertise in this area. With respect to civil law matters involving Navy and Marine Corps components, my understanding is that primary responsibility is divided, by major subject area, between the Office of the General Counsel and the Office of the Judge Advocate General. From time to time, I expect, there will arise matters in which responsibilities overlap. In such instances, and particularly with regard to litigation, I believe that cooperation and coordination between the two offices is imperative.

Question. Do you believe that this allocation—which differs from that in the Army and the Air Force—serves the interests of the Department of the Navy?

Answer. Yes. If confirmed, I will diligently monitor the division of responsibilities for legal services and work to ensure that the legal needs of the Naval Services are well served. If I detect any deficiencies, I will address them.

Question. In carrying out your duties, how will you work with the General Counsel of the Department of Defense?

Answer. While the General Counsel of the Department of the Navy reports to the Secretary of the Navy, the General Counsel of the Department of Defense is the chief legal officer of the Department of Defense. If confirmed, I will work closely with the DOD General Counsel, Jim Haynes, on matters of mutual interest or concern. I look forward to a most productive working relationship.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the General Counsel of the Department of the Navy?

Answer. Change is a fact of life for the Navy/Marine Corps team. The single greatest challenge for me in this period of change and transformation is to ensure sound legal advice and quality legal services are available on a timely basis. Additionally, the General Counsel must be prepared to meet the need for such advice and services in connection with policy developments and other events, foreseen and unforeseen, that may occur.

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

Answer. If confirmed, I will review the resources, organization and operation of the Office of the General Counsel, and implement whatever changes may be necessary to enhance its ability to confront these challenges.

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of the Department of the Navy?

Answer. I am not aware of any serious problems.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will address any serious problems I discover in as expeditious a manner as possible.

PRIORITIES

Question. What broad priorities will you establish in terms of issues, which must be addressed by the General Counsel of the Department of the Navy?

Answer. My foremost priority will be to ensure that the Department is provided the highest quality of legal advice and services and that uniformed and civilian attorneys work together to accomplish that goal. If confirmed, I will explore this issue and develop more defined priorities.

RECRUITING AND RETENTION ISSUES

Question. How do you assess your ability to hire and retain top quality civilian attorneys and provide sufficient opportunity for advancement?

Answer. It is my understanding that the Department has been able to hire top quality civilian attorneys but that the increasing financial disparity between Government attorneys and privately employed attorneys has made this more difficult in certain areas of expertise. At this time, I am not able to judge independently the long-term ability of the Department to hire, retain and advance civilian attorneys. If confirmed, I will work with the senior staff of the Office of the General Counsel to address these issues.

Question. Does the Department of the Navy, in your view, have a sufficient number of Navy and Marine Corps judge advocates on active duty to perform the missions assigned to the Judge Advocate General's Corps?

Answer. Based on an informal discussion with the Judge Advocate General, I understand the demand for judge advocates has grown significantly, both in commands desiring judge advocates and in emergent taskings on important issues. In this era of intense media scrutiny, complexity of domestic and international law in national security issues, environmental concerns and the penchant by many to litigate, there is an increasing demand for sophisticated, specialized legal services. If confirmed, I will work with the Judge Advocate General to address this issue.

Question. In your view, what incentives to successful recruiting and retention of judge advocates need to be implemented or established?

Answer. The Judge Advocate General Corps clearly must be able to attract and keep quality judge advocates. As a civilian practitioner, I know the competition for legal talent is intense. I understand recent initiatives by Congress and the Navy have helped alleviate some of the financial pressures facing our young judge advocates and have improved retention. I support these efforts and if confirmed will support others in the future.

MILITARY JUSTICE MATTERS

Question. Since Article 6 of the Uniform Code of Military Justice gives primary jurisdiction over military justice to the Judge Advocates General, how do you see your functions in this area with regard to the Judge Advocate General of the Navy?

Answer. In Article 6, Congress gave the Judge Advocates the responsibility to "make frequent inspections in the field in supervision of the administration of military justice." If confirmed, as the senior legal official within the Department of the Navy, I will have an interest in the administration of military justice within the Department of the Navy. I am certain that the Judge Advocate General will keep me informed on matters of interest in military justice.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. If confirmed, I envision a close working relationship with the Judge Advocate General in which we share information and work collaboratively when necessary to resolve issues, whether they are policy issues or issues arising from a specific case. I believe that a close working relationship with the Judge Advocate General and reliance on his special expertise will avoid any potential issues of command influence.

Question. In recent years, there have been a number of cases in which military members have been accused of adultery. Concerns have been raised about the consistency with which these cases have been handled.

What do you see as the role of the General Counsel of the Department of the Navy in ensuring the Uniform Code of Military Justice is enforced in a fair and consistent manner?

Answer. If confirmed, as the senior legal official within the Department of the Navy, I will have an interest in the fair and consistent administration of military justice within the Department of the Navy. The Judge Advocate General and I will share information and work collaboratively when necessary to resolve issues.

Question. Do you see a need for any changes in either the law or its implementation in this area?

Answer. I have not had the opportunity to be fully briefed on this subject. If confirmed, I intend to work with the committee, the Judge Advocate General, and my staff to develop an informed opinion on this matter.

Question. In a recent Navy military justice case, charges alleging serious national security violations against a petty officer were dismissed with prejudice. Both the Article 32 Investigating Officer and the defense attorneys were critical of the government's handling of the investigation and case preparation. Congressional scrutiny of the case raised serious issues about the complexities of espionage and national security cases, and an investigation was initiated by the Department of Defense Inspector General to examine the processing of the case.

If confirmed will you assure the committee you will examine the processing of this case and ensure that the Department of the Navy is fully prepared to investigate and prosecute national security cases in an appropriate manner?

Answer. Yes. I look forward to the results of the investigation and reviews initiated by the Department of Defense Inspector General and the Judge Advocate General. If confirmed, I will support the implementation of necessary improvements to the process.

WHISTLEBLOWER PROTECTION

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions would you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will act to ensure that military members whose actions are protected by the Act are not subject to illegal reprisals or retaliation. I also understand that the current Department of the Navy practice is to brief the requirements of the Act to all prospective commanding officers and executive officers, and address the requirements of the Act in the curriculum of eight separate courses of instruction for Navy and Marine Corps personnel. If confirmed, I will ensure that this emphasis on the Act in formal Navy training courses will continue.

JUDICIAL REVIEW

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. The courts have recognized that they are ill suited to standing in judgment on military matters and would argue that for most military matters there is little, if any, role for the Article III courts to play. The Constitution provides that Congress and the President have the power to control the military. The nature of this power, and the role of the Article III courts in defining or limiting it, have been addressed repeatedly by the Supreme Court. As a general proposition, the Court has explained, "it would be difficult to think of a clearer example of the type of governmental action that was intended to be left to the political branches directly responsible—as the judicial branch is not—to the electoral process." *Gilligan v. Morgan,* 413 U.S. 1,4(1973).

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Department of the Navy?

Answer. In my opinion, the client of the General Counsel of the Department of the Navy is the Department of the Navy. The Department speaks through its senior officials, chiefly the Secretary of the Navy. While I do not anticipate any conflict be-

tween the Department's interests and those of a Department of the Navy official, my duty in such a case would be to the Department.

LEGAL ETHICS

Question. What is your understanding of the action a Department of Defense attorney should take if the attorney becomes aware of improper activities by a Department of Defense official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. If an attorney is aware that a Department official intends to engage in improper activities despite the attorney's legal advice, the attorney should immediately report the situation to his or her professional supervisor and, if necessary, further up the professional chain of command until the matter is resolved.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance?

Answer. Yes. Every lawyer must be an active member in good standing of the Bar of a State or the District of Columbia, and is subject to the professional responsibility rules of that jurisdiction. Lawyers conducting litigation are subject to the rules of the forum in which they appear. In addition, lawyers within the Department are also subject to the same rules of ethical conduct as all executive branch employees. Finally, Navy and Marine Corps judge advocates are bound by professional responsibility rules promulgated by the Judge Advocate General. I believe that adequate guidance is provided under this regime. Department attorneys, civilian and military, have a long history of ethical practice, and I aim to see that it continues. If confirmed, I will be alert to the need for adequate guidance and, if I detect any deficiencies, I will act to address them.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of the Navy in ensuring the integrity of the officer promotion process?

Answer. My understanding is that the Judge Advocate General has primary responsibility for providing legal advice in the conduct of the officer promotion selection process. If confirmed, my role will be as directed by the Secretary. If so directed, I would review the process and governing procedures, and provide the Secretary with my candid and objective advice concerning compliance with the law, fairness and impartiality.

Question. What is the role of the General Counsel of the Department of the Navy in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. If confirmed, my role will be as directed by the Secretary. I expect that I will be called upon from time to time to review a nomination or a candidate's record, as in the case of past misconduct or alleged misconduct on the part of the candidate. In those instances, I would expect to consider the completeness and regularity of the package as a matter of both substance and form, to evaluate the significance of the adverse or alleged adverse information (if any), and to provide the Secretary with my candid and objective advice concerning the same.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. In your opinion, what is the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. Navy and Marine Corps attorneys work directly with the Department of Justice counsel in cases in which the Department is a party or has an interest. The Department of Justice has the primary responsibility to represent the United States in all litigation matters. (28 U.S.C. § 516.) Nonetheless, attorneys representing DOD review pleadings before they are filed with the courts, conduct and direct discovery, participate in making major litigation decisions, and in some cases become part of the trial team. It has been my experience that attorneys from the Department of Defense and Justice work closely to represent the agency and the United States in all substantive matters.

Question. Is the present arrangement satisfactory, or does the Department need more independence to conduct its own litigation?

Answer. To my knowledge, the present arrangement seems to be working well, and I see no need for more independence.

COURT OF APPEALS DECISION

Question. On January 4, 2000, the United States Court of Appeals for the District of Columbia Circuit decided the case of *National Center for Manufacturing Sciences v. Department of Defense, 199 F.3d 507 (D.C. Cir. 2000).* The court concluded that "Because of the existence of 10 U.S.C. Section 114, it is clear than any monies appropriated for NDMS by Congress for research must be authorized before they can be appropriated and distributed"; and "Because 10 U.S.C. Section 114(a)(2) requires authorization of these funds before they become available, appropriation alone is insufficient."

What is your view of the court's decision in this case and its implications regarding the obligation of funds that are appropriated, but not authorized?

Answer. The case in question affirmed the district court's decision to grant the government's motion to dismiss for failure to state a claim. The basis for the decision was the fact that in the Department's Fiscal Year 1995 Authorization Act, Congress effectively rescinded the unreleased portion of Fiscal Year 1994 funding earmark for the National Center for Manufacturing Sciences (NCMS). Accordingly, the court concluded that NCMS had no legal entitlement to the funds claimed.

Parties to this litigation, and the court, viewed the funds in issue to have been authorized by Congress. Thus, the question regarding the obligation of funds not authorized was not squarely presented for decision in this case, but was addressed only as a collateral matter. Situations where funds have been appropriated but not authorized are often complex and may involve unique statutory language. If confirmed, I will continue the practice of working closely with our oversight committees whenever these issues are presented.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the service boards for the correction of military records?

Answer. I am advised that attorneys within the Office of the General Counsel do become involved with policy issues pertaining to military personnel, both with regard to individual cases and to the application of the Department's personnel policies. I believe that the General Counsel should, in appropriate cases, make his or her views about individual cases and the development and application of personnel policies known to the Department's senior leadership, so that individual cases are resolved fairly and that overall policies are developed uniformly, fairly and in conformance with law.

SHIP SCRAPPING

Question. The Navy has a growing number of inactive ships that have been designated for scrapping. In September 1999, the Navy began conducting ship disposal through the Ship Disposal Project. Within that project there are four ship disposal contractors—two that compete for ships on the west coast and two that compete for ships on the east coast.

Given the potential for cost efficiencies, would it be appropriate to allow all four contractors to compete for disposal of ships on both coasts?

Answer. I have not had the opportunity to be fully briefed on this subject. If confirmed, I intend to work with this committee and my staff to develop an informed opinion on this matter.

Question. What is the basis for your position?

Answer. I have not had the opportunity to be fully briefed on this subject. If confirmed, I intend to work with this committee and my staff to develop an informed opinion on this matter.

Question. Asbestos remediation is one of the cost drivers for the Navy's ship scrapping program. Other entities facing substantial costs for the abatement and removal of asbestos have been able to recover a portion of these costs from asbestos manufacturers, including companies that are currently in bankruptcy. The Navy, unlike other affected parties, has not generally pursued this course.

What is your view of the availability of this remedy and the desirability of the Navy pursuing it?

Answer. I have not had the opportunity to be fully briefed on this subject. If confirmed, I intend to work with this committee and my staff to develop an informed opinion on this matter.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

THE MILITARY JUSTICE SYSTEM

1. Senator THURMOND. Mr. Mora, we all have read stories in the press criticizing the military justice system and the Uniform Code of Military Justice. Often these articles are sensationalized and written by people who have no understanding of the system.

How would you characterize the military justice system?

Mr. MORA. The military justice system is modeled after the Federal judicial system and is specifically tailored for the Armed Forces. It balances Constitutional guarantees of fairness with the need to maintain good order and discipline. Congress and the courts have long recognized that well-disciplined, combat-ready Armed Forces mandate a separate system of justice. To this end, the Uniform Code of Military Justice (UCMJ) was enacted by Congress to strike a balance between the military's mission, the desire to preserve the constitutional rights of a service member, and the need to maintain civilian oversight over the military justice process. Military defendants are afforded a number of procedural benefits not typically available to civilian criminal defendants. For example, military defendants are assigned qualified military defense counsel at no cost, regardless of financial ability, and may request assignment of a specific military defense counsel if reasonably available. Additionally, discovery by the defense is far more extensive for military defendants, and investigative and expert assistance is provided at government expense, again, without regard to a defendant's ability to pay for such resources. Military defendants who receive a punitive discharge or confinement for at least a year have an automatic, cost-free right of appeal to a court of criminal appeals, even if they pled guilty.

A trial by court-martial is substantially similar to a civilian criminal trial. Courts-martial are presided over by military judges and are subject to uniform rules of evidence patterned after the Federal Rules of Evidence. The court-martial is presented evidence and must be persuaded beyond a reasonable doubt to return a finding of guilty. The Manual for Courts-Martial, which contains the specific substantive and procedural rules that form the basis of the military justice system, is reviewed annually to ensure that it continues to fulfill its fundamental purpose to ensure justice in a unique military environment.

2. Senator THURMOND. Mr. Mora, the Navy empowers the captain of a naval vessel with a great deal of authority in regard to maintaining discipline aboard his ship. Many of these are based on old and traditional roles of the ship captain.

Considering that we now have almost instant communication and shorter deployments, is it time to review the role of the captain to impose judicial actions aboard his ship?

Mr. MORA. Nonjudicial punishment is authorized by Article 15, UCMJ and is administered by a unit's commander. Nonjudicial punishment provides commanders with a prompt and efficient means of maintaining good order and discipline. It also encourages positive behavior changes in sailors/marines without the stigma of a court-martial conviction. Nonjudicial punishment (NJP) is appropriate when simple

administrative corrective measures such as extra military instruction are inadequate due to the nature of the minor offense or the record of the sailor/marine, unless it is clear that only a trial by court-martial will satisfy the needs of justice and discipline. The imposition of nonjudicial punishment (NJP) pursuant to Article 15, UCMJ aboard naval vessels is a time-honored, well-conceived process for maintaining the Navy's fighting strength and preserving the national security of the United States. Afloat commanders must be able to resolve disciplinary problems while underway or in hostile waters. Extending service members assigned to afloat units the right to refuse NJP would place commanding officers in the unenviable position of transferring the accused and prospective witnesses ashore for trial by courts-martial; embarking a trial team composed of attorneys, a military judge, and court reporter; or delaying disciplinary action pending completion of the afloat mission. Unfortunately, improved technology does not mitigate the difficulties inherent in these options or relieve a commanding officer of the responsibility to maintain good order and discipline while underway. If a commanding officer cannot resolve minor misconduct quickly through the imposition of NJP, a delay in taking disciplinary action could adversely impact combat readiness, mission effectiveness, and crew morale.

Numerous safeguards ensure Article 15 is used by afloat commanding officers appropriately. Service members who receive NJP may appeal to the next superior commander. They may also petition to have the record and consequences of the NJP removed by the Board for Correction of Naval Records. Finally, oversight by the Federal judiciary of the Board for Correction of Naval Records ensures service members receive fair adjudication. The safeguards of Article 15 ensure basic procedural fairness and protect the rights of accused service members.

THE INSPECTOR GENERAL

3. Senator THURMOND. Mr. Mora, if confirmed, what will be your relationship with the Inspector General? What oversight will you have in regard to inspector general investigations?

Mr. MORA. If confirmed, I anticipate that I will have an excellent working relationship with VADM Haskins and his staff. Historically, the Office of the General Counsel has worked closely with the Office of the Naval Inspector General, and I anticipate that practice will continue unchanged under Secretary of the Navy England.

By law, the Naval Inspector General reports to, and receives direction from, the Secretary and the Chief of Naval Operations (CNO). There is no statutory or regulatory provision for any specific form of interaction between the General Counsel of the Navy and the Office of the Naval Inspector General. By regulation, the Navy has given the Naval Inspector General that degree of independence necessary to ensure the Navy, through the Office of the Naval Inspector General, is fully capable of critical internal introspection, self-evaluation and improvement. A formal provision for General Counsel oversight of inspector general investigations or inspections could be construed as an attempt to dilute the Naval Inspector General's independence and access to the Secretary or the CNO.

At the same time, the Navy has taken steps to ensure the Naval Inspector General has access to the best legal advice the Navy can provide. The Naval Inspector General legal staff includes two senior civilian attorneys (GS–15) and two officers of the Judge Advocate General (JAG) Corps (0–6 and 0–4). Each of the civilian attorneys has been with the office for over 10 years. The civilian attorneys report directly to a senior lawyer on my immediate staff, and have unfettered direct access to me when they deem necessary. They participate in monthly OGC staff meetings and brief my staff or me on matters of legal interest. The four attorneys in the office are authorized to, and frequently do, obtain the legal opinions of senior JAG and OGC attorneys who may be regarded as subject matter experts in various legal fields. On occasion, they will recommend the Naval Inspector General obtain a formal legal opinion from the General Counsel in support of an investigation or other inquiry.

At least one of the attorneys in the office reviews every report of investigation before the Naval Inspector General signs it. At a minimum, the attorney informs the Naval Inspector General whether the report is legally sufficient. Often, the attorney provides additional advice. The attorneys discuss most cases with the investigators and provide advice as the investigation progresses. Before the Naval Inspector General issues his final reports of investigation, attorneys in his office may discuss the legal issues in them with the General Counsel or the Judge Advocate General as they deem appropriate. However, in order to protect the independence of the Naval Inspector General, they are not required to do so in any specific case.

I anticipate that my personal involvement in Naval Inspector General investigations will be similar to that of my predecessors. The Naval Inspector General, the General Counsel, and the Judge Advocate General attend weekly staff meetings with the Secretary. The Naval Inspector General meets with the Under Secretary of the Navy on a regular basis to discuss pending investigations; the General Counsel attends those meetings at the request of the Under Secretary or the Naval Inspector General. When the nature of an investigation warrants, the Naval Inspector General meets with the Under Secretary or the Secretary to brief the status of the investigation on a more frequent basis; the General Counsel and/or the Judge Advocate General frequently participate in those meetings.

WORK FORCE

4. Senator THURMOND. Mr. Mora, a significant issue throughout the Department of Defense is its aging workforce and the looming loss of expertise because of retirements.

What are your concerns regarding this issue as it related to the Office of the General Counsel?

Mr. MORA. The Navy's Office of the General Counsel is facing challenges that are very similar to those facing the Department of the Navy as a whole. Approximately 35 percent of OGC's attorneys, both general and patent, are age 50 or older. The number of attorneys under age 40 is about 25 percent. Among our career senior executives, over half will become retirement eligible within the next 5 years, and 72 percent of our 46 patent attorneys are now over age 50. These statistics are a clear signal that OGC is facing important force structure challenges similar to those faced by the Navy Department and the Federal Government as a whole.

What we do today to manage our workforce will determine the ability of OGC to provide first-rate legal services to the Department of the Navy in the 21st century. As the head of OGC, recruiting and retaining the best legal talent are top management priorities, but it is even more important that we shape our workforce to ensure both continuity of specialized expertise and the development of the next generation of senior leaders. I intend to give these matters my personal attention and to provide the corporate level guidance and direction necessary to achieve these goals.

QUESTION SUBMITTED BY SENATOR WAYNE ALLARD

CLEAN-UP AT THE COLORADO STATE FAIRGROUNDS

5. Senator ALLARD. Mr. Mora, I would like to call your attention to a matter between the Navy and the Colorado State Fair Authority. The Navy leased land at the Colorado State fairgrounds in Pueblo and in 1946 they had two Reserve Center buildings constructed. Now there is some dispute as to the environmental clean-up of the site, specifically regarding the asbestos contained in the building and who will be paying for clean up. I would certainly appreciate it if you could look into the matter, and ensure the Navy is giving all due accommodations to the matter. The Colorado State Fair is a great institution, but not a rich one, and I would hate for them to be put at a disadvantage.

Mr. MORA. I have inquired into the matter regarding the lease between the Colorado State Fair Authority and the Navy for Reserve Center property at the Colorado State fairgrounds in Pueblo. The Navy is very appreciative of the support and cooperation it received from the Colorado State Fair Authority during the approximate 50-year lease period. It is the Navy's goal to be both a good neighbor in the communities we are located as well as a good steward of the environment. In this regard, I am told that in 1998, prior to expiration of the lease at issue, the Navy spent approximately $78,000 to remove underground storage tanks, clean up a small arms range, and remove friable asbestos on the leased property. As a result of these actions, the Navy believes the Colorado State Fair Authority received commercially viable and marketable buildings when the lease ended. Apparently, the present issue stems from the request of the Colorado State Fair Authority that the Navy entirely demolish the structures on the formerly leased property so that a parking lot can be built. It is this requested demolition of the buildings by the Colorado State Fair Authority that has raised a question as to whether further remediation is necessary with regard to asbestos containing roofing material that is otherwise in good condition. The roofing material in its present state poses no environmental hazard or risk. Since there is no contractual or legal obligation to demolish the buildings, there is no further remediation the Navy need undertake in this case. It

appears the Navy has fully complied with the terms and conditions of the lease and its obligations under applicable law and there is nothing further the Navy can do to assist the Colorado State Fair Authority in their desire to demolish the buildings.

[The nomination reference of Alberto J. Mora follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy, vice Stephen W. Preston.

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

BIOGRAPHICAL SKETCH OF ALBERTO J. MORA

Alberto J. Mora is currently Of Counsel at the Greenberg Traurig law firm where he specializes in international law. Concurrently, he is the Governor of the Broadcasting Board of Governors and has been in that capacity since 1995.

Mr. Mora was a Partner at the firm of Holland & Knight from 1993 to 1997. Before that he was the General Counsel for the U.S. Information Agency from 1989 to 1993. From 1984 to 1989 he was a Partner at the law firm of Hornsby & Whisenand. Before that he was an Associate at the law firm of Frates, Bienstock, and Sheehe from 1981 to 1984. From 1975 to 1978 he was a Foreign Service Officer in the U.S. Department of State serving in Lisbon, Portugal.

Mr. Mora graduated from Swarthmore College with a B.A. degree in 1974. In 1981 he received his J.D. from the University of Miami School of Law.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior

to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Alberto Jose Mora. I was also called "Albert" during my school years.

2. **Position to which nominated:**
General Counsel, Department of the Navy.

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
April 11, 1952, in Boston, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
I am married to Susan J. Talalay (which is both her married and maiden name).

7. **Names and ages of children:**
Alexander L. T. Mora, age 5.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
(a) St. Joseph High School Jackson, MS, 9/66 to 6/70. I received my high school diploma in June 1970.
(b) Swarthmore College Swarthmore, PA, 9/70 to 6/74. I received my B.A. degree in June 1974.
(c) The University of Miami School of Law Coral Gables, FL, 9/78 to 6/81. I received my J.D. in June 1981.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
(a) Attorney (Of Counsel), Greenberg Traurig, Of Counsel, 800 Connecticut Ave., NW., Suite 500, Washington, DC 20006, 5/97 to present.
(b) Attorney (Partner), Holland & Knight, 2100 Pennsylvania Ave, NW., Suite 300, Washington, DC 20006, 4/93 to 4/97.
(c) Attorney (General Counsel), United States Information Agency, 301 4th Street, SW., Washington, DC 20547, 8/89 to 1/93.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
(a) Governor, U.S. Broadcasting Board of Governors, 330 Independence Avenue, SW., Cohen Building, Room 3360, Washington, DC 20547, 8/95 to present.

(Three times nominated by the President and confirmed by the Senate.)
(b) Foreign Service Officer (Economist), U.S. Department of State, Agriculture Directorate, International Organization Bureau, 2201 C Street, NW., Washington, DC 20520, 8/77 to 8/78.
(c) Foreign Service Officer (Political Officer), U.S. Department of State, U.S. Embassy, Lisbon, Portugal, 4/75 to 7/77.
(d) Foreign Service Officer Trainee, U.S. Department of State, Foreign Service Institute, Rosslyn, VA, 1/75 to 3/75.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
(a) Greenberg Traurig, LLP Of Counsel.
(b) U.S. Broadcasting Board of Governors, Governor.
(c) Radio Free Europe/Radio Liberty, Inc., Director.
(d) Radio Free Asia, Inc., Director.
(e) Farragaut Media Group, Inc., Director.
(f) As an attorney, I serve as legal consultant to numerous clients.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
(a) The Bar of the District of Columbia.
(b) The Bar of the State of Florida.
(c) The Bar for the U.S. District Court for the Southern District of Florida.
(d) The Bar for the Federal District Court of Federal Claims.
(e) The Council on Foreign Relations.
(f) The USIA Alumni Association.

(g) The Appalachian Society.
(h) The Air Force Association.
(i) The Bush/Quayle Association.
(j) U.S.—Croatia Friendship Association.
(k) Phi Beta Delta, Honorary Society for International Scholars.

13. **Political affiliations and activities:**

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

Vice-Chair, Republican National Committee, Catholic Task Force (1997–present).

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

Bob Dole for President, Foreign Policy Advisory Group (1996); The Bush/Quayle Association (1993–present); Republicans Abroad Ambassadors Forum, General Counsel (1995–97).

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

Dole for President, 1996—$1,000.
Ileana Ros-Lehtinen for Congress, 1996—$100.
Bill McCollum for Congress, 1997—$100.
Tom Davis for Congress, 1997—$250.
Ileana Ros-Lehtinen for Congress, 1997—$100.
George W. Bush Presidential Exploratory Committee, 1999—$1,000.
Ileana Ros-Lehtinen for Congress, 1999—$100.

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

USIA's Distinguished Honor Award, 1993.

Election to Phi Beta Delta, the Honorary Society for International Scholars, 1992.

Election to the Bar and Gavel Honorary Society, University of Miami School of Law, 1981.

Selection as Editor-in-Chief, *The Lawyer of the Americas, the University of Miami Journal of International Law,* 1981 (a scholarship was also provided along with this selection).

Awarded an Organization of American States Fellowship for the OAS's Seventh Course on International Law, Rio do Janeiro, Brazil, 1980.

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

"Statement of Alberto J. Mora on the Cuban Liberty and Democratic (Libertad) Act of 1996, before the Senate Foreign Relations Committee," 104th Cong., 2nd Sess. (July 30, 1996).

The Revpower Dispute: China's Breach of the New York Convention?, *Dispute Resolution in the PRC* (Asia Law & Practice Ltd, 1995).

Cuba Transition Resource Guide, International Republican Institute Cuba Transition Committee (Dec. 1995) (collaborative report).

The Case for Strengthening the New York Convention, *International Commercial Litigation* (Oct. 1995).

Saving Fidel, *Comint* (Mar. 1994).

International Exchange Visitor Program Regulatory Reform, *International Educator* (Spring 1993).

Arbitraje Comercial en America Latina, collaborative paper published by the OAS in the Proceedings of the VII Course on International Law (Rio do Janeiro, Brazil, 1981).

Judicial Review of Shipowners and Stevedore Liability Under the Longshoremen's and Harbor Workers' Compensation, Act, 12 Law Amer. 487 (1980).

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

The nominee responded and the information is contained in the committee's executive files.

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

Yes.

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

SIGNATURE AND DATE

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

ALBERTO J. MORA.

This 18th day of June, 2001.

[The nomination of Alberto J. Mora was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 19, 2001.]

[Prepared questions submitted to Diane K. Morales by Chairman Levin prior to the hearing with answers supplied follow:]

June 15, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

DIANE K. MORALES.

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. If confirmed, I will fully support the intent of the reforms and advocate policies that will facilitate accomplishment of joint operations, streamline acquisition management and oversight, and enhance the department's ability to respond to our 21st century national security.

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

Answer. The enactment of Goldwater-Nichols significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, and enhanced the military advice received by the Secretary. However, given the passage of time, I support Secretary Aldridge's view that it is worthwhile to review the department's implementation and make appropriate adjustments if needed. In particular, I will emphasize a closer partnership between the acquisition, operations, and support communities and better integration of logistics support throughout the Department.

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

Answer. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to

contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I support full implementation of the Goldwater-Nichols reforms and agree with its goals.

DUTIES

Question. Section 133b of Title 10, United States Code, describes the duties of the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

Assuming you are confirmed, do you expect that Secretary Rumsfeld will prescribe additional duties for you?

Answer. I do not know of additional duties Secretary Rumsfeld might assign to me.

Question. What background and experience do you possess that you believe qualifies you to perform these duties and those outlined in the law and applicable DOD directives?

Answer. As President of DMS, Inc. since 1993, I have headed a management services firm focused primarily on defense and commercial logistics. Those management services include policy and program analysis, net assessments, strategic planning, and government relations/legislative analysis. Recent activities include Department of Defense strategic planning (Logistics 2010), information support systems, and best commercial logistics practices.

From 1990 to 1993, I served as the Deputy Assistant Secretary of Defense for Logistics. I managed DOD logistics operations, including the functions of supply/materiel management, maintenance, transportation, energy, international logistics, and all support information systems, commissaries and exchanges. My key accomplishments involved the following: (1) resized DOD inventories, reduced operating costs, and introduced commercial business practices; (2) standardized, streamlined, and integrated logistics policies and procedures for standard systems development; (3) consolidated DOD organizations and missions; and (4) began changing the business culture with total quality management.

In the area of supply/materiel management, we rewrote 80 separate policy documents regarding the supply system life cycle into a single, integrated policy and developed the Inventory Reduction Plan as the vehicle to implement the new policy and save $18 billion. In maintenance, we developed a business plan to reduce business operations costs from $13 billion annually in 1990 to $6.4 billion in 1997 by streamlining processes, personnel, and infrastructure. In transportation, we consolidated wartime and peacetime, common-user and Service-unique transportation functions under a single command. I also revised requirements for lift assets, the appropriate mix of strategic lift, and the augmentation of military assets with commercial assets under the DOD Mobility Requirements Study. In international logistics, I worked with NATO in developing cooperative logistics programs to reduce U.S. costs and to increase "burden-sharing" among other members. I also prepared a Host Nation Support Model Agreement to accelerate logistics support agreements in countries where potential conflicts involving the U.S. might develop.

I believe my experience in both the public and private sectors qualifies me to perform the duties of this position.

Question. Do you believe there are any additional steps that you need to take to enhance your expertise to perform these duties?

Answer. Mr. Aldridge has realigned responsibilities within his office to create a Deputy Under Secretary of Defense (Installations and Environment) position that would report to the position for which I have been nominated. In my previous tour at the Pentagon, I had limited involvement in installations and environmental issues. If confirmed, I intend to work closely with Mr. DuBois to fully familiarize myself with these issues.

RELATIONSHIPS

Question. If confirmed, what would your relationship as Deputy Under Secretary of Defense for Logistics and Materiel Readiness be with each of the following:

The Under Secretary of Defense for Acquisition, Technology, and Logistics?

Answer. If confirmed, I would, as established in DOD Directive 5134.12, serve as the principal staff assistant and advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) on logistics and materiel readiness in the Department of Defense.

Question. The Deputy Under Secretary of Defense (Installation and Environment)?

Answer. Under the May 29, 2001, realignment within Mr. Aldridge's office, this position would report to the position for which I am nominated. If confirmed, I would work with Mr. Aldridge to appropriately revise DOD Directive 5134.12 to formalize this reporting relationship.

Question. The Director of the Defense Logistics Agency?

Answer. If confirmed, I would, as established in DOD Directive 5134.12, exercise authority, direction, and control over the Director, Defense Logistics Agency.

Question. Elements of the Military Departments including the Army Materiel Command, the Naval Aviation Systems Command, and the Air Force Materiel Command?

Answer. If confirmed, my relationship with the Military Departments, including those elements specified, would be governed by the duties assigned to the position to which I have been nominated by DOD Directive 5134.12. I would, if confirmed: (1) prescribe policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense, to include supply and transportation; (2) advise and assist the USD(AT&L) in providing guidance to the Secretaries of the Military Departments with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; (3) monitor and review all logistics, maintenance, materiel readiness, and sustainment support programs within the Department of Defense; (4) participate in the DOD Planning, Programming, and Budgeting System with respect to assigned areas of responsibilities; and perform such other duties as the USD(AT&L) may prescribe.

MAJOR CHALLENGES

Question. In your view, what are the major challenges confronting the next Deputy Under Secretary of Defense for Logistics and Materiel Readiness? If confirmed, what plans do you have for addressing these challenges?

Answer. As I understand it, the major challenge is to continue to increase the performance of the logistics system while reducing costs and improving the readiness of our forces. If confirmed, I will conduct a comprehensive analysis of the logistics system, from the "foxhole to the factory," to identify those capabilities and policies that are required to deliver and sustain the necessary combat capability required by the new military strategy. The capability analysis would include our mobility assets, depot maintenance assets, and the use of modern commercial technology. My policy review would include supply chain integration operations at the national level and include end to end distribution management responsibility for both the sustainment and deployment of our forces. The focus of the review would be to identify those investments and policy changes required to counter any threat to our Nation during the 21st century.

RESPONSIBILITY FOR INSTALLATIONS AND ENVIRONMENTAL ISSUES

Question. On May 29, 2001, the Under Secretary of Defense for Acquisition, Technology and Logistics realigned responsibilities in his office and created a Deputy Under Secretary of Defense (Installations and Environment) position that would report to the Deputy Under Secretary of Defense (Logistics and Materiel Readiness) position for which you have been nominated.

If confirmed, will you be responsible for oversight of installations and environmental issues?

Answer. Yes, if confirmed, oversight of installations and environmental issues would be part of my portfolio. The Under Secretary of Defense for Acquisition, Technology and Logistics, Mr. Aldridge, envisions his organization operating with two direct reporting Deputy Under Secretaries, one for Acquisition and Technology issues and one for Logistics, Installations, and Material Readiness issues. Mr. Wynne has been nominated for the Acquisition and Technology portfolio and I have been nominated for the Installations and Logistics portfolio.

Question. What role do you expect to play in issues such as family housing privatization, military construction, base closure policy, environmental policy, and policies for resolving conflicts over the use of land, water and airspace between military bases and the surrounding civilian populations?

Answer. I envision my role in overseeing installations and environmental issues as one of providing broad general guidelines to the Deputy Under Secretary of Defense for Installations and Environment, Mr. DuBois, and reviewing policy and work products from Installations and Environment which require higher level review. I anticipate that over the course of time that would involve the broad spectrum of installations and environmental issues, as all of the functions you listed have important national implications.

ACHIEVING BEST BUSINESS PRACTICES

Question. What is your assessment of the progress the Department of Defense has made since you last served in the Department in 1993 in improving its business practices in the areas for which the Deputy Under Secretary of Defense (Logistics and Materiel Readiness) is responsible, such as supply management, logistics systems, and maintenance procedures, and in the application of information technology to these functions?

Answer. My assessment is that the Department of Defense has made considerable progress since 1993 in improving its business practices. For example, I am impressed by the degree to which "best practices" from the private sector have been applied to commercial items such a medical supplies, clothing and subsistence, and common hardware items. The adoption of commercial logistics vehicles such as prime vendor, combined with the application of modern information technology in the form of electronic ordering, has resulted in better customer support (faster with a greater variety of state-of-the-art commercial items) without reliance on unnecessary DOD infrastructure (warehouses, etc.).

Question. Where do you believe additional improvements are most needed and what steps would you plan to take to bring about change in those areas?

Answer. My view is that the Department is at a crucial point in improving its business practices. If confirmed, I would undertake, in consultation with the Military Departments and the Director of the Defense Logistics Agency, an intensive assessment of the "lessons learned" from the progress of the past decade in improving the Department's business practices, and developing a plan to build on that progress and expand the successes in commodities such as subsistence, medical items, and common hardware items to more complex areas such as fighter aircraft parts.

DEFENSE ACQUISITION REGULATIONS

Question. Are you familiar with the recent revisions of DOD Directive 5000.1 and DOD Instruction 5000.2 that set forth DOD policy on acquisition and support of major weapons systems, and if so, what are your views on these policies as they relate to the areas for which the Deputy Under Secretary of Defense for Logistics and Materiel Readiness is responsible including logistics, weapons system support, and supply chains?

Answer. Yes, I am familiar with the recent revisions of DOD Directive 5000.1 and DOD Instruction 5000.2.

Question. Do you support these revisions?

Answer. I strongly support the recent revisions, particularly the increased emphasis on development of effective sustainment strategies for life cycle support. Section 2.8 of DOD 5000.2 Regulation contains guidance on planning for full life-cycle product support management that is built upon appropriate best practices and is focused on outcomes, such as mission availability and readiness.

Question. Are there any additional changes that you recommend in the current policies?

Answer. At this time, I would not offer any recommendations for changes to current policy. If confirmed, I will evaluate the effectiveness of current policy through program oversight on the Defense Acquisition Board and offer potential adjustments to Under Secretary Aldridge, if appropriate.

PRICING ISSUES

Question. Over the last several years, the Department of Defense Inspector General has issued a number of reports that have been critical of the pricing of spare and repair parts purchased by the Defense Logistics Agency.

Are you aware of these reports and the concerns that they have raised about the pricing of spare and repair parts?

Answer. I am aware of the concerns raised by the Inspector General about the pricing of spare and repair parts under vehicles such as the Defense Logistics Agency's "corporate contracting" initiative. My understanding is that challenges were identified in terms of item pricing and the value of inventory management services.

Question. What are your views as to how these concerns should be addressed?

Answer. My view is that the Department of Defense should use the "lessons learned" from these test programs to improve future efforts before expanding commercial logistics practices into more challenging areas such as aircraft.

LOGISTICS AND MATERIEL READINESS

Question. The Under Secretary of Defense for Acquisition, Technology, and Logistics will be responsible for developing plans for the complete life cycle of military

weapon systems from initial procurement to the maintenance of those systems decades later. There has been some concern expressed that this leads to decisions where long-term maintenance quality and efficiency are sacrificed to achieve reduced initial procurement costs. As a result of this concern, the position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness was created to ensure that life cycle maintenance was given proper consideration during the acquisition process.

If confirmed what actions will you take to ensure that logistics and materiel readiness are adequately considered and protected when acquisition decisions are made on all of the Departments weapon systems?

Answer. The issue of trading off logistics life cycle considerations during weapon system design and development is still a challenge, although initiatives in recent years have enhanced attention to long-term logistics considerations. Much of this improvement is associated with the strengthened integration of acquisition and logistics functions within the Office of the Secretary of Defense, and particularly in the Military Departments. Today, emphasis on life cycle cost reduction is greater than ever. Logistics is now viewed as a performance element during the systems engineering process. Finally, the integrated process team (IPT) structure of managing the diverse elements of weapon system acquisition and sustainment has provided a very effective environment for improved attention to life cycle logistics requirements and issues.

It is in this last area of IPT involvement where, if confirmed, I will most vigorously take action to insure that logistics, sustainment, and readiness priorities are maintained. The most recent DOD 5000 series acquisition policy, just signed by Under Secretary Aldridge on June 10, 2001, for the first time makes the Deputy Under Secretary of Defense for Logistics and Materiel Readiness a mandatory member of the Defense Acquisition Board (DAB). The office of the DUSD(L&MR) is also represented by an executive on the Overarching IPT (OIPT), which prepares for the DAB decision. Recently, the Office of the Deputy Under Secretary of Defense for Logistics and Materiel Readiness has established an office that engages in all weapon system program IPT efforts to insure that life cycle logistics requirements are fully addressed.

IMPACT OF LOGISTICS DECISIONS ON READINESS

Question. If confirmed, what steps do you plan to take to coordinate logistics decisions with the Under Secretary of Defense for Personnel and Readiness and the military services to make sure that the potential impact on readiness is taken into account when decisions on logistics policies are made?

Answer. Readiness is the highest priority of the Department of Defense and is the product of a complex interaction of inputs, i.e., materiel readiness, personnel readiness and training readiness. Materiel Readiness must be viewed in the total context and is impacted by the availability of people to repair equipment, i.e., an element of Personnel Readiness. Training Readiness is impacted by the availability of equipment on which to train, i.e., an element of Materiel Readiness. Personnel Readiness, i.e., the availability of trained people, is the consequence of recruiting and retention.

Because of these interactions, a high state of Materiel Readiness can only be realized by strong partnerships and interactions with "stakeholders" in the Services, Joint Staff, and elsewhere in the Office of the Secretary of Defense. If confirmed, I will ensure there are strong partnerships with the Under Secretary of Defense for Personnel and Readiness and the Services so that logistics decisions intended to maximize Materiel Readiness are considered within the competing constraints of overall readiness.

ACQUISITION WORKFORCE

Question. During the post-Cold War drawdown there has been considerable pressure to reduce acquisition personnel. The Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge as 50 percent of the acquisition workforce will be eligible to retire in the next 5 years. In DOD maintenance depots, for example, the size of the workforce has declined by approximately 50 percent over the past decade, while the average age of the workforce that remains is now over 47 years.

Are you concerned that these reductions have created an unbalanced workforce?

Answer. Yes, I am very concerned about the effects of the reductions. During the decade of the 1990s the Acquisition, Technology and Logistics workforce underwent significant reductions conducted in accordance with Office of Personnel Management merit principles that adversely impacted those with less seniority, largely the younger workforce population. Additionally, there has been little recruitment or hir-

ing effort over the past 10 years due to downsizing efforts. One consequence is that the workforce has become older and is no longer evenly distributed across grades and year groups. As the Department continues to emphasize contracting out and competitive sourcing, the skills, training and experience of the acquisition workforce will be critical in effectively managing acquisition, technology and logistics efforts.

Question. What steps should the Department of Defense take to revitalize the civilian acquisition workforce?

Answer. As I understand it, there are already plans in place within the Department to revitalize the Acquisition, Technology and Logistics workforce. These high priority initiatives were published in October 2000 in the Acquisition Workforce 2005 Task Force Final Report. I look forward to studying this critical issue further if I am confirmed.

Question. Are there any additional steps that you would recommend taking to enhance the workforce in DOD's maintenance, supply, and distribution depots?

Answer. Prior to advocating any detailed proposals for individual logistics functional specialties, if confirmed, I would want to be thoroughly briefed on the specific issues and problems.

LOGISTICS TRANSFORMATION AND PRIME VENDOR SUPPORT

Question. Over the last 10 years, the Defense Logistics Agency has placed an increasing emphasis on approaches such as prime vendor agreements, virtual prime vendor agreements, and direct vendor delivery to streamline the Department's logistics systems for commercial items such as medical supplies, clothing and subsistence, and common hardware items.

Do you support commercial practices such as these that rely increasingly on the private sector to meet the Department's logistics need?

Answer. I strongly support the use of commercial practices in defense logistics, where it makes sense from a warfighter's perspective and I look forward in working this issue upon confirmation.

Question. Do you support the expansion of such commercial logistics practices to the delivery of non-commercial items, such as aircraft spare parts?

Answer. The challenge here is defense-unique items, such as fighter aircraft parts, which tend to be low volume, high cost items, often provided by sole-source manufacturers. DLA has recently tested commercial practices in support of weapons programs such as the Air Force C–130 as well as "Corporate Contracting" for classes of items with numerous industrial providers. The early results of these tests appear promising; however, some challenges were identified in terms of item pricing and the value of inventory management services. I believe that DOD should continue the adoption of innovative support methods, while using the "lessons learned" from the test programs to improve future efforts.

PRIME VENDOR SUPPORT

Question. There has been concern expressed regarding the proposals to adopt prime vendor support for weapon systems, particularly when that support would be provided by the original equipment manufacturer. There is concern that these relationships will lead to a non-competitive environment where our national security requirements might not be met at the lowest cost.

What actions must the Department of Defense take to ensure that its pursuit of prime vendor support arrangements does not lead to a non-competitive environment?

Answer. I fully agree with the committee's concerns over controlling cost in a non-competitive environment. Where contractor support is an option, prime vendor strategies must be examined in concert with other support options. Prime vendor support is but one type of weapon system support strategy being implemented today. Other strategies include third-party logistics concepts, partnerships, and contractor and organic support approaches with performance incentives. All of these support strategies include tenets of competition—marketplace competition, public-private competition, or a business case analysis to determine the best value support provider.

If confirmed, I will encourage the Department to place a greater emphasis on performance-based logistics (PBL) strategies. These can work as incentives to both public and private sector support providers. With private sector providers, these strategies can involve several contract options that are exercisable based on performance and cost. The contracts also include significant positive and negative incentives for cost and performance. These approaches stress the use of effective competition at the subcontract and supplier level (where most of the costs are) to maintain cost control. There are also examples of performance-based organic support providers

and integrators (e.g., Army HEMTT, USAF B–1) that can provide effective leverage on performance improvement and cost reduction.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort while others have expressed concern that core activities are being jeopardized by reducing our reliance on military personnel and civilian employees of the Federal Government.

What approach would you recommend to balance the need to maintain necessary capabilities in the government workforce, including the knowledge necessary to be a "smart buyer," with the savings that may be available from outsourcing?

Answer. If confirmed, I recommend furthering efforts within DOD to refine the Federal Activities Inventory Reform (FAIR) inventory. In order to comply with the FAIR Act of 1998, an annual inventory of all Defense employee positions is performed in which they are categorized into three broad categories. A position is recognized as inherently government when it is part of a core activity so intimately related to the public interest as to require performance by Federal Government employees. Such positions are never candidates for competitive sourcing. A position may also be coded as commercial in nature and suitable for review for competitive sourcing. Finally a position may be coded as commercial in nature, but exempt from competition for one of several reasons, for example fire fighters are precluded from competitive sourcing due to 10 U.S.C. 2465. An accurate FAIR inventory identifies those positions that could be performed by the private sector without eroding necessary government workforce capabilities.

Question. Do you support the principle of public-private competition for the programs for which the Deputy Under Secretary of Defense for Logistics and Materiel Readiness is responsible, including depot-level maintenance of equipment?

Answer. Yes, to the extent possible under law. I believe the forces of competition drive identification of inefficiencies regardless of which offer is determined to be most beneficial.

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

Answer. Yes. Every independent study performed on this issue that I am aware of has concluded that significant savings are achieved.

Question. OMB Circular A–76, which establishes the guidelines for outsourcing most government functions, is slated for scrutiny by a congressionally mandated panel of government and private experts in this area. The panel, chaired by the Comptroller General, is scheduled to report to Congress with specific policy and legislative reforms and recommendations for changing the way the government conducts out-sourcing decisions and implements them.

What is your view of the current A–76 process?

Answer. The process is lengthy, complex and frustrating for all involved. That very frustration is, in part, an outgrowth of a process which has evolved over time to address legitimate concerns to establish a level playing field and to protect the interests of all: the government employee, the private sector competitors and the taxpayer.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. The greatest part of the cost savings could perhaps be achieved by simply privatizing activities that we determine are suitable for performance by the private sector. This would take advantage of the forces of competition that already exist in the commercial marketplace, and which we enjoy in contracts that already exist and which are periodically re-competed.

Over the past several years the Department of Defense has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort, believing that outsourcing will yield significant savings that can be used to modernize the military. Unfortunately, previous administrations have over-estimated potential savings, which resulted in the need for supplemental appropriations to restore funds to accounts which were decremented. Furthermore, the Department has been faced with the possibility of restricting operations because of between labor and contractors.

Question. If confirmed, how would you structure contracts on work that is outsourced to ensure that the promised savings are achieved, and ensure that labor disputes do not disrupt essential operations?

Answer. The savings are established at the time the contract is awarded. The decision to contract for the work is only made when the contracted price reflects sav-

ings at least 10 percent greater than could have been achieved through government performance. Existing contract administration procedures enforce contract compliance on all contracts, to include those that are developed as part of an A–76 cost comparison process.

With regard to potential labor disputes, the Defense Department follows all regulatory requirements with regard to labor rights. Private sector contractors have provided services to DOD for many years. We minimize potential disruption to essential operations by retaining a government workforce to perform all inherently governmental activities.

JOINT LOGISTICS

Question. One of the most expensive and challenging military missions is the delivery of logistics support to the warfighter. While we have made great strides over the last 15 years, our current military structure continues the existence of a number of separate logistics systems for each of the military services.

Do you believe that more opportunities exist to consolidate our logistics systems in a way that will continue to serve the needs of each military service, while increasing the efficiency and effectiveness of the system as a whole?

Answer. First of all, I believe DOD's logistics systems primarily must be effective from a military requirement point of view, and they must be improved to meet the needs of an agile, highly lethal force. A significant part of that military effectiveness is the DOD's ability to rapidly source and distribute required material, without unnecessary hand-offs and delays. To reduce multiple hand-offs, some consolidation may be appropriate. If confirmed, I will assess end-to-end DOD logistics systems to enhance responsiveness to the military requirements inherent in the National Defense Strategy. If appropriate, I will identify areas for consolidation and share those areas with this committee.

Question. What elements of the logistics system do you believe should be available for privatization, and what elements do you believe need to be retained within the Department of Defense?

Answer. In terms of privatization, I believe the DOD should continue to draw upon the robust strength of our industrial sector where that sector can support our military mission and meet our military requirements. There is nothing inherently governmental about running a warehouse, a distribution center, or operating a business information system. On the other hand, DOD must retain sufficient technical and management expertise to fulfill our defense mission and to appropriately oversee private sector providers. If confirmed, I intend to assess logistics privatization efforts in context of desired outcomes and the national defense strategy. I would then share the results of that review with this committee.

PUBLIC-PRIVATE PARTNERSHIPS

Question. Congress has encouraged the Department of Defense to establish partnerships between its equipment maintenance depots and private industry.

What are your views on the extent to which the public and private sectors can and should work together?

Answer. I believe that public-private partnering for depot maintenance support is very beneficial to both the Department and the private sector. It allows each sector to take advantage of its strengths, it can potentially reduce costs, it can result in better capacity utilization, and it allows each sector to learn the best practices of the other. As long as it makes good sense and complies with the law, I would not want to limit the use of public-private partnering.

Question. Do you have any recommendations for facilitating such partnerships?

Answer. In recent years, the Department has undertaken several efforts to document the extent of pubic-private partnering for depot maintenance support. Indications are that the amount of partnering is quite extensive. So it appears that existing authorities are working. If confirmed, I would like to take a more detailed look at perceived issues before recommending any specific changes.

TECHNICAL DATA RIGHTS

Question. Do you believe the government should purchase the technical data rights for new weapons systems to the extent necessary to provide the government the option of competing the life cycle maintenance of that weapons system among private sector offerors or performing such maintenance in government facilities as the need might be?

Answer. I understand that the current policy states when an item is developed exclusively at the Government expense, we have "unlimited rights" to the data. When an item is developed with mixed (Government and Industry) funding the gov-

ernment has "government purpose rights" to the data for 5 years or other period as negotiated. It is only when an item is developed exclusively at private expense that it needs to negotiate for data rights. I believe the decision to purchase technical data rights needs to be decided on a case-by-case basis depending on a number of different factors. Also, I believe factors that should be considered include: the cost of the technical data rights; expected maintenance costs for the various alternatives; and whether maintenance of the weapon system is so critical that the government needs to maintain a capability to perform it.

MAINTENANCE OF NEW WEAPONS SYSTEMS

Question. When new weapons systems enter the inventory, should decisions on whether life cycle maintenance of those systems will be performed in the private sector, the public sector, or some combination of the two be made on the basis of lowest cost and best value to the government rather on a presumption that the source of repair should always be public or always be private?

Answer. Many factors enter into the decision on which sector should provide life cycle support for a weapon system. These include requirements for organic core maintenance capabilities and best value. I believe certain capabilities must be retained in the public sector, most certainly including organizational maintenance for deployed combat systems. Depending on applicable law and best value, private sector support may offer advantages to the government. In many cases it may be a combination of public and private sector support. I believe each case has unique considerations that must be considered.

Question. At what point in the life cycle of a new weapons system do you believe a decision on the long-term maintenance strategy for that system should be made?

Answer. I believe this is an evolutionary decision, but a detailed plan needs to be defined by Milestone C, which is the commitment decision for the production and deployment phase.

POLICY ON CORE MAINTENANCE ISSUES

Question. Is the Department currently reviewing existing policies on what policy skills and functions need to be maintained in government facilities? If so, when will the results of those reviews be provided to Congress?

Answer. I have not studied any ongoing review that the Department might be conducting on policy as to which core maintenance skills and functions must be retained in government facilities. If confirmed, I would need to be thoroughly briefed on any such effort to fully appreciate its findings before developing.

DEPOT MAINTENANCE POLICY

Question. Section 2466 of Title 10, United States Code, requires that 50 percent of the funds made available in any given fiscal year be used for depot maintenance performed by employees of the Department of Defense. Section 2464 of Title 10, United States Code, requires that the Department of Defense maintain a core logistics capability that is government-owned and government operated. These requirements are intended to maintain ready and reliable depot maintenance skills and the capacity to support the needs of the military services during periods of both peace and conflict.

Do believe that we need to maintain an in-house capability to perform depot maintenance on those weapon systems necessary to enable the Armed Forces to fulfill the strategic and contingency plans prepared by the Chairman of the Joint Chiefs of Staff?

Answer. I believe that those depot maintenance capabilities that are essential to the national defense that cannot reliably be provided by the private sector must be maintained in the public sector. If confirmed, I have every intention of complying with the law, including these provisions of Title 10.

Question. Section 2469 also requires that the Department maintain the capability to perform depot maintenance on new weapon systems within the public depots not later than 4 years after initial operational capability. It appears that the Department of Defense has been contracting with private sector sources for the depot maintenance on all new weapon systems rather than ensuring that some enter the public depot system.

Do you believe that we can maintain modern and reliable public depots if we do not provide for them to perform work on the new weapon systems?

Answer. It is section 2464 that provides for having capability not later than 4 years after initial operational capability. The key concept here is capability. When the current language requiring the establishment of capabilities within 4 years of initial operating capability was enacted, the conference committee agreed that it

was not necessary that all work for systems required for the war plan be performed in public facilities. Rather, it is the capability to perform the work that must be retained and that the facilities be operated on a cost-effective basis. I believe that public depots require sufficient workload, including new weapon systems, in the respective core capabilities in order to sustain competency and operate efficiently. Workloads beyond this requirement can be considered for sourcing based on best value over the life cycle of the system.

Question. If confirmed, will you ensure that new weapon systems are inserted into the public depots within 4 year of their IOC as required by law?

Answer. As stated above, the law requires the establishment of capabilities. Weapon systems are not core. Core is skills, equipment, and facilities. If confirmed, I will endeavor to ensure that required skills, equipment, and facilities are established to support core capability requirements, as required by law.

Question. Section 2474 of Title 10, United States Code, requires the Secretary of Defense to designate the public depots as Centers of Industrial and Technical Excellence in their core competencies and provide authority for the establishment of public private partnerships for the performance of depot maintenance at these centers. There have been proposals to enhance this authority by ensuring the depot will be held accountable when performing work as a subcontractor, and by allowing depot maintenance work performed by private sector entities at these centers to be counted toward the public share of 50/50.

In light of the requirements to maintain a core depot capability, what actions do you believe should be taken to improve the efficiency of these facilities and foster cooperation between the public and private sector?

Answer. Section 2474 was completely revised by the National Defense Authorization Act for Fiscal Year 2001. It provided extensive new authorities for the Department to enter into public-private partnerships, lease out under-utilized capacity, and sell articles and services to the private sector. If confirmed, I would want to determine the impact of these new authorities before proposing additional measures to foster public-private cooperation. The Department has in place a number of programs to improve the efficiency of depot maintenance facilities, including the capital purchase program and the military construction program. Because of the extremely austere funding environment the Department has faced in recent years, many high priority requirements have not been funded. Before advocating any specific measures, if confirmed, I would want to conduct a detailed review of requirements.

Section 332 of the Senate version of the National Defense Authorization Act for Fiscal Year 2001 would allow the military services to lease out excess capacity in the military's industrial facilities to private business. It would allow the private sector to hire these facilities as subcontractors, if they chose to do so, and the work would not interfere with military requirements. The revenues generated through lease of excess capacity or through work for the private sector would be used to offset the overhead costs of these facilities thus reducing the burden on the Department of Defense and the American taxpayer.

Question. Do you believe that the services should be permitted to pursue these initiatives if they choose to do so?

Answer. Section 332 of the Senate version of the National Defense Authorization Act for Fiscal Year 2001 became section 341 of the enacted law. I fully support the law as enacted. I support use by the Services of these authorities when it is in the best interests of the Department and makes sound business sense.

Question. One of the challenges to the efficiency of the public depots is the fact that the facilities in which the maintenance is conducted is relatively old and poorly designed for the workloads of the modern military. This is particularly true of the Air Logistics Centers, where maintenance on large jet aircraft is being conducted in facilities that were built to produce World War II era bombers. Air Force Materiel Command has developed a plan to replace these facilities with modern maintenance hangers.

If confirmed, will you work to ensure that we modernize and maintain our public facilities so that they are able to efficiently perform their maintenance responsibilities?

Answer. It is my understanding that the Air Force is still in the process of developing a long-term strategy for its depots. Though a draft of the strategy is approaching completion, it has neither been reviewed or approved by the Secretary of the Air Force nor has it been shared with anyone in the Office of the Secretary of Defense. If confirmed, I will thoroughly review requirements for modernization of public sector depot maintenance facilities.

MOVEMENT OF HOUSEHOLD GOODS

Question. The Department of Defense is currently pursuing three pilot programs to improve the process whereby the household goods of military service members are moved from one duty station to another.

What is the current status of these pilot programs?

Answer. I am aware of three pilot programs; The Military Traffic Management Command (MTMC) Pilot; the Sailor Arranged Move (SAM) program and the Full Service Moving Project (FSMP). I am also aware that DOD's objective is to evaluate the results of all three pilots to determine the best provisions of a reengineered program for implementation throughout the Department, and if confirmed, I will evaluate the status and results of these programs.

Question. Are they demonstrating improved moving service for our military families?

Answer. If confirmed I will be thoroughly briefed on the specific issues and problems and will provide you detailed information on the programs.

BASE REALIGNMENT AND CLOSURE

Question. Over the past several years, members of the Joint Chiefs of Staff have testified that there is excess defense infrastructure and requested Congress to authorize another round of base closure. The previous administration insisted that another round of base closures is needed to streamline the defense budget and to shift resources into personnel and weapons procurement. This administration has also called for the authorization of another round of BRAC.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. I believe that an intuitive case, at least, can be made for further initiatives to reduce capacity, because I believe forces have been reduced more than bases. Only a comprehensive analysis could reveal where this excess capacity may exist. However, I also believe that simply eliminating excess capacity is only one part of the issue. It should be even more important for the DOD to review how its bases can be restructured to more efficiently support force structure and facilitate new ways of doing business.

Question. Would you provide a list of those facilities for congressional consideration absent the authorization of another round of base closures?

Answer. I have no such list. My experience tells me that only a comprehensive analysis could provide that detail.

Question. What is your view about another round of BRAC limited to where excess capacity exists?

Answer. Again, only a comprehensive analysis can reveal where excess capacity exists. I also believe that even if that analysis were completed, restricting future initiatives to those locations would preclude the DOD from looking at and rationalizing its entire base structure.

ENVIRONMENTAL ISSUES

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment issues. These include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, and the assignment of radio frequency spectrum away from the Department of Defense.

In your opinion, how serious are these problems for the Department?

Answer. This is a critical training readiness issue. Historically, individual ranges address their own specific encroachment issues, most often on an ad hoc basis. I have observed that the Department has won some of these battles, and lost others. In the aggregate it appears the DOD is losing ground, sometimes literally. The complexity of issues involving Vieques, for example, illustrates just how serious these problems are and how challenging they are to address.

The myriad forms of encroachment that face the DOD and our ranges threaten to complicate, and in some cases severely restrict, the Department's ability to conduct critical testing and training. The overall trends are adverse, because the number of external pressures is increasing, and the readiness impacts are growing. This is why I believe the Department must begin to address these issues in a much more comprehensive and systematic fashion. It will also be important to work with regulators, special interests, other Federal agencies, and communities in order to clearly define the issues from all viewpoints and to reach mutually acceptable solutions, whenever possible.

Question. If confirmed, what role do you expect to play in addressing these challenges and what actions would you propose to take to address them?

Answer. I understand that the Department is addressing the wide-ranging issues of encroachment and range sustainability identified by the Senior Readiness Oversight Council (SROC). I believe the DOD strategy for range sustainment should include a comprehensive sustainability framework that addresses the test and training mission, regulatory requirements, community support, and the range capabilities used to support the mission. The strategy should aid in identifying problems needing attention, both short and long-term, and whether it should be a local, regional, national, or a combined response. If confirmed, I expect my role in developing that strategy would be significant.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action and those that will be out of compliance before the next budget cycle.

Would you agree that continuing funding for these types of environmental compliance areas is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Yes. Operating in an environmentally sound manner is a major factor in maintaining good relationships with the regulatory authorities as well as the communities that surround our military bases. DOD personnel also reside in those very same communities. In addition, operating in an environmentally sound manner is more cost effective than having to correct the effects of unsound practices at a later date.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. No. I believe the Department of Defense should not be exempt from the application of the environmental laws. DOD should be held to the same standards. Environmental laws are constructed to protect human health and the environment, including the men, women, and children who work and live on Department of Defense installations. Congress has included clauses allowing the President to waive requirements of environmental laws when needed to protect national security. However, I do not believe the Department would ask the President to waive a requirement lightly.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that Federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. Yes. I support the basic principles of the Federal Facility Compliance Act, signed by President George H. W. Bush. Environmental laws are part of the cost of doing business for every civilian community and private industrial facility.

Question. The Department of Defense faces a bill for the cleanup of unexploded ordnance (UXO) that has been estimated to be at least in the tens of billions of dollars, and could be in the hundreds of billions of dollars. At current funding levels it has been estimated that it could take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. I cannot give you a recommended time frame for the cleanup of UXO today. That's something I'll have to look into, if confirmed.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such clean-up)?

Answer. Yes. Improvements in technology for any endeavor usually effects greater efficiencies. I would expect that increased investments in UXO remediation technologies would lead to more cost-effective and timely cleanup of DOD sites.

Question. If confirmed, what actions will you propose to ensure that encroachment does not prevent the Armed Forces from effectively training and operating both at home and abroad?

Answer. Increasingly, public pressure to limit range use is fueled by concerns over safety, noise, and environmental impacts generated by the use of military munitions in testing and training. Therefore, I believe that sound management of UXO should figure prominently in the Department's efforts to address range sustainability and encroachment issues identified by the Senior Readiness Oversight Council (SROC), and if confirmed, I will work diligently to reduce the impact of encroachment on training.

Question. At what point will the Department have baseline data sufficient to provide a legitimate estimate of the bill for the cleanup of unexploded ordnance?

Answer. I would have to look into that in more detail, if confirmed. At this point, I do not have the information to give you an answer.

Question. Of particular concern is the cost and operational impact of environmental constraints. Some of the service chiefs have informed us that they spend more money each year complying with environmental regulations than they spend on training. We have seen in visits to military installations, the difficulty caused by compliance with environmental regulations on the ability of our military to train and operate today.

What are your views regarding the prospect of reducing the cost to the Department of environmental compliance?

Answer. I believe that the Department can continue to reduce the cost of environmental compliance by: (1) prudent investments in pollution prevention efforts and technology; and (2) working with regulators on a common sense approach to implementing existing laws and executive orders.

Question. Do you believe that there may be legitimate national security interests that require regulators to make environmental compliance allowances to preserve such interests for the Department of Defense?

Answer. Yes. I believe that in certain cases it might make sense for regulators to make allowances to preserve legitimate national security interests.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Under Secretary of Defense for Acquisition, Technology and Logistics?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

INSTALLATION READINESS

1. Senator THURMOND. Ms. Morales, installation readiness is one of the more challenging issues that you will face if confirmed as the Deputy Under Secretary for Logistics and Materiel Readiness. As you may know, due to the underfunding of the real property maintenance accounts, the majority of installations are rated C–3 or below. What in your personal view is a realistic approach toward resolving this significant issue?

Ms. MORALES. Installation readiness is one of the more challenging issues that I will address if confirmed. Three simultaneous steps are required to reduce the number of C–3 and C–4 facilities. First, DOD must fully sustain our facility assets, to prevent deterioration and maximize service life. Second, DOD must establish a stable and focused program to modernize and replace our facilities, using a combination of O&M and military construction funds, to keep up with evolving standards and new technologies. I agree with Secretary Rumsfeld and General Shelton, who have stated in their testimony that DOD must tie this recapitalization investment to the expected service life of our assets, which is conservatively estimated to average about 67 years. Finally, DOD must continue to dispose of obsolete assets, so they do not drain away resources we need for sustainment, restoration, and modernization of our remaining facilities.

HOUSING PRIVATIZATION

2. Senator THURMOND. Ms. Morales, as you may know the Department is counting on the housing privatization initiative as the solution to resolving the quality of the military housing problem. Unfortunately, the new leadership appears to be under

the impression that privatization is the final solution to the issue. In reality, it represents only a part of the total solution since there are installations at which the housing cannot be privatized and normal military family housing construction must be funded. Are you committed to the total family housing solution and not solely to the privatization effort?

Ms. MORALES. The Department is committed to a total family housing solution. The quality of housing for Service members and their families continues to be a critical element in supporting and retaining the high caliber personnel who make our armed forces the best in the world. But the majority of our military housing is old, below contemporary standards, and in need of extensive repair. Accordingly, the President and Secretary Rumsfeld have made improving housing one of their top priorities.

The military housing privatization initiative is designed to support the Department's ongoing policy to have our Service members live in private housing. Approximately 60–70 percent of our military in the United States (CONUS) reside off base in private housing. The military services own and maintain housing where the private sector does not provide adequate housing for Service members. This is usually where housing is substandard or not affordable to our Service members. In testimony before various congressional committees over the last few years the Department has laid out a strategy to address this area—which is to aggressively pursue a major 3-prong approach to benefit all Service members and improve their quality of life: (1) Increasing housing allowances to eliminate out-of-pocket costs paid by Service members for private sector housing in the United States. Higher basic allowances for housing (BAH) will help members who live off base to afford good quality housing. Both the quality and the availability of there off base housing options will immediately increase; (2) Strategically placing housing privatization projects where analyses have shown a greater housing requirement than the market can support. Higher allowances for housing will increase and enhance housing privatization, further improving Service member access to quality housing. Privatization is intended to enable the military services to revitalize their inventories of inadequate housing by leveraging appropriations with private capital. Under current privatization policy, the services must leverage appropriations to get at least three times the housing they would get under traditional military construction. In practice, the services have leveraged appropriations an average of six times; and (3) Maintaining Military Construction funding. The combination of increased allowances and continued use of privatization, where appropriate, will permit more efficient use of current military construction funding.

Given the demands placed on the Department's budget, and the Secretary's new initiatives, we believe that privatization will help the Department reach the goal of revitalizing all the military services' inadequate housing (approximately 180,000 units) by the year 2010. Under housing privatization, funding not required at one installation, is used to accelerate housing revitalization at another installation. This allows the Federal taxpayers dollars to be stretched farther and allows for a balanced approach between Military Construction funding and privatization. The leveraging through privatization is essential to achieve our goal of 2010, but where privatization is not viable; military construction funding will be requested.

3. Senator THURMOND. Ms. Morales, in this era of high utility costs, does it make sense to continue the Department's efforts to privatize the utility infrastructure on defense installations?

Ms. MORALES. Yes, because todays high utility costs relate primarily to the commodity costs (electricity or natural gas) while our policy to privatize utility infrastructure is for the ownership, operation, and maintenance of actual utility distribution systems (i.e., the pipes, poles, wires, and plants). Our policy is to privatize utility distribution systems only when it is economically feasible to do so and when the system has not otherwise been exempted due to unique mission or security reasons. Parties potentially interested in bidding on our systems may not necessarily be the same as those selling us the commodity. There are normally separate utility commodity contracts for electricity and natural gas. The ownership, operation, and maintenance of utility distribution systems will generally be separate from the installations' commodity contracts. The economics of privatization of the distribution systems may be affected by the commodity sale situation, but our policy indicates that these factors be considered in the economic feasibility analysis required by Title 10, section 2688.

QUESTION SUBMITTED BY SENATOR BOB SMITH

MICROELECTRONICS

4. Senator SMITH. Ms. Morales, I understand that the previous Secretary of Defense deemed the Defense Microelectronics Activity (DMEA) as vital to our national defense and moved the organization from the Air Force to report directly to the Deputy Under Secretary of Defense for Logistics and Materiel Readiness. Since microelectronics remains the heart of our most sophisticated weapons systems, will you continue to support this extremely important organization as a Defense-wide agency during your tenure?

Ms. MORALES. The DMEA is a unique and vital resource to our national defense. The activity was established to concentrate on the extraordinary issues surrounding microelectronics technologies that are common across all Services within the DOD. Microelectronics is the hidden, yet pervasive, key enabling technology which is the heart of "smart weapon systems," and a host of strategic and tactical assets for the warfighters. DMEA created original methodologies and innovative processes that produce solutions that are technically correct yet re-create profitability for the industry. Notable is DMEA's ability to rapidly respond to the well-known, commercially-driven dynamic microelectronics environment with innovative and pragmatic solutions. DMEA has been highly utilized and praised by all the Services within the DOD, other Agencies in the Government, and by industry for its exceptional record of accomplishments.

Much of DMEA's long list of inter-Service achievements is a direct result of DMEA's streamlined organizational structure. As such, I fully endorse and support DMEA as a defense-wide activity during my tenure.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

UNEXPLODED ORDNANCES

5. Senator ALLARD. Ms. Morales, UXO's or unexploded ordnances are a major concern for many on this committee. For example, last year 5 sarin gas bomblets were found at the Rocky Mountain Arsenal and just last week, 4 more Sarin gas bomblets were located. I commend the job that the Army is doing at the Arsenal and for disposing of the bomblets, especially General Coburn of the Army Material Command. However, I am concerned that it will take 3 weeks before any of the only EDS destruction and disposal system is transported to Colorado. This lack of development of alternatives and lack of systems is of great concern. Can I get your assurances that the DOD will look and test other alternatives in order to ensure that we have the systems needed to deal with this important and dangerous problem?

Ms. MORALES. Senator Allard, it is our desire to have multiple tools to deal with the destruction of recovered chemical agent materials. I understand that the Army is taking action to ensure that appropriate disposal technologies are available to dispose of recovered chemical warfare materiel expeditiously.

CLEAN-UP OF COLORADO STATE FAIRGROUNDS

6. Senator ALLARD. Ms. Morales, I would like to call your attention to a matter between the Navy and the Colorado State Fair Authority. The Navy leased land at the Colorado State fairgrounds in Pueblo and in 1946 they had two Reserve Center buildings constructed. Now there is some dispute as to the environmental clean-up of the site, specifically regarding the asbestos contained in the building and who will be paying for clean up. I would certainly appreciate it if you could look into the matter, and ensure the Navy is giving all due accommodations to the matter. The Colorado State Fair is a great institution, but not a rich one, and I would hate for them to be put at a disadvantage.

Ms. MORALES. If confirmed, I will certainly look into the matter, and communicate the results to you Senator.

ROCKY MOUNTAIN LOW LEVEL WASTE COMPACT

7. Senator ALLARD. Ms. Morales, as you may know, the Rocky Mountain Low Level Waste Compact is congressionally mandated to take responsibility to dispose of federally-generated radioactive waste in the region. First, can you give me your thoughts about the compact system for disposing waste? Also, do you support the system and would you support a court challenge to invalidate the compact system?

Ms. MORALES. The Low Level Radioactive Waste Compacts serve a useful purpose by facilitating disposal for the Nation's LLRW. I know the DOD has supported the Compact system for the past 16 years and will continue to do so in the future.

I am not aware of any scenario in which it would support a court challenge to invalidate the compact system.

[The nomination reference of Diane K. Morales follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 5, 2001.

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

Diane K. Morales of Texas, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness, vice Roger W. Kallock.

[The biographical sketch of Diane K. Morales, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DIANE K. MORALES

In February 1993, Diane Morales became president of DMS, Inc. ("D. Morales Services, Inc." in Virginia), a management services firm focused primarily on public and commercial logistics operations and systems planning. Management services include policy and program analysis, net assessments, strategic planning, government relations, legislative analysis, and public outreach.

From 1990 to 1993, Ms. Morales served as Deputy Assistant Secretary of Defense for Logistics, and coordinated a comprehensive restructuring of defense logistics operations to improve performance and reduce business costs by $70 billion over 7 years. Logistics reengineering included integrating logistics policy, regulations, and procedures; developing and managing programs to reduce DOD inventories from $103 billion to $55 billion by 1995; standardizing logistics systems and procedures, as well as improving business practices; consolidating and streamlining organizations; and achieving visibility of military assets to reduce supply costs and mobility requirements. Ms. Morales served in this capacity during Operation Desert Storm and played a substantial role in addressing airlift and sealift requirements.

Prior to her DOD service, Ms. Morales was president of the predecessor firm to DMS, Morales Consulting Services Company (MCSC), established in August 1988. MCSC performed net assessment analyses, strategic planning, and policy/program analyses for the program areas of ICBM Modernization, the then-Strategic Defense Initiative, and for the environmental cleanup and compliance issues regarding the Department of Energy Defense Nuclear Complex.

From 1986 to 1988, Ms. Morales served as Vice President of Government Affairs for the Earth Technology Corporation, a geotechnical and environmental services firm supporting primarily the siting and basing of the U.S. Air Force ICBM Modernization and SDI programs, as well as the Department of Energy hazardous/radioactive waste management programs.

Between 1981 and 1986, Ms. Morales served in executive positions in several government agencies: the Department of the Interior as Deputy Assistant Secretary for policy; the Civil Aeronautics Board as Board Member; and the Office of Management and Budget (OMB) and the Consumer Product Safety Commission as a consultant on deregulatory issues.

Ms. Morales was born in Houston, Texas. She received a B.A. from the University of Texas in Austin.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Diane K. Morales.

2. **Position to which nominated:**
Deputy Under Secretary of Defense for Logistics.

3. **Date of nomination:**
June 5, 2001.

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

5. **Date and place of birth:**
July 11, 1946; Houston, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
None.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Bellaire High School in Bellaire, Texas; graduated, 1964.
University of Texas in Austin, Texas; BA, 1968.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

DMS INC. 1993–PRESENT

President: Heads management services firm focused primarily on defense and commercial logistics. Management services include policy and program analysis, net assessments, strategic planning, acquisition, and government relations/legislative analysis. Currently engaged in activities regarding Department of Defense strategic planning (Logistics 2010), information support systems, and best commercial logistics practices.

DEPARTMENT OF DEFENSE 1990–1993

Deputy Assistant Secretary for Logistics: Managed DOD logistics operations; functions included supply/materiel management, maintenance, transportation, energy, international logistics, all support information systems, commissaries, and exchanges. Key accomplishments:

- Resized DOD inventories, reduced operating costs, and introduced commercial business practices;
- Standardized, streamlined, integrated logistics policies and procedures for standard systems development;

- Consolidated DOD organizations and missions; and
- Began changing the business culture with total quality management.

Supply/Materiel Management. Rewrote 80 separate policy documents regarding the supply system life cycle into single, integrated policy; developed the Inventory Reduction Plan as the vehicle to implement the new policy and save $18 billion. In 1990, the value of the on-hand inventory was $103 billion; by 1992, $86 billion; in March 1993, $80 billion; by 1997, $55 billion (in constant 1990 dollars). In 1989, the Department spent nearly $30 billion managing the supply system, including the cost of new supplies; by 1992, $21 billion.

Tracking Assets. Post Gulf War, developed comprehensive plan (Defense Total Asset Visibility Plan) to provide operators with full visibility of assets and their condition throughout the logistics network. The benefits are reduced procurement, smaller inventories, improved availability of assets for mission requirements, and better use of transportation assets. Also, conducted study to improve in-theater distribution.

Maintenance. Developed annual business plan to reduce business operations costs from $13 billion annually in 1990 to $6.4 billion in 1997 by streamlining processes, personnel, and infrastructure; increasing inter Service support and competition among Services/between the Services and private industry; and improving utilization of capacity through realignment of workload and base closure.

Transportation. Post Gulf War, consolidated wartime and peacetime, common-user and Service-unique transportation functions under single command; revised requirements for lift assets, the appropriate mix of strategic lift, and the augmentation of military assets with commercial assets under the DOD Mobility Requirements Study; corrected operational deficiencies after first activation of the Civil Reserve Air Fleet (CRAF) in Operation Desert Shield; laid out a corrective plan for the Department of Transportation's problematic activation and maintenance of the Ready Reserve Force, a government-owned fleet; and after reviewing internal air carrier oversight systems, military programs for aviation, and FAA/foreign aviation regulatory activities, initiated a series of higher quality and safety standards for commercial carriers serving DOD.

Corporate Information Management (CIM). Directed the foundational logistics CIM initiative, the Department's program to standardize common functional information systems; determined requirements, identified candidate standard systems, and handed the product over to the Joint Logistics Systems Command (JLSC) for execution.

International Logistics. With the North Atlantic Treaty Organization (NATO), developed cooperative logistics programs to reduce U.S. costs and to increase "burdensharing" among other members; prepared a Host Nation Support Model Agreement to accelerate logistics support agreements in countries where the U.S. expects conflicts (the result of Operation Desert Storm); chaired the Logistics Cooperation Committee subgroup that completed the Korean Wartime Host Nation Support Umbrella Agreement signed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

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

DEPARTMENT OF ENERGY 1989—1990

Consultant. Assessed the DOE, Office of Environment, Safety, and Health (ES&H) programs, policy, budget, congressional activity, environmental status (compliance) of all facilities, the changing environmental regulations, tracking of transportation of waste (nuclear and non-nuclear), and proposed Office initiatives.

OFFICE, MANAGEMENT AND BUDGET/CONSUMER PRODUCT SAFETY COMMISSION 1985—1986

Deregulation Consultant: Examined the deregulation of trucking, barge, maritime, rail, and mineral leasing (involving the Departments of the Interior and Transportation, and Interstate Commerce Commission) and made follow-on recommendations; developed program plan for the Consumer Product Safety Commission to encourage greater voluntary industry safety actions; the agency followed final recommendations.

CIVIL AERONAUTICS BOARD 1983–1985

Board Member: Completed domestic aviation deregulation; decided several major anti-competitive cases; determined carrier fitness; licensed U.S. and foreign carriers; regulated international aviation and negotiated international agreements.

DEPARTMENT OF THE INTERIOR 1981–1983

Deputy Assistant Secretary for Policy: Served as Acting Assistant Secretary of Territorial and International Affairs for half tenure; addressed issues regarding U.S. territories and the single Trust Territory; participant in negotiations to alter the relationship to the United States of the Trust Territory and the Northern Marianas.

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

Currently limited to the following:

SAP Public Services, Inc., Consultant to DOD, 1300 Pennsylvania Ave., NW., Suite 500, Washington, DC 20004.

SAIC, support contractor on logistics contract, 7980 SAIC Court, Vienna, VA 22182.

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

POLITICAL ORGANIZATIONS

Reagan Alumni Association, Member, 1989–present.

Bush Alumni Association, Member, 1992–present.

PROFESSIONAL ORGANIZATIONS

National Defense Industrial Association, Logistics Committee, 1995–present.

Women in Defense, Member, 1999–present.

NON-PROFIT ORGANIZATIONS

S.A.F.E. Foundation (National Missile Defense), Board Member 2000–present.

CIVIC ORGANIZATIONS

Texas State Society (social), Board Member, 1996–present.

Project Nehemiah (charity/orphanage), Board Member, 1996–present.

American Cancer Society/Virginia, Board Member, 2000–2002.

13. **Political affiliations and activities:**

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

None.

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

None.

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

George W. Bush Presidential Exploratory Committee—$1,000.00.

George W. Bush for President Compliance Committee—$1,000.00.

Fundraising: Solicitor Tracking No. 7494, Bush Presidential Campaign.

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

Department of Defense Outstanding Public Service Medal in 1993.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

DIANE K. MORALES.

This 16th day of April, 2001.

[The nomination of Diane K. Morales was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Steven J. Morello, Sr. by Chairman Levin prior to the hearing with answers supplied follow:]

June 15, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

STEVEN J. MORELLO.

Enclosure

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes. These reforms have improved the readiness of our Armed Forces, and the ability of the Department of Defense to perform its assigned responsibilities. If confirmed, I will work to ensure that the Department of the Army properly and fully implements the reforms, in complete compliance with congressional intent.

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

Answer. In my opinion, the Department of Defense has implemented these reforms. I am unaware of any specific reforms that have not been implemented. If confirmed, I will assist in ensuring that the Department of the Army fully implements the reforms, as Congress has directed.

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

Answer. The Goldwater-Nichols legislation has strengthened civilian control over the Armed Forces by clarifying the authority, responsibilities and relationships among the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Serv-

ice Secretaries, and the Combatant Commanders. The legislation also streamlined the chain of military command from the President to the Combatant Commanders; vested the Chairman of the Joint Chiefs of Staff with responsibility to serve as the principal military adviser to the President, the Secretary of Defense and the National Security Council; and facilitated joint decision-making by designating the Chairman as the spokesman for the Combatant Commanders, defining the Combatant Commanders' roles, establishing joint officer management policies and streamlining the Joint Staff's operations. Our Armed Force's improved performance on the battlefield and in operations other than war is attributable to the enhancement of command and control, joint operations and training, and interoperability brought about by these reforms. Finally, the Goldwater-Nichols legislation has heightened the efficiency with which the Military Departments organize, train, equip and administer forces in support of the Combatant Commanders' operational requirements.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes. If confirmed, I will work to ensure that the Department of the Army continues its efforts in furtherance of these goals, and that Congress' intent is fully realized.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am currently unaware of any reason to amend Goldwater-Nichols. If confirmed, I will have an opportunity to assess whether the challenges of today's dynamic security environment require amendments to the legislation in order to achieve the objectives of the defense reforms.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Army?

Answer. Section 3019 of Title 10, United States Code, provides that the General Counsel of the Army shall perform such functions as the Secretary of the Army may prescribe. The General Counsel provides legal advice to the Secretary of the Army, the Under Secretary, the Assistant Secretaries, and other offices within the Army Secretariat. As the chief legal officer of the Department of the Army, the General Counsel determines the controlling legal positions of the Department of the Army. The General Counsel's responsibilities extend to any matter of law and to other matters as directed by the Secretary. Examples of specific responsibilities currently assigned to the General Counsel include providing professional guidance to the Army's legal community, overseeing matters in which the Army is involved in litigation, serving as the Designated Agency Ethics Official, exercising the Secretary's oversight of intelligence and other sensitive activities and investigations, and providing legal advice to the Army Acquisition Executive.

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

Answer. The diversity and complexity of legal issues confronting the Department of the Army are such that no one lawyer can have in-depth experience in all of them. However, the General Counsel must possess absolute integrity, mature judgment, sound legal and analytical skills, and strong interpersonal and leadership abilities. I believe that my background and diverse legal experiences in both the military and corporate environments have prepared me to meet the challenges of this office.

I received my law degree from the University of Detroit Law School in 1977 and my Masters of Science Degree in Business Administration from Boston University's Metropolitan College in 1980, and served as a Judge Advocate officer in both the active Army and Army Reserve for over 8 years. I also served as a staff assistant to United States Senator Philip A. Hart. For the past 10 years, I have served as

Vice President, General Counsel and Secretary for Prechter Holdings, Inc., a privately held company based in Southgate, Michigan. I have provided extensive legal and business advice to corporate executives in the automobile, publishing, hotel, real estate, and cattle ranching industries. Prior to my affiliation with Prechter Holdings, I provided legal services to the information technology industry as managing attorney for Digital Equipment Corporation, and served as a contract attorney for Northrop Corporation.

I believe that my prior military service as a Judge Advocate officer, my experience in the legislative branch, and my extensive corporate background have prepared me for assuming the position of Army General Counsel and overseeing the delivery of legal services in the Army during this period of transformation. My knowledge of military legal practice and familiarity with corporate decision-making, and my experience with problem solving, client counseling and legal analysis have equipped me to address the challenges of this important position.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the General Counsel of the Army?

Answer. I believe I have the requisite legal training and abilities and leadership skills to serve as the Army General Counsel. I look forward to dealing with the full array of legal issues arising from the operation of the Army. If confirmed, I will work with the extraordinarily talented civilian and military lawyers in the Department of the Army to broaden my expertise and increase my knowledge to better serve the Army.

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

Answer. I anticipate that Secretary White will rely on me to provide accurate and timely legal advice and help ensure that the Army complies with both the letter and intent of the law. Presumably, the current allocation of responsibilities set forth in the General Order prescribing the duties of each member of the Army Secretariat will remain in effect. Apart from these formally prescribed duties, I believe the Secretary of the Army would expect me to build a collegial and professional relationship with the General Counsels of the Department of Defense, the other Military Departments, and the Defense Agencies and, as required, the legal staffs of other Federal agencies. I anticipate that Secretary White will expect me to continue the extraordinarily effective and professional working relationship between the Office of the General Counsel and The Judge Advocate General and his staff. Finally, I anticipate that Secretary White will expect me to manage the General Counsel's office efficiently and effectively, and ensure that the Army legal community is adequately resourced to perform its important mission.

Question. In carrying out your duties, how will you work with The Judge Advocate General of the Army?

Answer. I believe that close, professional cooperation between the civilian and uniformed members of the Army's legal community is absolutely essential to the effective delivery of legal services to the Department of the Army. If confirmed, I will seek to ensure that the Office of the General Counsel, The Judge Advocate General and his staff continue to work together to deliver the best possible legal services to the Department of the Army.

Question. How are the legal responsibilities of the Department of the Army allocated between the General Counsel and The Judge Advocate General?

Answer. The Army General Counsel is the chief legal officer of the Department of the Army. The Office of the Army General Counsel is a component of the Army Secretariat, and provides legal advice to the Secretary of the Army and other Secretariat officials on all legal matters. Some of the Army General Counsel's specific duties under the current assignment of Secretariat functions include advising the Army Acquisition Executive, serving as the Designated Agency Ethics Official for the Army, overseeing compliance with the Freedom of Information Act and the Privacy Act within the Army, exercising the Secretary of the Army's oversight of intelligence activities and monitoring sensitive Army intelligence and criminal investigative activities for legality and propriety. The Judge Advocate General is the legal adviser of the Chief of Staff of the Army, members of the Army Staff, and members of the Army generally. In coordination with the Army General Counsel, The Judge Advocate General serves as military legal adviser to the Secretary of the Army. He also directs the members of the Judge Advocate General's Corps in the performance of their duties. By law, he is primarily responsible for providing legal advice and services regarding the Uniform Code of Military Justice and the administration of military discipline. The processing of military claims and the provision of legal assistance are other functions for which The Judge Advocate General is primarily responsible. The Office of the Army General Counsel and the Office of The Judge Ad-

vocate General have developed and maintain a close and effective working relationship in performing their respective responsibilities.

Question. In carrying out your duties, how will you work with the General Counsel of the Department of Defense?

Answer. The General Counsel of the Department of Defense is the Chief Legal Officer and final legal authority for the Department of Defense, including the Department of the Army. If confirmed, I anticipate establishing a close and professional relationship with Mr. Haynes, characterized by continuing consultation, communication and cooperation on matters of mutual interest, in furtherance of the best interests of the Department of Defense.

MAJOR CHALLENGES AND PROBLEMS

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

Answer. In my opinion, the major challenge will be to provide responsive, accurate legal advice regarding the broad array of complex issues likely to arise in connection with the Army's transformation in today's dynamic security environment. Although this environment makes it difficult to anticipate specific legal questions, I expect to confront issues relating to operational matters, acquisition reform, privatization initiatives, military and civilian personnel policies, compliance with environmental laws, and military support to civilian authorities in a variety of contexts.

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

Answer. If confirmed, I will ensure that the Army's talented and dedicated lawyers continue to provide professional and responsive legal advice on every issue they address. I would endeavor to keep Army lawyers involved at all stages of the decision making process, because preventive law, practiced early in the formulation of departmental policies, can help the Department of the Army adapt to the changing operational environment. I would work diligently to adequately resource the Army legal community, in order to guarantee decision makers at all levels access to the best possible legal advice.

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of the Army?

Answer. I am not aware of any serious problems in this area. However, if confirmed, I will work hard to ensure that the Army legal community is adequately staffed and resourced to provide the responsive, accurate and timely legal advice necessary to ensure the Department of the Army's successful transformation.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will ensure that any problems in performing the Army's legal functions are addressed promptly and through appropriate channels.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the General Counsel of the Army?

Answer. If confirmed, I will prioritize legal issues in the manner that best serves the Department of the Army. I anticipate that the legal issues of highest priority will arise from the Army's transformation to meet the challenges posed by today's dynamic security environment. I will also ensure that the Army legal community continues to provide timely legal advice of the highest possible quality in response to the Department of the Army's recurring legal responsibilities and the numerous issues that the Army confronts every day.

MILITARY JUSTICE MATTERS

Question. Since Article 6 of the Uniformed Code of Military Justice gives primary jurisdiction over military justice to The Judge Advocate General, how do you see your functions in this area with regard to The Judge Advocate General of the Army?

Answer. Article 6 of the Uniform Code of Military Justice requires The Judge Advocate General or senior members of his staff to make "frequent inspections in the field" in furtherance of his responsibility to supervise the administration of military justice. Although The Judge Advocate General bears primary responsibility for administering the military justice system within the Army, I will, if confirmed, consult and cooperate with him on matters of mutual interest or concern relating to military justice, recognizing his statutory duties and special expertise in this area. If confirmed, I will work with The Judge Advocate General in establishing policy for the Army and safeguarding the integrity of the military justice system.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. It is my view that to avoid the appearance or actuality of improper command influence, decisions in individual military justice cases must be entrusted to the accused's commander, the convening authority, the military judge, and court members. The General Counsel, like the Secretary of the Army and other senior civilian and military officials of the Department of the Army, must avoid any action that may affect or appear to affect the outcome of any particular case. The Army General Counsel helps to ensure that the military justice system and its judicial officers are shielded from inappropriate external pressures that may threaten or appear to threaten the independence of the military's judicial system or the commander's discretion in exercising his or her responsibilities under the Uniform Code of Military Justice to maintain good order and discipline.

Question. In recent years, there have been a number of cases in which military members have been accused of adultery. Concerns have been raised about the consistency with which these cases have been handled.

What do you see as the role of the General Counsel of the Army in ensuring that the Uniform Code of Military Justice is enforced in a fair and consistent manner?

Answer. I understand that although The Judge Advocate General has the principal statutory role in military justice for the Army, he often coordinates with the Army General Counsel on particular matters associated with the fair and consistent enforcement of the Uniform Code of Military Justice. If confirmed, I will consult, as appropriate, with The Judge Advocate General on measures that may be necessary to ensure the proper administration of military justice.

Question. Do you see a need for any changes in either the law or its implementation in this area?

Answer. I am not aware of any such need at this time. I know that the Joint Services Committee on Military Justice conducts annual reviews of the military justice system and recommends appropriate changes to the law and the controlling Executive Order, The Manual for Courts-Martial. If confirmed, I would anticipate consulting with The Judge Advocate General on these matters and would be willing to provide you my views as to any particular legislative amendments or enactments that appear advisable.

WHISTLEBLOWER PROTECTION

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. Department of Defense Directive 7050.6, Military Whistleblower Protection, implements Title 10, United States Code, section 1034, and affirms that members of the Armed Forces shall be free from reprisal for making or preparing a protected communication to a Member of Congress; an Inspector General; a member of a DOD audit, inspection, investigation, or law enforcement organization; or any other person or organization (within or outside the chain of command) designated under regulations or established procedures to receive such communications. If confirmed, I will work with The Judge Advocate General to ensure that military leaders are fully and accurately advised of the whistleblower protections accorded by law and regulation, and understand their legal responsibilities in this important area. In addition, I will ensure that any individual cases involving illegal reprisals that come to my attention are addressed in accordance with the law.

JUDICIAL REVIEW

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. The Constitution vests Congress and the President with the power to control the military. The Supreme Court has consistently observed that this power,

as well as the role of Article III courts in construing it, should be reserved to the executive and legislative branches. Thus, the courts have held that the great majority of internal military decisions are not subject to judicial review. In those relatively few categories of cases in which judicial review of military activities is appropriate, I believe that the courts should accord substantial deference to executive and legislative judgments on military matters.

CLIENT

Question. In your opinion, who is the client of the General Counsel of the Army?

Answer. The Army General Counsel's client is the Department of the Army, acting through its authorized officials. If a conflict arises between the interests of the Department of the Army and any of its officials, the General Counsel must recognize that the Department of the Army is the client. In addition, in view of the necessarily close relationship between the Department of the Army and the Department of Defense, the General Counsel should regard both departments as clients.

LEGAL ETHICS

Question. What is your understanding of the action a Department of Defense attorney should take if the attorney becomes aware of improper activities by a Department of Defense official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. As I understand the system, the Department of the Army attorney should bring the matter to the attention of his or her supervisor and, if necessary, to higher-level supervisory lawyers or other authorities in the chain of supervision or command. I would expect Department of the Army attorneys to pursue such matters to the extent necessary to correct the problem.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance?

Answer. Yes. As I understand the system in place, the Department of the Army has developed comprehensive rules in this area, applicable to military and civilian attorneys throughout the Department. These rules are based on both the American Bar Association's and the Federal Bar Association's Model Rules of Professional Conduct. They have been published as Army Regulation 27–26, "Rules of Professional Conduct for Lawyers," and provide excellent guidance specifically tailored for Department of the Army attorneys. I also understand that because all Department of the Army attorneys are members of the Bar of a State or the District of Columbia, they are also subject to the rules of their respective Bars.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Army in ensuring the integrity of the officer promotion process?

Answer. Under Title 10, United States Code, Chapter 36, the Secretary of the Army is responsible for the proper functioning of the Department of the Army's promotion selection process. All reports of promotion selection boards are processed through the Office of the Army General Counsel prior to final action on the report by the Secretary. Consequently, the Army General Counsel must satisfy himself or herself that the Army has met applicable statutory standards and that individual selection board reports conform with the law. The Army General Counsel must advise the Secretary of the Army of any case in which a selection board report fails to adhere to the statutory standards, either generally or with regard to a particular officer being considered for promotion. In advising the Secretary of the Army and the Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), the General Counsel helps to ensure that Army promotion policies properly implement applicable laws and regulations and are fairly applied. Moreover, the Office of the Army General Counsel coordinates closely on these matters with The Judge Advocate General.

Question. What is the role of the General Counsel of the Army in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. As I understand the role of the General Counsel of the Army, the General Counsel's office reviews each selection board report, as well as Departmental communications to the committee, the President, and the Secretary of Defense concerning nominations, to ensure that the reports and communications comply in form and substance with law and regulation. The General Counsel's office gives special attention to cases of nominees with potentially adverse information, in order to en-

sure that such information is reported to the Senate Armed Services Committee in a timely manner.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. In your opinion, what is the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. I understand that, pursuant to Title 28, United States Code, section 516, the Department of Justice is responsible for representing the United States, its agencies and officers in all litigation matters. Army attorneys assigned to the United States Army Legal Services Agency's Litigation Center work directly and very effectively with Department of Justice counsel in cases in which the Army is a party or has an interest. Consistent with the statutory responsibility of the Department of Justice, Army attorneys assist in drafting and reviewing pleadings, conduct discovery, participate in developing litigation strategy, and otherwise perform key roles in connection with trial proceedings.

Question. Is the present arrangement satisfactory, or does the Department need more independence to conduct its own litigation?

Answer. I am not aware of any problems in the present arrangement, or any need to accord the Department of the Army greater independence in conducting litigation but if confirmed, I will review the arrangement periodically to ensure that the Department has sufficient independence.

COURT OF APPEALS DECISION

Question. On January 4, 2000, the United States Court of Appeals for the District of Columbia Circuit decided the case of *National Center for Manufacturing Sciences v. Department of Defense,* 199 F.3d 507 (D.C. Cir. 2000). The court concluded that "Because of the existence of 10 U.S.C. Section 114, it is clear that any monies appropriated for NCMS by Congress for research must be authorized before they can be appropriated and distributed"; and "Because 10 U.S.C. Section 114(a)(2) requires authorization of these funds before they become available, appropriation alone is insufficient."

What is your view of the court's decision in this case and its implications regarding the obligation of funds that are appropriated but not authorized?

Answer. In this case, the D.C. Circuit Court of Appeals affirmed the lower court's granting of the government's motion to dismiss for failure to state a claim. The Circuit Court based its decision on a provision of the National Defense Authorization Act for Fiscal Year 1995 that effectively rescinded the unreleased portion of a fiscal year 1994 funding earmark for the National Center for Manufacturing Sciences (NCMS). The Circuit Court concluded that, in view of this provision, NCMS had no legal entitlement to the funds in question. In my opinion, the issue of whether Department of Defense appropriations must be authorized before they can be appropriated, obligated or expended was not squarely presented for resolution in this case. Instead, the court addressed this question only collaterally. Situations where funds have been appropriated but not authorized are often complex and may involve unique statutory language. Thus, I anticipate that the Department of the Army will continue its practice of working closely with the Office of the Secretary of Defense and our oversight committees in properly resolving issues involving funds that have been appropriated but not authorized.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the service boards for the correction of military records?

Answer. If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretary of the Army (Manpower and Reserve Affairs) and other senior Department of the Army leaders to ensure that the Department of the Army's military personnel policies are formulated and applied uniformly, fairly, and in accordance with applicable laws and regulations. If I were to become aware of individual cases in which military personnel policies were not fairly and lawfully applied, I would take appropriate action to ensure that the case is properly resolved. If confirmed, I will coordinate with the Assistant Secretary of the Army (Manpower and Reserve Affairs), who exercises overall supervision of Department of the Army Military Review Boards, to ensure that the Army Board for Correction of Military Records receives the Army legal community's full support.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

PROCUREMENT

1. Senator THURMOND. Mr. Morello, as you are aware, the Army will be facing many critical procurement decisions as it fully carries out its transformation initiative. If you are confirmed as the next General Counsel of the Department of the Army what will be your participation in policy making and oversight of the procurement process within the Department of Army? What experience have you had with DOD procurement practices?

Mr. MORELLO. The Office of the Army General Counsel has long enjoyed an outstanding relationship with the Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA(AL&T)). Now that I have been confirmed, I will continue that tradition by establishing a close and professional relationship with the ASA(AL&T) and by ensuring that the General Counsel's staff provides sound and proactive legal, policy, and business advice in support of the Army's procurement process. I have first hand experience with the Department of Defense's procurement practices, both as a former Army Judge Advocate officer and later as a contracts attorney for Northrop Corporation's Defense Systems Division, where I administered Northrop's B1B Defensive Avionics contracts with the Department of the Air Force. I have also served as managing attorney for Digital Equipment Corporation, where I provided legal services to the information technology industry. Since 1991, I have served as Vice President, General Counsel and Secretary for Prechter Holdings, Inc., where I provided legal and business advice to corporate executives in the automobile, publishing, hotel, real estate, and cattle ranching industries.

INSPECTOR GENERAL

2. Senator THURMOND. Mr. Morello, if confirmed, what will be your relationship with the Inspector General? What oversight will you have in regard to inspector general investigations?

Ms. MORELLO. The Office of the Army General Counsel and the Office of the Inspector General have forged a longstanding, effective relationship that I am proud to continue. A member of the Office of the Secretary of the Army, the Inspector General inquires into and reports upon the discipline, efficiency and economy of the Army, as directed by the Secretary of the Army or the Chief of Staff. In addition, the Inspector General periodically proposes programs of inspection and recommends additional inspections and investigations as appropriate. As the chief legal officer of the Department of the Army and counsel to the Secretary and other Secretariat officials, I will maintain my office's close, professional relationship with the Inspector General, and will communicate with him directly and candidly as he performs his prescribed duties. I will provide independent and objective legal advice with regard to all matters that relate to the Inspector General's programs, duties, functions or responsibilities, and will oversee the provision of legal guidance to the Office of the Inspector General regarding the conduct of investigations. Further, as part of my responsibility to review legal and policy issues arising from the Army's intel-

ligence and counterintelligence activities, I will advise the Inspector General concerning proper reporting of the Army's intelligence oversight activities.

WORKFORCE

3. Senator THURMOND. Mr. Morello, a significant issue throughout the Department of Defense is its aging workforce and the looming loss of expertise because of retirements. What are your concerns regarding this issue as it related to the Office of the General Counsel?

Ms. MORELLO. Recruiting, training, and retaining Army's civilian work force is critical to mission accomplishment. Army is proactively addressing this challenge. Army projects that many of its civilians, particularly those in leadership positions, will retire within a relatively brief time span of about 5 years, from 2003 to 2008. In preparation for the anticipated losses as the "baby boomers" in its workforce reach retirement age, the Army is currently planning to increase entry and mid-level intake to professional, administrative, and technological occupations. It is also employing more aggressive and effective recruitment strategies. It is centrally funding a Student Career Experience Program for college juniors and seniors who may be non-competitively placed in intern positions. In order to compete with private industry, Army is offering recruitment bonuses for engineers, scientists, and computer specialists; accelerated promotions for engineers and nurses; permanent change of station moves for all interns; and, in some cases, advanced in-hire rates of pay and repayment of student loans.

In order to refine and accurately forecast future civilian work force needs, Army has developed and is using a sophisticated projection model that provides the capability to forecast future civilian needs under various alternative scenarios.

Army is also working with OSD to identify hiring flexibilities and pay reform that would facilitate recruiting in today's tight labor market. Two legislative proposals are pending. One would authorize Army to make expeditious job offers to applicants who might otherwise accept an immediate private sector offer rather than wait for the slow Federal selection process. The second would authorize a broad-banding pay system that combines 15 current General Schedule grades into a few broad bands comprised of one or more grades. Groupings would consider work similarities, qualifications, training requirements, and common patterns of advancement within occupations.

We are working with Army leadership to review the laws pertaining to civilian personnel to see where they might be modified to better enable Army to recruit, sustain, train, and retain a civilian work force capable of supporting the Army mission today and well into the 21st century.

RELIGIOUS PRACTICES

4. Senator THURMOND. Mr. Morello, the rise of various religious cults has challenged our military services because of the potential impact on morale and discipline. What are your views on the recognition of these religious cults by the military services?

Ms. MORELLO. The Army recognizes and places a high value on a soldier's Constitutional right to practice and observe the tenets of his or her personal religious beliefs. Army Regulation (AR) 600–20 provides guidance for accommodating religious practices within the United States Army and does not favor one form of religious expression over another. As a matter of policy, however, the Army does not support any activity, religious or secular, that is detrimental to good order and discipline. If the soldier's religious practice adversely impacts unit readiness, individual readiness, unit cohesion, morale, discipline, safety or health, the Army will not authorize the religious accommodation.

Army Regulation 600–20 requires the submission of special requests for religious accommodation from the soldier to his or her immediate commander. If the commander foresees no adverse impact on good order and discipline or on mission accomplishment, the commander may approve the request. If circumstances change and the accommodation is no longer in the best interest of the Army, then the commander can revoke the approval. If the commander disapproves the request or revokes a prior approval, the soldier can appeal this decision to the Deputy Chief of Staff for Personnel. During the appeal process, a chaplain will interview the soldier and examine both the religious basis and sincerity of the request. While the requests and appeals are pending, soldiers must adhere to the orders and standards established by their immediate commanders. Soldiers whose appeals are denied may request separation from the Army.

Under Army regulations, military chaplains have the responsibility of providing comprehensive religious support to soldiers and their families. As an exception to policy, however, civilian religious personnel may provide religious support when a military chaplain is otherwise unable to meet specific religious needs. Prior to using military chapels and unit facilities for religious services, civilian religious personnel must submit an application certifying that their religious organization has met certain regulatory requirements.

UNEXPLODED ORNANCES

5. Senator THURMOND. Mr. Morello, UXO's or unexploded ordnances are a major concern for many on this committee. For example, last year five sarin gas bomblets were found at the Rocky Mountain Arsenal and just last week, four more sarin gas bomblets were located. I commend the job that the Army is doing at the Arsenal and for disposing of the bomblets, especially General Coburn of the Army Material Command. However, I am concerned that it will take 3 weeks before any the only EDS destruction and disposal system is transported to Colorado. This lack of development of alternatives and lack of systems is of great concern. Can I get your assurances that DOD will look and test other alternatives in order to ensure that we have the systems needed to deal with this important and dangerous problem?

Mr. MORELLO. I share your desire to ensure we have adequate means to respond to the discovery of chemical munitions. The Army must be prepared to take immediate action to protect human health and the environment whenever non-stockpile chemical warfare materiel is found. I understand that the Army is reviewing its policies, procedures, and responsibilities for responding to the discovery of chemical warfare materiel and taking steps to ensure that appropriate disposal technologies are available to dispose of recovered chemical warfare materiel on short notice. Now that I have been confirmed, I will work with the program proponents to clear the way for the use of destruction and disposal systems that are safe and effective.

[The nomination reference of Steven J. Morello, Sr. follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 7, 2001.

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

Steven John Morello, Sr. of Michigan, to be General Counsel of the Department of the Army, vice Charles A. Blanchard, resigned.

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

BIOGRAPHICAL SKETCH OF STEVEN J. MORELLO, SR.

Steve Morello was born the first of six children in Saginaw, Michigan, on September 17, 1952. He attended school in Carrollton, Michigan, and graduated from Carrollton High School in 1970. In 1974, Steve graduated from the Foreign Service School at Georgetown University in Washington, DC. While at Georgetown, he participated in Army ROTC and was awarded a 2 year scholarship to attend Georgetown by the Army. Steve attended University of Detroit Law School and graduated in May of 1977. In 1980 Steve was awarded a Masters of Art degree in Business Administration from Boston University. This year, Steve was awarded his second Masters in Art degree in Pastoral Studies from Sacred Heart Major Seminary in Detroit. In January of 1978, he joined the United States Army as a Captain and attended the Judge Advocate General's Basic Course in Charlottesville, Virginia.

In May of 1978 Steve was married to Francia Ormond. They have been married now for 23 years and have three children, Steven Jr., Rebecca, and Christine. Steve served on Active Duty with the United States Army as a member of the JAG Corps from 1978 until 1982. He was assigned to service in Karlsruhe and Berlin, Germany and completed his active service at Ft. Sheridan in Illinois. He was awarded an Army Commendation Medal while serving in Berlin.

After completing his military service, Steve joined Northrop Corporation and managed the Defense Systems Division's B1B defensive avionics contracts. Steve also worked for Digital Equipment Corporation in both Chicago and Detroit. Currently, Steve is the Vice President, General Counsel and Corporate Secretary for Prechter Holdings, Inc. PHI is a closely held corporation which manages almost one billion dollars worth of assets annually.

In 1991 Steve was ordained a Deacon in the Roman Catholic Church. He enjoys spending his free time with his family and in service to the Church preparing couples for marriage and celebrating other sacraments with members of the Church. He has also served as a Campus Minister at University of Detroit Mercy Law School and most recently as a Wayne County Sheriff's Chaplain.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Steven J. Morello.

2. **Position to which nominated:**
General Counsel of the Army.

3. **Date of nomination:**
June 7, 2001.

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

5. **Date and place of birth:**
September 17, 1952 in Saginaw, MI.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Francia S. Morello (Ormond).

7. **Names and ages of children:**
Steven J. Morello, Jr. (20).
Rebecca S. Morello (17).
Christine M. Morello (12).

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
a. Carrollton High School diploma 1970.

b. Delta College: A.A. 1972.
c. Georgetown University: B.S.F.S. 1974.
d. University of Detroit Law School: J.D. 1977.
e. Boston University: M.A B.A. 1980.
f. Sacred Heart Major Seminary Certificate Diploma in Theology 1991.
g. Sacred Heart Major Seminary M.A.P.S. 2001 (summa cum laude).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Prechter Holdings, Inc, Southgate, MI: Vice President and General Counsel 1991 to present.

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

Staff Assistant to United States Senator Philip A. Hart, 1972–1974; U.S. Army JAG Corps, Active Duty, 1978–1982; Reserves from 1982–1987, Rank of Captain.

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

Vice President and General Counsel for these Heinz Prechter owned/controlled companies:
i. Prechter Holdings, Inc.
ii. ASC, Inc.
iii. Heritage Network, Inc.
iv. World Heritage Foundation
v. ASCET, Inc.
vi. Triad, Inc.

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

Michigan Bar Association.
Illinois Bar Association.
Computer Law Association.
American Corporate Counsel Association.
Works of charity include service as Roman Catholic Deacon in Archdiocese of Detroit.

13. **Political affiliations and activities:**

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

None.

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

Michigan Lawyers for Bush-Cheney.

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

None.

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

a. Army ROTC Full Tuition Scholarship.
b. UAW 699 Tuition Assistance Scholarship.
c. State of Michigan Tuition Grant.
d. Prechter Holdings Community Service Award.
e. Fellow—National Contract Management Association.
f. Army Commendation Medal.
g. Berlin Army of the Occupation Medal.
h. Sault Ste. Marie Tribe of Chippewa Indians Self Sufficiency Tuition Award.
i. Graduated in April 2001 from Sacred Heart Major Seminary Summa Cum Laude.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

STEVEN J. MORELLO.

This 8th day of May, 2001.

[The nomination of Steven J. Morello, Sr., was reported to the Senate by Chairman Levin on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

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

June 15, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

WILLIAM A. NAVAS, JR.

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. I am committed to the complete and effective implementation of these reforms.

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

Answer. I believe these reforms have been fully implemented and that they have greatly clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs.

The effectiveness of our joint warfighting forces especially with respect to communication, interoperability, training, and joint operations, has improved as a result of these reforms.

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

Answer. In my view, the most significant value of these reforms has been to strengthen joint warfighting. Our military is stronger and more lethal because our Services can work better together.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control, improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am unaware of any proposals to amend Goldwater-Nichols. If confirmed, I will be in position to better understand and assess whether such proposals would be warranted. The implementation of the Goldwater-Nichols reforms has enhanced the ability of the Services to act quickly and jointly.

DUTIES

Question. What are you understanding of the duties and functions of the Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. Assistant Secretary of the Navy for Manpower and Reserve Affairs provides oversight of the formulation and execution of Navy and Marine Corps manpower and personnel policies and programs for Active Duty, Reserve and Civilian Personnel. Manpower and Reserve Affairs also develops health care policy and provides oversight and review of health care delivery initiatives. Last but not least, Manpower and Reserve Affairs administers personnel actions as authorized or delegated by Secretary of the Navy.

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

Answer. I served for over 33 years as a citizen-soldier, initially as a Regular Army Officer with combat duty in Vietnam, then as a traditional Guardsman while engaged in civil engineering and later as a full-time Active Guard and Reservist (AGR) with the Army National Guard. The last 11 years were spent as a General Officer in the Pentagon where I served in numerous high-level decision-making capacities including Director of the Army National Guard, Deputy Assistant Secretary of Defense for Reserve Affairs and Military Executive of the Reserve Forces Policy Board. I feel that those jobs have given me the experience and skills needed to successfully lead the Office of the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

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

Answer. I have begun to study and receive briefings on the vast array of issues that I would be responsible for if confirmed as the Assistant Secretary of the Navy for Manpower and Reserve Affairs.

Question. In carrying out your duties, how will you work with the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Force Management Policy, the Assistant Secretary of Defense for Reserve Affairs, the Assistant Secretary of Defense for Health Affairs, the Chief of Naval Personnel, the Deputy Chief of Staff of the Marine Corps for Manpower and Reserve Affairs, the Chief, Naval Reserve and the Commanding Officer, Marine Forces Reserve?

Answer. If confirmed, it is my intention to work closely and directly with the Under Secretary, Assistant Secretaries, Service Chiefs and Commanding Officers to ensure that Assistant Secretary of the Navy for Manpower and Reserve Affairs maintains a clear focus on the priorities outlined by the Secretary consistent with the appropriate laws and Title X of the U.S. Code. I intend to encourage and foster teamwork within the Department of the Navy developing integrated product teams

both within the civilian leadership and between the civilian leadership and their uniformed counterparts.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. I share Mr. England's vision, that at the end of the day, our sailors, marines, and civilians should know that their contribution is important and feel that their work is both stimulating and rewarding. If confirmed, I will emphasize "Quality of Service"—achieving a higher quality workplace as well as a higher quality of life for our sailors, marines, active duty and reserve, and civilians and all of their families.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Navy for Manpower and Reserve Affairs?

Answer. If confirmed, I will do whatever I can to support the Secretary of the Navy's four strategic thrusts—combat capability, people, technology and interoperability, and modernization of business practices. In particular—the people thrust. My goal, if confirmed as the Assistant Secretary for Manpower and Reserve Affairs, will be to create an environment where our men and women can excel at their chosen profession, unimpeded by factors that divert their attention from work. This includes providing:

- Competitive compensation
- Quality housing
- Hi-tech workplace resources
- Accessible and professional health care
- Cutting edge training
- Operational tempo that considers the individual, as well as family and community.

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

Answer. If confirmed, I will immediately work with the Secretary of the Navy to establish priority actions in each of these areas and then support him in initiating each as rapidly as possible.

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

Answer. None that I am aware of. If confirmed, I will immediately begin working towards improving the quality of service for our sailors and marines.

Question. What management actions and time lines would you establish to address these problems?

Answer. None at this time.

OFFICER MANAGEMENT ISSUES

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest ethical and moral values.

Do you believe the officer corps has confidence in the integrity of the officer promotion system in the Navy and Marine Corps?

Answer. I believe the officer corps has confidence in the integrity of the officer promotion system in the Navy and Marine Corps. The services take considerable effort to ensure that promotion selection boards are impartial in terms of their management and the conduct of selection board deliberations.

Question. What role do you, as Assistant Secretary of the Navy for Manpower and Reserve Affairs, expect to play in the officer promotion system?

Answer. If confirmed, I will work with senior Service leaders to ensure that the promotion selection process is as fair. I would provide appropriate board guidance and monitoring.

Question. What role do you, as Assistant Secretary of the Navy for Manpower and Reserve Affairs, expect to play in the general officer management and nomination process?

Answer. If confirmed I intend to work closely with the Secretary of the Navy and support current regulations and polices regarding General and Flag officer management and nomination.

Question. What steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. If confirmed, I will work closely with senior Service leaders to ensure that the integrity of the promotion system remains inviolate.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions would you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will be vigilant in ensuring that military members whose actions are protected by the Act are not subject to illegal reprisals or retaliation. I also understand that the current Department of the Navy practice is to brief the requirements of the Act to all prospective commanding officers and executive officers. If confirmed, I will ensure that emphasis on the Act in formal Navy training courses will continue.

OPERATING TEMPO

Question. The Services have been very concerned in recent years about the impact of the pace of operations, or "OPTEMPO," on the quality of life of our people in uniform and specifically on their willingness to reenlist.

What steps do you plan to take to address the Navy and Marine Corps OPTEMPO concerns?

Answer. I recognize the delicate balance between quality of life, retention and meeting the operational requirements of the National Command Authority. Though not completely familiar with all current issues of OPTEMPO in DON, I believe that the Service Chiefs should be given flexibility to manage personnel issues in regards to operational demands. If confirmed I will work with the Secretary of the Navy to address the issues associated with OPTEMPO.

RECRUITING AND RETENTION

Question. Recruiting and retention in the Navy have improved significantly over the last year. Yet the Navy continues to have shortages in critical specialties, and has an at-sea billet gap of 6,000. The Marine Corps also has shortages in a number of high tech specialties.

What steps will you take, if confirmed, to assist the Navy and Marine Corps in meeting their recruiting and retention goals?

Answer. In a strong economy the military is in direct competition with the private sector. If confirmed, my goal will be to make the military an attractive and fulfilling career choice. I believe that the Assistant Secretary of the Navy for Manpower and Reserve Affairs should be an extremely strong advocate for the Recruiting Commands, both active and reserve. Serving as sailors and marines must continue to be perceived as a proud and enduring vocation providing high quality training and appropriate compensation.

Question. Recent emphasis regarding recruiting and retention has been focused on the Active component. The Reserve components are facing even greater challenges in recruiting and retention.

What steps will you take, if confirmed, to assist the Reserve components in achieving their recruiting and retention goals?

Answer. As a former Reserve component chief, I consider myself a strong advocate for the Reserves. Just as with the Active component, the Reserve components are in competition for talented individuals with the private sector. If confirmed, I will ensure that the Reserves continue to be an integral component of the Navy and Marine Corps' Total Force recruiting effort.

MANAGEMENT OF DEPLOYMENTS OF MEMBERS

Question. The increasing operational demands on military personnel resulted in enactment of section 991 of Title 10, United States Code, and section 435 of Title 37, United States Code. Those provisions require the Services to manage the deployments of members and, if operational necessity so dictates, to pay per diem compensation to members whose deployed periods exceed prescribed limits. Additionally, each Service Secretary is required to establish a system for tracking and recording the number of days that each member of the armed forces under the jurisdiction of the Secretary is deployed.

Do you support the statutory framework set forth in the sections cited above? If so, do you believe any modification to the law are necessary?

Answer. The Department of the Navy is tracking OPTEMPO for each individual service member (ITEMPO). I understand that a Navy working group is currently studying how best to manage situations arising from implementation of this program. If confirmed, I plan to closely study the recommendations of this group and this important issue.

Question. What is your understanding of the ability of the Navy and Marine Corps to comply with these statutes and implement the prescribed tracking and recording system?

Answer. I understand that both Services are working hard to ensure compliance with all aspects of the statutes. If confirmed I will examine the effort to date and become more familiar with the tracking and recording systems.

ARMED FORCES RETIREMENT HOME

Question. The Naval Home in Gulfport, Mississippi, and the Soldiers' and Airmen's Home in Washington, DC, provide unique services to eligible military retirees, but have experienced problems in funding and management.

Do you support an increase in the amount of money automatically deducted from the pay of active duty personnel as a means of better funding the retirement homes?

Answer. If confirmed, I will study this issue in-depth and work towards a long-term and comprehensive solution that will ensure the solvency of the Armed Forces Retirement Home Trust Fund.

Question. If confirmed, what actions would you take to ensure the successful operation of the retirement homes?

Answer. If confirmed, I would support any and all efforts that would ensure that both facilities are operated in an efficient manner and that they provide excellent quality of life for our military retirees.

HOMOSEXUAL CONDUCT POLICY

Question. Do you support the current Department of Defense (DOD) Homosexual Conduct Policy?

Answer. Yes.

Question. If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. No.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax to be the greatest biological weapons threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA approved vaccine.

If confirmed, will you support and enforce the Anthrax Vaccine Immunization Program if DOD reinstates it?

Answer. Anthrax poses a clear and present danger to the Armed Forces of the United States; I would be remiss in my duties if I did not diligently pursue implementation of Secretarial directives pertaining to Anthrax Vaccine Immunization Program.

Question. How do you believe the Navy and Marine Corps should respond to service members who refuse to take the vaccine when ordered to do so?

Answer. It is imperative to maintain good order and discipline within the Navy and Marine Corps. I will support the enforcement of applicable statues and regulations.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlement. Many sailors and marines say they would like to stay in the Service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members might stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

If confirmed, will you give serious consideration to how the Navy and Marine Corps could use the transfer of unused GI Bill benefits to family members as a retention tool and provide your thoughts on how best to do this?

Answer. If confirmed, I will give serious consideration towards this concept. I will defer offering any concrete thoughts or opinions until I have had more time to study the issue.

Question. An alternative legislative proposal under consideration by the committee to address the cost of education for dependent spouses and children envisions the award of United States Savings Bonds to military members in connection with reenlistment.

If confirmed, will you give serious consideration to how the Navy and Marine Corps could use the award of U.S. Savings Bonds as a flexible means to enable sailors and marines to save money for the education of themselves and their dependents?

Answer. I understand that service members are concerned about their own education and that of their dependents. If confirmed I will seriously consider all efforts to improve Quality of Service, including this proposal.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individual's life in the military, is structured and defined differently by each Service.

Do you believe the current DOD policy of allowing each of the Services to establish its own policy for gender integration in basic training is effective?

Answer. Yes. This policy allows the Services, each with their own unique military culture and professional ethos, the flexibility to conduct basic training in a manner that best instills the tenets of their culture.

CONCURRENT RECEIPT

Question. Military retirees with disabilities incurred during their military service are eligible to receive military retired pay from the Department of Defense and veterans' disability compensation from the Department of Veterans' Affairs. However, current law requires that military retired pay be reduced by the amount of the veterans' benefits.

If confirmed, would you support a change in the law to permit disabled military retirees to receive their full retired pay as well as their disability compensation?

Answer. If confirmed, I will devote serious study to this important issue. I believe that disabled service member should be treated with the utmost care and fairness.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. For the past several years, the committee has expressed concern about the management of legislative fellows by the military departments and the Department of Defense.

If confirmed, will you review the Department's policies pertaining to the management of legislative fellows and provide the committee your assessment of which management reforms have been implemented and which require additional action?

Answer. Yes.

Question. What are your personal views on the value and current management of the legislative fellowship program within the Navy and Marine Corps?

Answer. From my initial briefings, I believe that the program is worthwhile and should be continued. The Department benefits from the assignment of its personnel to the legislative branch of government, where they gain insight into the process by which legislation is drafted and passed. The Department places a high priority on ensuring that internal procedures and controls support DOD policy relating to legislative fellowships.

Question. After completing their fellowships, are legislative fellows assigned to positions in which the experience and knowledge they gained during their fellowship are used effectively?

Answer. From my briefings, I understand that after completing their fellowships, legislative fellows generally return to assignments within their warfare specialties. Subsequent tours of duty, as coordinated by the officer assignment managers, often allow officers to apply experience gained during their fellowships.

Question. In your opinion, is it appropriate to bring a Reserve component member on active duty solely to participate in a legislative fellowship program?

Answer. As an advocate for the Total Force, I believe in parity between the Active Duty and Reserves. Our Reserve sailors and marines bring a tremendous amount of experience and talent to each and every mission of our service, including legislative liaison. If confirmed I will spend time studying this issue and look for ways to integrate reservists into this important program.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

MILITARY PAY

1. Senator THURMOND. Mr. Navas, for the past several years, Congress and the administration have provided significant increases in military pay and compensation. Despite these increases, recruiting of new soldiers and the retention of the highly trained personnel has been a problem in several of the services.

Based on your long and distinguished career in the Army National Guard and long association with military issues, how do you rate compensation over such issues as quality of life and personnel tempo as a motivator for a military career?

Mr. NAVAS. Military compensation has long been an extremely important element in the military services' efforts to achieve and sustain optimum personnel readiness. Having said that, there is clear and convincing evidence that quality health care, educational opportunity, family separation, adequate housing, promotion opportunity and availability of morale, welfare and recreation facilities are also significant contributing factors to the career decisions of service men and women.

In the current climate of unprecedented competition from the private sector for America's best and brightest, an appropriate balance of military compensation and assured "quality of Service" is clearly the best approach to influence military families to commit to military careers. Ultimately, all of these elements impact the ability of the armed services to achieve optimum personnel readiness in the near-term and sustain it over the long-term.

RESERVE COMPONENT

2. Senator THURMOND. Mr. Navas, as I indicated in my opening statement, once you are confirmed as the Assistant Secretary of the Navy, your long and distinguished career as a Citizen Soldier will be a great benefit to you and our sailors and marines. In view of this experience, what do you see as the greatest challenge facing our Reserve components?

Mr. NAVAS. The biggest challenge facing us is reconciling reservist availability to the Active components' increasing demand for their services. This is a particularly difficult issue within the Navy, whose main purpose is to provide combat-credible, forward deployed forces to respond to crises. That puts a lot of strain on the Active Force, and we try to relieve the strain by employing our reservists in peacetime.

Our nearly 90,000 citizen-sailors absolutely want to contribute but, if we try to do too much, we simply shift the "strain" from the Active to Reserve sailors. Balancing job, family and Navy is difficult. Our job is to find opportunities to do more—and more efficiently—with our reservists.

CROSS DECKING

3. Senator THURMOND. Mr. Navas, due to critical shortfalls in certain specialties, the Navy has been cross-decking personnel from a ship coming off deployment to a ship going on its deployment. The result has been an increased in personnel tempo and morale problems.

What is the current extent of cross decking and how do you plan to minimize the impact of this practice?

Mr. NAVAS. The need to crossdeck sailors is directly tied to shortages in our at sea manning. During the drawdown the Navy experienced difficulties in manning our deployed units. The shortfall peaked in late fiscal year 1998 due to numerous factors, an exceptionally strong national economy, not meeting our recruiting goals for several years and poor retention. Today through renewed efforts in recruiting and retention the at sea manning shortfall has fallen to less than one third of the 1998 levels and continues to trend downward. Correspondingly the need to crossdeck sailors has fallen. In Pacific Fleet, for example crossdeck needs have fallen from an peek average of 90 sailors a month at end of fiscal year 1998 and the first half of fiscal year 1999 to less than 35 sailors a month on average for the first half of fiscal year 2001. We are continuing to address the at sea manning shortfalls through better management of all sea duty eligible sailors, focused efforts on recruiting and retention and efforts to decrease attrition form afloat commands.

[The nomination reference of William A. Navas, Jr. follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 7, 2001.

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

William A. Navas, Jr. of Virginia, to be Assistant Secretary of the Navy, vice Carolyn H. Becraft.

[The biographical sketch of William A. Navas, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF WILLIAM A. NAVAS, JR.

William A. Navas, Jr. is currently a Defense and Management Consultant, specializing in the areas of program analysis, business development and strategic planning. He is a retired Major General in the United States Army.

Mr. Navas has had a long and distinguished career in public service and the military. From 1995 to 1998, he was the Director of the Army National Guard, responsible for the development and coordination of all programs, plans and policies affecting the Army National Guard. Prior to that, he was the Deputy Assistant Secretary of Defense/Chief of Staff for Reserve Affairs from 1994 to 1995. In that position, he was responsible for the integration of programs and policies for the Reserve components of all the Services, including the Coast Guard.

From 1992 to 1994, Mr. Navas was a Military Executive with the Reserve Forces Policy Board. Before that, he was the Vice Chief of the National Guard Bureau from 1990 to 1992, the Deputy Director of the Army National Guard from 1987 to 1990, and the Director of Plans, Operations, Training and Military Support for the Puerto Rico Army National Guard from 1981 to 1987. Mr. Navas was the principal in various design, land development, and general construction enterprises in western Puerto Rico from 1970 to 1981. Finally, from 1966 to 1970, he served in the United States Army as a Post Engineer in Germany, a Combat Engineer Company Commander in Vietnam, and as Engineer Advisor to the National Guard.

Mr. Navas graduated from the University of Puerto Rico in 1965 with a B.S. degree in Civil Engineering, and from the University of Bridgeport in 1979 with an M.S. degree in Management Engineering. In 1982, he studied at the Interamerican Defense College in Washington, DC, and in 1990, he participated in the Program for Senior Managers in Government at the Kennedy School of Government at Harvard University.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
William A. Navas, Jr. (Bill/Billy).

2. **Position to which nominated:**
Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN–M&RA).

3. **Date of nomination:**
June 7, 2001.

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

5. **Date and place of birth:**
December 15, 1942, Mayaguez, Puerto Rico.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Wilda M. Cordova.

7. **Names and ages of children:**
William A. Navas III—35.
Gretchen M. Navas—32.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Immaculate Conception Academy,1956–1960, High School Diploma.
University of Puerto Rico, 1960–1965, BS in Civil Engineering.
University of Bridgeport, 1976–1979, MS in Management Engineering.
Interamerican Defense College, 1981–1982, MEL1 Diploma.
Harvard University, JFKSG, 1991, Senior Managers in Government Certif.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Independent Consultant, various organizations (see item 11), Washington, DC, 1998–present.

Director, Army National Guard, National Guard Bureau, Washington, DC, 1995–1998.

DASD (RA), OSD, The Pentagon, Washington, DC, 1994–1995.

Military Executive, Reserve Forces Policy Board, The Pentagon, Washington, DC, 1992–1994.

Vice Chief, National Guard Bureau, The Pentagon, Washington, DC 1990–1992.

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

None.

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

ORGANIZATION AND AFFILIATION

Burdeshaw Associates, Ltd.—Associate.
CALIBRE Systems, Inc.—Consultant.
Systems Management Engineering—Consultant.
James Martin Government Intel.—Consultant.
Booth, Allen & Hamilton—Consultant.
Wilbur Smith & Assoc.—Consultant.
American Systems International—Consultant.
Avue Technologies—Consultant.
Modern Technologies Corp.—Consultant.
IT Group Inc.—Consultant.
Price Waterhouse Coopers—Consultant.

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

Army Engineer Association Member, Board of Directors.

Minuteman Institute for National Defense Studies Member, Board of Directors.

Buffalo Soldiers Foundation Member, Board of Directors.

American Veterans' Committee for Puerto Rico Self-Determination, Chairman.

13. **Political affiliations and activities:**

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

None.

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

None.

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

Republican National Committee, $250.00, 1/29/00.

Election Committee, Cong. Carlos Romero Barceló, $250.00, 9/9/00.

Republican National Committee, $250.00, 9/9/00.

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

CIVILIAN

Distinguished Military Student, University of Puerto Rico, 1964.
Distinguished Military Graduate, University of Puerto Rico, 1965.
Hispanic Magazine Avanzando Award.
National IMAGE, Inc. Meritorious Service Award.
National Guard Association of the U.S. Meritorious Service Medal.
National Guard Bureau—Eagle Award.
National Guard Bureau—Distinguished Service Award.
Phi Sigma Alpha Fraternity—Distinguished Citizen Award.
Phi Sigma Alpha Fraternity—Distinguished Service Medal.
Army Engineer Association—Silver DeFleury Medal.

Artillery Association—Order of St. Barbara.
Illustrious Alumni Designation—University of Puerto Rico.
Biographee "Who's Who in America".
Knight, Equestrian Order of the Holy Sepulchre of Jerusalem.

MILITARY

Defense Distinguished Service Medal.
Army Distinguished Service Medal.
Defense Superior Service Medal.
Legion of Merit with Oak Leaf Cluster.
Bronze Star Medal.
Defense Meritorious Service Medal.
Meritorious Service Medal with Oak Leaf Cluster.
The Air Medal.
Army Commendation Medal with two Oak Leaf Clusters.
Reserve Components Achievement Medal.
National Defense Service Medal with star.
Vietnam Service Medal with 4 campaign stars.
Humanitarian Service Medals.
Reserve Components Medal w/Hourglass Device.
Army Service Ribbon.
Overseas Service Ribbon.
Reserve Components Overseas Deployment Ribbon.
Republic of Vietnam Campaign Medal.
OSD Staff Badge.
Army Staff Badge.

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

PAPERS:

Threat of Civil Unrest and Insurrection, . . . to insure domestic tranquility, provide for the common defence . . . Strategic Studies Institute, October 2000.

The National Security Act of 2002, Organizing for National Security, Strategic Studies Institute, November 2000 Articles.

Posse Comitatus, the Army of the 21st century and the Law of Unintended Consequences, National Guard Magazine, January 1999.

The "Five Rs" of Army Integration and the Crucial Element, National Guard Magazine, July 1999.

The Army, Guard included, Needs to Tell its Story, National Guard Magazine, June 2000.

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

I have not delivered any speeches relevant to the position for which nominated.

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

Yes.

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

SIGNATURE AND DATE

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

WILLIAM A. NAVAS, JR.

This 9th day of June, 2001.

[The nomination of William A. Navas, Jr. was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Michael W. Wynne by Chairman Levin prior to the hearing with answers supplied follow:]

June 15, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

MICHAEL W. WYNNE.

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. From your close association with defense issues, you have had an opportunity to observe the implementation and impact of those reforms.

Do you support full implementation of these defense reforms?

Answer. If confirmed, I will fully support the intent of the reforms and advocate policies that will facilitate accomplishment of joint operations, streamline acquisition management and oversight, and enhance the Department's ability to respond to our 21st century national security challenges.

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

Answer. The enactment of Goldwater-Nichols significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, and enhanced the military advice received by the Secretary. However, given the passage of time, I support Secretary Aldridge's view that it is worthwhile to review the Department's implementation and make appropriate adjustments, if needed. In particular, if confirmed, I will emphasize a closer partnership between the acquisition and operational requirements communities and an efficiently organized management and support infrastructure that will reduce the time it takes to provide new warfighting capability while enhancing the effectiveness of our existing systems.

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

Answer. The most important aspects of the Goldwater-Nichols Department of Defense Reorganization Act, seem to me to be strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I support full implementation of the Goldwater-Nichols reforms and agree with its goals.

DUTIES

Question. Section 133 of Title 10, United States Code, describes the duties of the Under Secretary of Defense for Acquisition and Technology and Logistics (USD(ATL)).

Assuming you are confirmed, do you expect that Secretary Rumsfeld will prescribe additional duties for you?

Answer. If confirmed, I will support the Secretary, Deputy Secretary, and the Under Secretary as best as I am able. To answer your question specifically, I would

expect that the USD (AT&L) would assign any additional duties, but I certainly will carry out all assigned tasks and unassigned tasks as prescribed by law and directive.

Question. What background and experience do you possess that you believe qualifies you to perform these duties and those outlined in the law and applicable DOD directives?

Answer. I have spent most of my career in weapons systems development and acquisition following 7 years as an Air Force officer. Over the past quarter of a century, I have gained experience and skills I think will enable me to carry out the duties required by the acquisition and technology position. Throughout my career, I have been blessed to have worked with outstanding individuals—leaders, colleagues, and subordinates—who have taught me a lot in how to manage, lead, and follow. I believe this perspective and the knowledge I have gained through different positions and working with many different people will aid me in carrying out the duties of this position.

Question. Do you believe that there are any additional steps that you need to take to enhance your expertise to perform these duties?

Answer. Life is a continuing learning experience. I think it is most important to listen and talk to the people who are subject matter experts, listen to people in the field, communicate with the Military Departments, Joint Staff, and Congress, and most importantly talk to the warfighter. If confirmed, I will get up to speed as soon as possible so I can perform my duties to the best of my abilities.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Rumsfeld and Mr. Aldridge would prescribe for you?

Answer. Title 10, United States Code, is of course, the starting point for all the duties to be considered. There are also Department of Defense Directives that cover broadly the duties of the USD(AT&L) and the DUSD(A&T). I look to these laws and directives as the guiding principles. Finally, if confirmed, I will perform any duties delegated to me by Secretary Rumsfeld and Mr. Aldridge.

Question. If you are confirmed as Deputy Under Secretary of Defense for Acquisition and Technology, what will your relationship be with each of the following:

The Under Secretary of Defense for Acquisition, Technology, and Logistics.

Answer. Mr. Aldridge would be my boss and I would support him to the best of my ability.

Question. The Deputy Under Secretary of Defense for Logistics and Material Readiness.

Answer. The DUSD(L&MR) would be a peer and colleague in supporting the USD(AT&L).

Question. The Director of Defense Research and Engineering.

Answer. The DDR&E would be a peer and colleague in supporting the USD(AT&L).

Question. The Deputy Under Secretary of Defense (Installations and Environment).

Answer. The DUSD(I&E) reports to the DUSD(L&MR).

Question. The Chief Information Officer of the Department of Defense.

Answer. The CIO is under the purview of ASD (C^3I). The relationship would be one of coordination and communication on positions that relate to the USD (AT&L).

Question. The Defense Acquisition Regulatory Council.

Answer. The DARC is overseen by the Director, Defense Procurement, who reports to the DUSD(A&T). Issues and challenges would certainly be dealt with in a direct and positive way.

Question. The Secretaries of the military departments.

Answer. There are so many issues of mutual concern that coordination is demanded, and of course if confirmed, that is what I would do.

Question. The Assistant Secretaries of the military departments for research, development, engineering.

Answer. The Assistant Secretaries play a key role in acquisition, technology, and logistics as Component Acquisition Executives. Communication and coordination, as with the Secretaries of the Military Departments, are essential.

Question. The Director of the Defense Advanced Research Projects Agency (DARPA).

Answer. DARPA reports through DDR&E, a peer. If confirmed, I expect that I will enlightened on the many different projects that DARPA is working and support DARPA activities.

Question. The Director of the Defense Logistics Agency.

Answer. DLA reports to the DUSD(L&MR) and the DUSD(L&MR) would be my peer.

Question. The Director of Operational Testing and Evaluation.

Answer. The DOT&E is a peer and plays a very key role in certifying tests before a program can move forward through the acquisition process. If confirmed, I expect to coordinate with the DOT&E on testing and evaluation issues.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Deputy Under Secretary of Defense for Acquisition and Technology?

Answer. If confirmed, the major challenges I will face include: (a) improving the cost and schedule performance of our major acquisition programs by focusing on actions to reduce acquisition cycle time and control cost growth; (b) implementing new DOD acquisition policies to emphasize evolutionary acquisition and time-phased requirements; and (c) maintaining effective communications with the Services and the defense industry.

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

Answer. It is my understanding that the USD(AT&L) has established as a top priority a goal to improve the credibility and effectiveness of the acquisition and logistics process. To assist him in achieving this objective, I believe he is looking at some metrics to use to be able to measure key aspects of the acquisition cycle. I would think appropriate metrics would be to reduce acquisition cycle time or eliminate cost growth. If confirmed, he and I will oversee the execution of the Department's acquisition programs to identify areas needing improvement or better ways of doing business that will then accomplish the objectives and overcome the challenges I outlined above.

If confirmed, the USD(AT&L) and I also will meet regularly with the Service acquisition leadership and with leaders of the defense industry to maintain open and effective communications.

I believe that the USD(AT&L) already has announced his intention to open a new dialog with the Services and defense industry through regular, high-level meetings and annual, cooperative reviews of major contracts with the leading defense contractors.

Question. What do you consider to be the most serious problems in the performance of the functions of the Deputy Under Secretary of Defense for Acquisition and Technology?

Answer. I consider the most serious problems that I need to address, if confirmed, to be those associated with the USD(AT&L)'s five stated goals. These goals are:

(1) *Achieve Credibility and Efficiency in the Acquisition and Logistics Support Process;*
(2) *Revitalize the Quality and Morale of the Acquisition Workforce;*
(3) *Improve the Health of the Defense Industrial Base;*
(4) *Rationalize the Weapon Systems and Infrastructure With the New Defense Strategy; and*
(5) *Initiate High Leverage Technologies to Create the Weapon Systems and Strategies of the Future.*

More specifically, the problems I need to address, if confirmed, will center around finding ways to measure how effectively we are meeting these goals.

Question. What management actions and timelines would you establish to address these problems?

Answer. If confirmed, I intend to develop more detailed objectives that will support the USD(AT&L)'s goals. Certainly, the bottom line is to identify those capabilities and policies that are required to deliver and sustain the necessary combat capability required by the military strategy. As for a timeline, I need to delve further into these issues, before I am prepared to present an actual timeline.

PRIORITIES

Question. What broad priorities will you establish in terms of issues that must be addressed by the Deputy Under Secretary of Defense for Acquisition and Technology?

Answer. If confirmed, I plan to explore more detailed subordinate goals to support Mr. Aldridge's five goals in order to bring them to the operational level. As you may recall, his five goals are to:

(1) *Achieve Credibility and Efficiency in the Acquisition and Logistics Support Process;*
(2) *Revitalize the Quality and Morale of the Acquisition Workforce;*
(3) *Improve the Health of the Defense Industrial Base;*

(4) *Rationalize the Weapon Systems and Infrastructure With the New Defense Strategy; and*

(5) *Initiate High Leverage Technologies to Create the Weapon Systems and Strategies of the Future.*

Beyond these, there are many challenges that confront me, if confirmed, and they run the full spectrum of my prospective responsibilities. A few that come to mind are:

Addressing the continued aging of the force structure and defining an executable long-term modernization program to support Secretary Rumsfeld's strategic vision.

Arresting the forecasted growth of Operation & Support costs.

Improving the quality of the acquisition workforce and implementing programs to maintain a viable workforce in the face of significant predicted losses over the next decade.

Monitor and improve, where possible, the health of the Defense industrial base.

MAJOR WEAPON SYSTEM ACQUISITION

Question. Secretary Rumsfeld testified at his confirmation hearing that the cycle time for major acquisition programs conducted over the past several decades averages between 8 and 9 years. Others have stated that the cycle time may be as long as 15 to 20 years. The Secretary stated that this cycle time is not sufficiently responsive to urgent new challenges and rapidly emerging technological developments.

What specific steps could the Department of Defense take to reduce cycle time for major acquisition programs?

Answer. There is no doubt the Department must continually work to deliver advanced technology to the warfighter faster. It seems to me the acquisition cycle time can be reduced by: (1) rapid acquisition with demonstrated technology, (2) time-phased requirements and evolutionary development, and (3) integrated test and evaluation.

In addition, the Under Secretary of Defense for Acquisition, Technology, and Logistics has established specific goals for the organization and will look to metrics to help him assess progress toward achieving those goals. I think using metrics as tools to assist senior leadership and program managers in reducing cycle time is a good approach for the Department.

Question. Do you believe that incremental or phased acquisition approaches could help address this problem?

Answer. I believe evolutionary acquisition is a way to help address the problem. Early involvement of the test community in the requirements process and design of an integrated test strategy seems to me to be important also.

Question. One of the features of the Department's acquisition system that is frequently criticized is the extensive "concurrency", or overlap, between the development and production phases of major weapon system acquisition programs.

Where and under what conditions should concurrency be used in the development and production phases of DOD's major weapon system acquisition programs?

Answer. One has to balance the benefit of early acquisition against the risks of early failure. Some degree of concurrency may be necessary in weapons program execution. Overlapping development and production phases ensures that those engineering and management personnel involved in the development phase are also available to work the production technical issues and design changes. This ensures technical continuity, which I believe, results in a better product for the warfighter.

Question. Do you believe there has been too much concurrency?

Answer. It is important to maintain a balance on the degree of concurrency. With too much overlap, the results of testing (particularly operational testing) may not be incorporated in fixing and improving the weapon's design prior to a significant commitment to production. This results in costly rework for those units already in the production pipeline.

Question. If so, what steps should be taken to reduce such concurrency?

Answer. I feel that each weapons acquisition program needs to be evaluated and treated on a case-by-case basis. I believe DOD decision-makers are aware of the risks associated with too little or too much concurrency. Reducing acquisition cycle time or fielding an important capability for the warfighter as soon as possible must be balanced with the risks associated with too much concurrency.

Question. Department of Defense Instruction 5000.2, which governs the acquisition of major weapon systems, was recently rewritten to require that new technologies be demonstrated in a relevant environment (preferably an operational environment) before they may be incorporated into DOD acquisition programs.

Are you familiar with the revised version of DOD Instruction 5000.2, and if so, what are your views on this revision?

Answer. I am not yet as familiar with the new DOD Instruction as I hope to be, if I am confirmed. However, I do think a new, more flexible acquisition process has the possibility of giving the Department the right kind of policy tool to make the kind of acquisition decisions necessary to put advanced technologies into the hands of the warfighters faster.

Question. Do you believe that the process of testing and demonstrating new technologies is more efficiently conducted in the context of major acquisition programs, or in stand-alone technology programs?

Answer. It's really a matter of timing and context. If you are testing a technology for potential broad application across a number of existing or emerging systems, then testing within the context of a stand-alone technology program is appropriate. If, however, you are at the point of applying a technology within the context of a certain system, it should be tested in that context.

Question. Would DOD's major acquisition programs be more successful if the Department were to follow the commercial model and mature its technologies with research and development funds before they are incorporated into product development programs?

Answer. I believe there should be a clearer separation between technology work and systems work.

TEST AND EVALUATION

Question. The Department has frequently been criticized for failing to adequately test its major weapon systems before they go into production. In recent years, the Department has given the Director of Operational Test and Evaluation increased authority over developmental testing.

Would you agree that a strong, independent Director of Operational Test and Evaluation is critical to the success of the Department's acquisition programs?

Answer. First, let me say my understanding is the Department has not given the Director of Operational Test and Evaluation any increased authority over developmental test and evaluation. My understanding is that during a 1999 realignment of functions, the Director, Operational Test and Evaluation assumed responsibility for the Major Range and Test Facilities Base and budgets for the Central Test and Evaluation Investment Program. However, responsibility for developmental test and evaluation continues to be an Under Secretary of Defense for Acquisition, Technology, and Logistics function.

I feel that a strong, independent Director of Operational Test and Evaluation is critical to ensuring the Department's acquisition programs are realistically and adequately tested in their intended operational environment. As an independent voice, the Director of Operational Test and Evaluation provides operational test and evaluation results to the Secretary of Defense, other decision-makers in the Department, and Congress before they proceed beyond Low Rate Initial Production.

Question. Do you believe that supervisory authority over developmental testing is an appropriate role for the Director of Operational Test and Evaluation, or could this role compromise the Director's independence?

Answer. First, as stated in my previous response, my understanding is that the Director, Operational Test and Evaluation does not have a supervisory position over Developmental Test and Evaluation.

Developmental test and evaluation and operational test and evaluation are separate, yet complementary. Developmental test and evaluation is an integral part of system engineering designed to verify performance or to discover anomalies; and, through a test-fix-test process, assure the system design and mitigate technical risk. Operational Test and Evaluation is used to determine a system's military effectiveness and suitability for its intended operating environment.

Question. Do we need to take any steps to ensure that developmental testing is realistic, and is used for its intended purpose of identifying and addressing potential weaknesses in an acquisition program at an early stage?

Answer. I believe that there are several steps that can be taken to ensure developmental test and evaluation is realistic and used for its intended purpose. Developmental test and evaluation needs to be balanced against a schedule that will sufficiently mitigate program risk, while also ensuring a high probability of successfully completing operational test and evaluation the first time around and fielding systems to meet War-fighter requirements.

Testers should be involved early to ensure an adequate test and evaluation program is defined, addressed, and maintained in both program budget and schedule. We need to devote sufficient resources to conduct well-planned test programs and execute the program properly.

The Department needs to increase discipline in the developmental test and evaluation process by assuring systems have passed their exit criteria and demonstrated a fundamental core capability in developmental test and evaluation before entering Initial Operational Test and Evaluation.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has essentially remained constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on effective program management, and if so, how do you plan to address this problem?

Answer. Yes, I am concerned about the effects of the reductions on the acquisition workforce. I believe there are some plans in place already within the Department to address issues related to reductions in the acquisition workforce.

Question. As the Department continues to emphasize contracting out and competitive sourcing, the skills, training, and experience of the acquisition workforce will be critical in effectively managing these contracts.

Does our current acquisition workforce have the quality and training to adapt to new acquisition reforms, as well as to the increased workload and responsibility for managing privatization efforts?

Answer. With changes related to acquisition reform, plus increased workload and a reduced workforce it is important that the current acquisition workforce have the necessary training and experience to implement the reforms as well as manage the Department's privatization efforts.

Question. What is your view of the recommendations of the Acquisition Workforce 2005 Task Force and what role do you expect to play in implementing these recommendations?

Answer. I am not familiar with the specific recommendations of the Acquisition Workforce 2005 Task Force but, if confirmed, it is certainly an area I will be interested in learning more about in order to determine what role I should play.

SCIENCE AND TECHNOLOGY

Question. The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 established the goal of increasing the budget for the defense science and technology program by at least 2 percent over inflation for each of the fiscal years 2000 to 2008. This goal was not met in the fiscal year 2000 and fiscal year 2001 budget requests. In his speech at the Citadel last year, then-Governor Bush spoke of his support for increased research and development spending and a strong and stable technology base.

Do you believe that a substantial increase in the Department's science and technology budget is needed?

Answer. Determining a sufficient level of science and technology (S&T) investment is not a precise science, rather I believe it is a strategic decision. But, yes, I believe the Department's S&T budget needs to be increased consistent with the President's Blueprint and balanced with other DOD needs to ensure the technological superiority of our armed forces. I feel that revolutionary concepts should be emphasized in the S&T budget to provide more dramatic advances in capabilities that the President seeks. Our military needs a technological edge now more than ever.

Question. Congress has authorized the Department to give laboratory directors direct hiring authority to enable them to compete more effectively with the private sector for top scientific and engineering talent. To date, the Department has been reluctant to use this authority.

Do you support giving the Department's laboratory directors the authority to make direct hires without having to go through a lengthy review process, which can take up to 18 months?

Answer. Yes. Our laboratories are vital for our Nation's development of future, essential warfighting capabilities. I am not familiar with this particular authority but the whole area of a talented and well-trained acquisition workforce, to include laboratory staff, where we need to have excellent scientific and engineering talent is an area I will be exploring further, if confirmed, in order to improve the Department's ability to compete for that talent.

LOGISTICS TRANSFORMATION

Question. Over the last 10 years, the Defense Logistics Agency (DLA) has placed an increasing emphasis on approaches such as prime vendor agreements, virtual prime vendor agreements, and direct vendor delivery to streamline the Department's logistics systems for commercial items such as medical supplies, clothing and subsistence, and common hardware items.

Do you support commercial practices such as those that rely increasingly on the private sector to meet the Department's logistics need?

Answer. I strongly support the use of commercial practices in defense logistics, where it makes sense from a warfighter's perspective. I think DLA is moving in this direction and I support their efforts in this area.

Question. Do you believe that these types of logistics practices can appropriately be expanded to the delivery of non-commercial items, such as aircraft spare parts?

Answer. The challenge here is with defense-unique items, such as fighter aircraft parts, which tend to be low volume, high cost items, often provided by sole-source manufacturers. I believe DOD should continue adopting innovative support methods, while using "lessons learned" from the test programs to improve future efforts, always bearing in mind the very real need to protect the safety of our troops.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations. Some have supported this effort while others have expressed concern that core activities are being jeopardized by reducing our reliance on military personnel and civilian employees of the Federal Government.

What approach would you recommend to balance maintaining necessary capabilities and outsourcing?

Answer. I believe each case should be evaluated on its merit. Intuitively, it would seem that all appropriate commercial activities could be competed.

Question. Do you believe that public-private competition results in significant savings to the Department and, if so, how?

Answer. I believe the forces of competition should drive identification of potential efficiencies regardless of which offer is determined to be most beneficial. However, if confirmed, I would like to review the analysis and the supporting data before making a final decision on this.

Question. Do you believe that public-private competition is an essential prerequisite to the outsourcing of functions currently performed by Federal employees?

Answer. I would think that competition would be the preferred option but there again I would like to see the supporting analytical data.

Question. What is your view of the current A–76 process?

Answer. I am only marginally knowledgeable of the A–76 process, but, if confirmed, I intend to become much better informed in this area.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. I cannot really respond at this time without reviewing more information on this.

INFORMATION TECHNOLOGY

Question. There appears to be potential overlap between the responsibilities of the USD(ATL) and the Chief Information Officer (currently ASD(C^3I)) with regards to information technology acquisition.

How do you anticipate sharing responsibilities with the CIO to ensure effective acquisition of information technology?

Answer. I think information technology acquisition is both a high priority and a continuing challenge for the Department. The ASD (C^3I), USD (AT&L), and their respective organizations have major roles to play. If confirmed, I expect to have a close working relationship with the ASD (C^3I) to ensure that both organizations contribute the strengths of the respective organizations to the process. From my perspective, I view the CIO as a technical expert in information technology and a colleague.

Question. The effective use of information technology such as advanced computing, telecommunications, networking technology and software is a vital component in achieving the goal of full spectrum dominance as outlined in the Joint Vision 2020. Recently, the commercial marketplace has been the source of major innovation in these sectors rather than DOD.

What is your assessment of the Department's ability to rapidly assimilate these commercial technologies?

Answer. The Department is aware of the increasing capability of commercial information technologies. I think the Department needs to emphasize evolutionary acquisition and time-phased requirements, in part, patterned after commercial practices, and to further improve its ability to rapidly assimilate commercial technologies to bring their benefits to the warfighter.

Question. Is a growing DOD dependence on commercial information technology a positive or negative development?

Answer. This is probably the province of the CIO, but with the growth in commercial technology I believe there are more positives than negatives. To be specific, to the extent that relying on commercial information technology enables DOD to deploy the latest technologies more quickly and at reduced costs, it is positive. When the commercial technologies are not sufficiently robust to operate in a military environment, and when a required and appropriate DOD in-house capability to support and maintain its military forces under unique military scenarios is compromised, it is negative. Striking the appropriate balance as we exploit commercial information technologies will be a continuing challenge.

THE DEFENSE INDUSTRIAL BASE

Question. Some have argued that in many categories the current industrial base may no longer be able to support the "winner-take-all" competitions of the past.

How can we obtain the benefits of competition given the current limited number of contractors?

Answer. The number of active competitors in several defense markets has declined and, consequently, it has become more challenging to ensure effective competition in these sectors. I believe the Department of Defense has in place a process to review proposed mergers and acquisitions. That process should help to address the concerns related to losing the benefits of competition in the marketplace.

Question. Do you support further consolidation of the defense industry?

Answer. Each proposed new merger or acquisition of the defense firms should be considered on a case-by-case basis. The competitiveness and financial health of each industrial sector are different and need to be considered.

Question. A November 2000 report by the Defense Science Board on the health of the defense industry identified some significant issues associated with under-investment and consolidation.

What is your view of the specific recommendations of the Defense Science Board study?

Answer. I am not familiar with the recommendations of this study but would certainly be very interested in learning more about them if confirmed. I believe it is imperative that the country retain a robust and competitive industrial base.

Question. What is your view of the current state of the U.S. defense industry?

Answer. My opinion is that the U.S. defense industry is strong and still provides the best products and services to our war-fighters. I believe it will continue to provide those products and services in the future. It will always need the correct incentives in order to remain a stable industrial base for the future.

Question. One factor in the escalation of support costs in relation to weapon system procurement and operations is the maintenance of over capacity in the defense industry that is carried as overhead. Some in industry contend that under current government accounting policies there is little incentive for contractors to reduce the number of facilities.

Should DOD assess providing incentives to further reduce the number of facilities or is this best left to market forces?

Answer. While I think it seems better to let the market forces provide the incentives for business decisions of our defense firms, I believe that with certain Defense-unique requirements there should be options available. I think when needed the Department should consider appropriate incentives for rationalizing inefficient operations.

FOREIGN ACQUISITION

Question. In recent years, foreign-owned companies have been purchasing a variety of U.S. defense manufacturers.

What is your position on foreign investment in the U.S. defense sector?

Answer. In general, I favor foreign investment in the U.S. whether it be for defense industries or non-defense industries, so long as this investment does not pose threats to national security.

Question. What are your views on the responsibility of the Department of Defense to monitor and oversee potential acquisitions of U.S. firms by foreign buyers?

Answer. Since foreign acquisitions of U.S. defense firms could directly affect both the reliability of suppliers to the DOD weapons acquisition process as well as the transfer of technology under development in DOD, I believe that the Department needs to oversee and continue to monitor developments in this area, in order to protect our national security interests. I realize, of course, that international armaments cooperation and, more specifically international investment in the industrial base increases the potential security risks inherent in the transfer of militarily significant technology. To eliminate such risks, all participating nations must ensure that mutually-acceptable, adequate control and enforcement mechanisms are in place to eliminate the transfer of technology outside the coalition partnership, or even into the commercial world.

Question. What standard should be applied to determine if a foreign acquisition threatens national security?

Answer. I believe the standard should basically be whether the company being acquired has a critical technology or process the Department of Defense relies on and if that technology or process would be lost if the investor decided to close it down.

Question. What do you plan to do to ensure that the U.S. does not lose critical manufacturing capabilities as a result of foreign acquisitions?

Answer. I understand there is a process currently in place by which the Department monitors vulnerabilities related to the possible loss of manufacturing and Research and Development capabilities and can take legal action, if necessary. Broadly, there are two things I think should be done regarding this issue. First, in each merger or acquisition transaction, one needs a good analysis on what vulnerabilities exist for national security in the event of a move offshore involving not just manufacturing facilities but R&D facilities as well. Second, I believe there is a need for continuing diligence in monitoring the defense industrial base in critical technology and manufacturing areas to anticipate where vulnerabilities may exist so that the Department can take actions to help ensure that future supply is reliable.

Question. What are your plans for strengthening the Defense Department's oversight role to ensure that U.S. national security is not compromised from future foreign acquisitions within U.S. industries?

Answer. Fundamentally my sense is the Department needs to enforce the guidelines that are already in place and make the current process work to the benefit of national defense.

Question. Do you believe that there should be greater cooperation and even integration between defense industries in Europe and the U.S.? If so how can such cooperation be facilitated?

Answer. I support greater transatlantic defense industrial cooperation. More cooperative endeavors such as transatlantic teaming, joint ventures and even mergers and acquisitions can produce beneficial synergies, efficient use of limited resources and healthy competition, so long as it occurs in a positive and constructive manner. One way to encourage more transatlantic industrial cooperation is to bring good, well-managed programs to the marketplace.

I think with respect to integration, it is necessary to evaluate each case on its merit.

INTELLECTUAL PROPERTY

Question. Many observers have said that one of the major disincentives for commercial companies interested in doing business with the Department of Defense is the difficulty of protecting their intellectual property under a government contract. On January 4, 2001, the Pentagon issued guidance to improve the Department's handling of intellectual property rights in order to attract commercial entities to defense contracts.

Are you familiar with this guidance and, if so, what are your views of this revised policy?

Answer. No, I am not familiar with this guidance, but I am aware of this criticism and the fact that it is perceived as a disincentive. If confirmed, my primary approach to this issue would be to ensure that any solution would be even-handed.

MULTIYEAR PROCUREMENTS

Question. Providing a stable funding profile for defense programs is absolutely essential to effective program management and performance, for both DOD and the defense industry. One already tested means of increasing program funding stability is the use of multiyear contracts.

Please provide your views on multiyear procurements.

Answer. My sense is that the Department has successfully used multiyear procurement in past years to reduce defense system production cost. Multiyear procurement is a very useful acquisition strategy when the requirement is clear and the program has achieved stability. Where these circumstances exist, I will, if confirmed, strongly encourage the use of multiyear contracts to reduce the production cost associated with weapon systems.

Question. How will you treat proposals to renegotiate a multiyear procurement?

Answer. If confirmed, with great caution. Multiyear procurement will remain an effective tool only if all parties to multiyear contracts live up to the long-term commitment they made. Neither industry nor Congress will be interested in entering into multiyear contracts unless each can rely on the other to follow through as planned. This is rarely a problem if the program met the stability criteria before the multiyear contract was awarded. That said, we all know dramatic changes can and do occur in this business. If circumstances change significantly enough to force renegotiation of a multiyear contract, I would expect any such recommendation to be fully supported by a description of what changed, why the changes necessitate renegotiation of the contract, how the benefits of the multiyear contract, including reduced cost, will be preserved to the extent possible in the renegotiation, and what will be done to preclude perturbing the contract in the future. It is definitely something that needs to be scrutinized on a case-by-case basis and depends on the particular circumstances.

SMALL BUSINESS ISSUES

Question. For the last two decades, the Department of Defense has been subject to statutory goals for contracting with small businesses and minority small businesses. More recently, additional goals have been added for contracting with women-owned business and businesses owned by disabled veterans. A number of programs have been put in place to help the Department achieve these goals.

Do you believe that these goals serve a valid purpose in the Department of Defense contracting system?

Answer. Yes, I believe statutory goals serve to highlight valid congressional concerns that the Department of Defense is obligated to carryout as efficiently and effectively as possible. However, the sheer magnitude of twenty separate statutory goals is undermining the Department's ability to credibly carryout those goals. If confirmed, I intend to play a proactive role in ensuring that small business firms have maximum practicable opportunity to participate in Defense procurements.

Question. Do you support the so-called "rule of two," which provides that if two or more small businesses are capable of performing a contract, competition will be limited to small business?

Answer. I support the "rule of two" providing their capabilities are sufficient to perform the service or provide the required product. I believe it is a valid and effective tool in support of the Department's efforts to provide increased opportunities for small business firms.

Question. Do you support the Section 8(a) program, under which the Department sets aside certain contracts for performance by small disadvantaged business?

Answer. I do. I think it has provided benefits and highlighted talents not otherwise recognized.

Question. Do you support the Department of Defense mentor-protégé program, under which major defense contracts provide advice and assistance to small disadvantaged businesses and women-owned businesses seeking to do business with the Department of Defense?

Answer. I am familiar with this program from my private experience and have seen that there is a benefit to expanding the Defense industrial base in this manner. By providing incentives to major prime contractors the Department is developing a cadre of capable small disadvantaged business firms that can support mission requirements. I was pleased to see that Congress has recently expanded the program to include women-owned small business firms and, if confirmed, will strongly support this program.

Question. Would you recommend the extension of the program?

Answer. Yes, this program has certainly demonstrated benefits. I believe that by developing the small business firms that have the requisite capabilities to participate in DOD acquisitions, the Department is expanding its domestic small business capabilities as well as ensuring a competitive and capable pool of contractors.

Question. Over the last several years, representatives of the small business community have been increasingly critical of the Department of Defense for "bundling" contracts together into larger contracts that, in their view, tend to preclude small businesses from competing. Several years ago, Congress enacted a law under which

the Department is required to conduct market research to determine whether consolidation of requirements is necessary and justified before proceeding with a bundled contract. The bundled contract is permitted to go forward only if the Department determines that the benefits substantially outweigh the costs.

What is your view of contract "bundling"?

Answer. I recognize the Department is dealing in an environment that requires taking a hard look at how we do business. Our acquisition workforce is much smaller than it was a decade ago. As the Department strives to create efficiencies, sometimes it is necessary to combine contracts or requirements that may have been previously performed by small business firms. I think this should be done carefully and with a full understanding of the actual benefits to be gained.

Question. Do you believe that there is a value to having small businesses contract directly with the Federal Government, rather than being relegated to the role of subcontractors?

Answer. I believe there is value in both roles. Certainly, my experience with the mentoring program confirms the value of having small business serve as subcontractors, but there are times when being the prime contractor is preferable for both the Department and the small business involved. I am convinced small businesses offer the Department value at both the prime contractor and subcontractor level.

Question. Do you believe that the standard adopted by Congress for approving bundling is the appropriate one, or would you recommend that this standard be modified?

Answer. I am not familiar with this standard, however, I would think that each case should be evaluated on its own merit. If confirmed, I certainly would want to look into using metrics to assess the impact of policy changes and would support such an approach in this area.

FEEDER SYSTEMS

Question. For years, the Department of Defense has been unable to ensure proper accountability and control over its physical assets, proper accounting for the costs of operations, and proper recording and reconciling of disbursements. In the view of many, the Department will not be able to get its financial house in order until it has identified and addressed problems with the so-called "feeder systems" that provide much of the information used by the Department's finance and accounting systems.

Do you agree that it must be a high priority for the Department of Defense to develop systems that can properly account for costs and disbursements?

Answer. I understand that Secretary Rumsfeld has made financial management reform and improvements to feeder systems a high DOD priority. I agree with the Secretary and, if confirmed, will aggressively work to ensure DOD systems properly account for costs and disbursements. The Secretary has already taken very positive steps to begin such improvement efforts by establishing a Defense Business Management Board to oversee business and financial improvements, and I will, if confirmed, ensure that my office is actively involved.

Question. Would you make it a high priority to work with the DOD Comptroller, the Chief Information Officer, and the military services to ensure that the Department's acquisition systems include appropriate management controls and provide reliable data that can be used for both acquisition management and financial management purposes?

Answer. Yes. If confirmed, I intend to work with the DOD Comptroller and other DOD organizations to ensure that the Department's acquisition systems are modernized and that controls are developed or strengthened to ensure reliable information is provided to both acquisition and financial management.

TRANSFORMATION

Question. Over the last year, the military departments have described or initiated plans to transform so that they will be better able to deal with a wide range of anticipated 21st century national security challenges.

What are your views of the transformation initiatives within the Department as they are currently understood?

Answer. I believe that the military departments have taken steps that are appropriate in view of the anticipated 21st century national security challenges. I would look to the upcoming Quadrennial Defense Review and the other Departmental reviews as a mechanism to further refine and integrate these individual transformation plans. The important point is to be forward looking and not to look to the past.

Question. Are you concerned that these initiatives appear to be "self defined" by the services without direct participation of the Secretary of Defense or the Chairman, Joint Chiefs of Staff?

Answer. I am not aware of any current problems in this regard. While the initial transformation steps by the military departments may have lacked broad DOD participation, it is clear Secretary Rumsfeld feels much can be done to prepare the Department for the 21st century. The Strategic Review and the upcoming Quadrennial Defense Review seem to have the full participation of the Office of the Secretary of Defense and the Joint Chiefs of Staff as well as the Services. It is my understanding that these two efforts will be the basis for the Department's future transformation efforts.

Question. Recognizing that a fundamental change of the military services will be expensive and understanding that "legacy" modernization programs were significantly underfunded before these transformation initiatives began, what would you do to ensure that a proper balance of resources is maintained between the two efforts?

Answer. I feel that this will be the most difficult challenge for the Department. In my opinion, the Quadrennial Defense Review must carefully consider current capabilities and steps that must be taken in the near term to maintain a viable warfighting capacity. In that vein, transformation initiatives must be examined on their own merit and paced in such a manner that sustainable programs are defined so as not to create budgetary imbalances in the future. I believe it is very important to recognize America continues to need protection during a transformation process and, therefore, judicious support of "legacy" programs is necessary.

COST ESTIMATING

Question. As programs move forward to critical decision points, there often seems to be a wide disparity between the cost estimates provided by Service analysts and those of the Cost Analysis Improvement Group (OSD CAIG).

How do you intend to handle the issue of projected costs when the estimates may widely differ?

Answer. Under Secretary Aldridge has testified about the 5 organizational goals he established that directly support the objectives of the Secretary of Defense. The first of these goals is *to Achieve Credibility and Efficiency in the Acquisition and Logistics Support Process.* A critical element of this goal is the need to establish realistic pricing for our acquisition programs.

Quite often, in the process of estimating program costs, different assumptions and methodologies will yield disparate results. If confirmed, I believe I would tend to rely on the independent estimate the CAIG provided for assessing the Service's projected cost for the program. I would want to understand the reasons for differences between the Service estimate and the CAIG estimate prior to a decision at a Defense Acquisition Board meeting. To that end, I would seek to reconcile differences, on a case-by-case basis, if at all possible.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Under Secretary of Defense for Acquisition, Technology and Logistics?

Answer. Yes.

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

Answer. Yes.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

ACQUISITION WORKFORCE

1. Senator THURMOND. Mr. Wynne, I was pleased to see that you considered the Quality and Morale of the Acquisition Workforce as one of the most serious prob-

lems that must be addressed by the Department of Defense. What are your personal views on how the Department can best resolve this problem?

Mr. WYNNE. Senator, thank you for focusing your concern on this critical issue. The problem of deteriorating morale in the Acquisition, Technology and Logistics Workforce has developed over time and is the result of a decade of downsizing combined with the impact of increased operational deployments and associated costs during the 1990s reduced the funding available for modernization of systems and infrastructure.

There are already plans within the Department to address issues related to reductions in the workforce. I am looking at a range of initiatives encompassing career development, expanded recruiting and hiring, and the broad application of the kinds of authorities that are working so well in the Acquisition Workforce Personnel Demonstration Project. But one of the most important thing we must do is to provide leadership at every level. We have to provide vision and direction from the top and empower our line and middle managers to lead.

ACQUISITION PROCESS

2. Senator THURMOND. Mr. Wynne, based on your board and extensive experience in the private sector acquisition process, what commercial practices would you consider key toward improving the defense acquisition process?

Mr. WYNNE. We need to adopt best commercial practices and become more "commercial friendly." By this, I mean we need to integrate better with commercial industry so that there are not two methods of doing business—one for government and one for commercial. For example, I plan to reform government property rules, look at how we manage intellectual property and develop creative solutions to implement commercial leasing alternatives.

LIVE FIRE TESTING

3. Senator THURMOND. Mr. Wynne, what are your views on the requirement for Live Fire Testing of our weapons systems?

Mr. WYNNE. Live Fire Testing is an important and integral part of the Department's weapon system test and evaluation process, providing timely and accurate assessments of system survivability, vulnerability, and munitions lethality.

Live Fire Testing also provides insights into methods of reducing the vulnerability and improving the lethality of weapons and weapon platforms, assessing battle damage repair capabilities and issues, and improving the computer modeling of weapons system lethality and vulnerability.

I believe strongly that Live Fire Testing should be continued.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

ACQUISITION WORKFORCE

4. Senator COLLINS. Mr. Wynne, in your response to the advance policy questions, you state that you consider one of the most serious problems you would face as Deputy Under Secretary of Defense for Acquisition and Technology, to be that of revitalizing the quality and morale of the acquisition workforce. The Acquisition 2005 Task Force Report, Shaping the Civilian Acquisition Workforce of the Future, highlights that the Department is on the verge of a crisis of a retirement driven brain drain. This report states that more than 50 percent of DOD's civilian acquisition workforce will be eligible to retire by 2003, requiring a surge in recruiting at all levels. Assuming you are confirmed, what are some specific actions you would take to overcome this problem?

Mr. WYNNE. Thank you, Senator. Actually the timeframe is 2005 versus 2003 that 50 percent of our acquisition, technology and logistics workforce is eligible to retire. I fully support the Task Force 2005 initiatives and I will aggressively pursue their implementation. Our civilian acquisition, technology and logistics workforce is critical to the continued success of the DOD. The Department has begun comprehensive human capital planning and is enhancing career development and training for the acquisition, technology and logistics workforce. We also need to pursue a range of workforce shaping and hiring initiatives. In particular, I support aggressive recruiting and hiring at all levels. We need to advertise the important and challenging work our people do every day in order to attract top talent as well as make it easier for people to transfer into government from the private sector. We also need to become more competitive with industry in recruiting because timing and ease of hiring

is critical particularly in our initial offers. We need a broader range of intern and exchange programs and authorities to speed the introduction of private sector best practices into our operations wherever appropriate.

SPIRAL ACQUISITION

5. Senator COLLINS. Mr. Wynne, in the responses to the advanced questions, you state that you will attempt to reduce cycle time for major acquisition programs by introducing the concept of "time-phased requirements and evolutionary development." Is this concept synonymous with the concept that Mr. Pete Aldridge, Under Secretary for Defense for Acquisition and Technology, has commonly referred to as "spiral acquisition"? Would you elaborate on what the perceived pros and cons are to this acquisition approach?

Mr. WYNNE. Yes, "time-phased requirements and evolutionary development" are synonymous with "spiral acquisition." "Time-phased requirements" refers to the establishment of "blocks" of military capabilities that are required to be fielded incrementally. "Evolutionary development" is the actual maturation of the needed technologies over time, with the focus on phasing in the required technologies on a more achievable basis. Together, these concepts are the foundation of "spiral acquisition" or "spiral development."

Spiral development calls for using available and relatively more mature technologies to produce weapons systems that may meet many, but not necessarily all, of the system's operational requirements when they first are deployed—and then for developing and incorporating upgrades to those systems later when the necessary technologies are available. The series of upgrades represent the "spirals" that provide for increasing capabilities over time.

The revised DOD 5000-series documents that govern the DOD acquisition system specifically embody this system as a way to reduce acquisition cycle times from Science and Technology activities through production of weapon systems. This new acquisition philosophy and process provides expanded opportunities to insert mature technologies more quickly into weapon systems at various phases in the acquisition cycle. The new process requires more involvement and collaboration between the S&T and acquisition communities by requiring an agreement on the technology maturity level before insertion into the weapon system. The new process also emphasizes earlier risk reduction and demonstration of key technologies before they are inserted into a weapon system and before the formal beginning of the acquisition program. By using the more mature and available technologies during the first phases of a program, we hope to avoid the cost growth and schedule delays that have been caused in the past by trying to satisfy every operational requirement at first fielding by using much riskier, much more immature technologies.

In addition to emphasizing earlier risk reduction, the new process also permits programs to proceed more quickly through the acquisition cycle by allowing them to enter later in the cycle if their technologies are more mature. For example, a program no longer must begin with a Concept Exploration phase and proceed serially through all the later acquisition phases. If a program embodies more mature technologies and concepts, it may be able to skip earlier program phases and enter the acquisition process in the late System Development and Demonstration phase or even in the Production and Deployment phase.

As part of this new acquisition model, we also have streamlined the Defense Acquisition Board decision process to eliminate unnecessary meetings, and we have established a comprehensive set of metrics to monitor the cycle time, cost growth, and other aspects of acquisition program performance so we can more easily monitor program status and, thus, more quickly address emerging problems before they seriously threaten program schedules.

A principal benefit of this approach is that its emphasis on earlier technology maturation and demonstration, more achievable development objectives, and flexibility in the acquisition cycle has the prospect for avoiding cost growth and schedule delays, thus potentially delivering more advanced capabilities into the hands of the warfighters sooner. A principal challenge of this approach is leading, educating, and training the acquisition community, both at the senior and working levels, so that it may best take advantage of the this new system to accomplish these objectives as soon as possible.

SCIENCE AND TECHNOLOGY

6. Senator COLLINS. Mr. Wynne, Mr. Pete Aldridge, Under Secretary for Defense for Acquisition and Technology, during recent testimony to the Emerging Threats

and Capabilities Subcommittee, stated that the Department needs to invest in its future through Defense Science and Technology initiatives. Further, he suggested that if you evaluate the science and technology investments as a percentage of the budget, that the right ratio of the budget which should be invested in science and technology would be approximately 3 percent. What are your thoughts on this issue?

Mr. WYNNE. Determining a sufficient level of Science and Technology (S&T) investment is not a precise science, rather I believe it is a strategic decision. It has always been the Department's goal to fund S&T at a level adequate to ensure the technological superiority of our armed forces. A strong S&T program is required to provide options for responding to a full range of military challenges both today, and into the uncertain future. The Department's investment in S&T develops the technology foundation necessary for our transformation and modernization effort, and fosters the development of "leap ahead" technologies that produce revolutionary capabilities. DOD must continue to invest broadly in defense-relevant technologies because it is not possible to predict in which areas the next breakthroughs will occur. It is the Department's objective to grow the S&T budget to be 3 percent of the total DOD top-line budget as soon as possible. This goal is consistent with the industrial model of investing 3 percent of a corporation's budget in research. However, we also need to ensure that the funding levels of the various components in the Department's total budget are balanced based on our assessment of the most urgent requirements at any given time.

CONTRACT BUNDLING

7. Senator COLLINS. Mr. Wynne, you refer briefly to your view of contract "bundling" in the response to your advanced questions. Recently, I attended an event for small to mid-size businesses at which the participants inquired as to what the Department's current defense policy is on bundling, and further highlighted their concern with this concept and its impact on growing small and mid-size companies trying to establish business relationships with the Department. First, can you comment on the Department's current policy on bundling? Second, what do you believe the Department can do to ensure that small and mid-size businesses have adequate opportunities to compete for DOD contracts?

Mr. WYNNE. The Department's policy is to comply with the applicable statutes and the Federal Acquisition Regulation concerning contract bundling. The FAR recognizes that bundling may be justified when there are measurably substantial benefits. The Department is preparing to issue a guidebook to assist acquisition planners in performing quality benefit analyses that are critical to the determination as to whether or not bundling is justified.

The Small Business Program Reinvention was one of the first initiatives of Under Secretary of Defense for Acquisition, Technology, and Logistics, Mr. Pete Aldridge. This policy emphasizes the importance of senior management support for the Program and assigns accountability at the highest levels within DOD for small business program accomplishments. Providing for this level of program accountability is a strong measure toward ensuring that small businesses are provided the maximum practicable opportunities to compete for Defense requirements.

[The nomination reference of Michael W. Wynne follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Michael W. Wynne, of Florida, to be Deputy Under Secretary of Defense for Acquisition and Technology, vice David R. Oliver.

[The biographical sketch of Michael W. Wynne, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MICHAEL W. WYNNE

Michael W. Wynne is currently serving as Chairman and Chief Executive Officer for the IXATA group (IXTA), a position he took on in December of 2000. IXATA is an Internet Application Service Provider in the information space of the travel industry. He is also currently serving as Chairman of Extended Reach Logistics (www.e-RL.com), an Internet start-up aspiring to sell spares and repair kits to the military worldwide. He spent most of his career in the world of defense, both in the Air Force, and with Industry, following graduation from the United States Military Academy at West Point.

He retired as Senior Vice President from General Dynamics (GD), where his role was in International Development and Strategy. He spent 23 years with General Dynamics in various senior positions with the Aircraft (F–16's), Main Battle Tanks (M1A2), and Space Launch Vehicles (Atlas and Centaur). As the President of the Space Division, he facilitated the design of four Rockets in 4 years, introduced them commercially and set them on a course to launch over 50 straight satellites successfully. In Tanks, he initiated multi-year procurement in the Army and sold both vehicles and manufacturing facilities around the world. While in the F–16, he was the lead negotiator for the then "deal of the century" for the U.S./European co-production of the initial 998 airplanes.

In between working with GD, he spent 3 years with Lockheed Martin (LM, having sold the Space Systems division to then Martin Marietta He successfully moved the division from San Diego to Denver and integrated it into the Astronautics Company. He became the General Manager of the Space Launch Systems segment, combining the Titan with the Atlas Launch vehicles. During this period, he orchestrated the first, and only, purchase, following design, of a Russian propulsion system (RD–180) for U.S. Rockets (Atlas). The resulting vehicle will be in the U.S. inventory for years to come.

Prior to joining industry, Mike served in the Air Force for 7 years, ending as a Captain and Assistant Professor of Astronautics at the U.S. Air Force Academy teaching Control Theory and Fire Control Techniques. While there he was awarded the Unit Citation Award for being one of the team of designers of the AC–130E Gunship.

In addition to his undergraduate degree, he also holds a Masters in Electrical Engineering from the Air Force Institute of Technology and a Masters in Business from the University of Colorado. He has attended short courses at Northwestern University (Business) and Harvard Business School (PMD2). He is a Fellow in the National Contracts Management Association, and has been a past President of the Association of the United States Army, Detroit Chapter and the Michigan Chapter of the American Defense Preparedness Association.

He was born in Florida, and currently resides in McLean, Virginia, with his wife Barbara. They have four daughters.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Michael Walter Wynne.

2. **Position to which nominated:**
Deputy Under Secretary of Defense (Acquisition and Technology).

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
September 4, 1944; Clearwater, FL.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Barbara H. Wynne (Maiden Name—Hill).

7. **Names and ages of children:**
Lisa W. Henkhaus, 34.
Collene W. Finn, 33.
Karen W. Murphy, 30.
Laura Wynne, 25.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
University of Colorado, MBA—9/1973—6/1975.
Air Force Institute of Technology, Wright Patterson Air Force Base, MSEE—7/1968–6/1970.
United States Military Academy, BSGE—7/1962–6/1966.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
12/2000—Present, IXATA Group, 8989 Rio San Diego Dr., San Diego CA 92109. Chairman/CEO.
7/1997—10/1999, General Dynamics, 3190 Fairview Park Dr., Falls Church VA 22042, Senior Vice President.
5/1994–3/1997, Lockheed Martin Astronautics, Deer Creek Canyon Drive, Denver, CO 80145, General Manager—Space Launch System.
3/1991–5/1994, General Dynamics Space Systems, 5001 Kearney Villa Rd, San Diego, CA 92123 President.
4/1982–3/1991, General Dynamics Land Systems, 38500 Mound Rd, Sterling Heights MI 48310, Vice-President—Business Development.

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

Officer, United States Air Force, 6/1966–6/1973, Regular Reserve Officer, 6/1973–9/1975, Rank achieved Captain.

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

(1) WC Factors, LLC, Managing Member (I recently registered this to finance Extended Reach Logistics receivables. It has never operated.)

(2) Extended Reach Logistics, Inc. Chairman.

(3) IXATA Group, Chairman and CEO.

(4) NextGen Fund II, LLC, NextGen SBS Fund II, Limited Partner, Member of the Executive Committee.

(5) Rothstein Asset Management, LP, Limited Partner.

(6) Fiduciary Partners Fund, LP, Limited Partner.

(7) General Dynamics Corporation, Senior Vice President.

(8) Lockheed Martin Corporation, Astronautics; General Manager—Space Launch Systems.

(9) Association of the United States Army, Detroit Chapter, President—mid 1980s.

(10) Michigan Chapter, American Defense Preparedness Association, President—mid 1980s.

(11) National Contracts Management Association, Fellow—Since the early 1980s.

(12) National Contracts Management Association, Detroit Chapter, President—Early 1980s.

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

None.

13. **Political affiliations and activities:**

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

None.

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

None.

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

Republican National Committee, Democratic National Committee, Clinton-Gore campaign, Senator Feinstein, Senator Allen, Senator Leahy, Congressman Hunter, Bush Campaign, Texas Republican Party, Virginia Republican Party, Congressman Cunningham, Senator Snowe, Lazio Campaign.

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

National Contract Management Association, Fellow, Military Medals: Unit Excellence (AC130 Gunship Development).

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

(1) AIAA/IEEE proceedings, 1970—Multiple reentry vehicles.

(2) AIAA proceedings, 1972—Optimal control; sightline autopilot.

(3) Society for Parametric Estimating, 1978, 2d quarter—Impact of Labor Strike on Learning Curves for Manufacturing.

(4) Army Material Command, RD&A Magazine, May 1985—Benefits of the M1A1 multi-year for the Army.

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

None.

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

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth

in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

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

MICHAEL W. WYNNE.

This 13th day of June 2001.

[The nomination of Michael W. Wynne was reported to the Senate by Chairman Levin on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on June 12, 2001.]

NOMINATIONS OF DIONEL M. AVILES TO BE ASSISTANT SECRETARY OF THE NAVY, FINANCIAL MANAGEMENT AND COMPTROLLER; REGINALD JUDE BROWN TO BE ASSISTANT SECRETARY OF THE ARMY, MANPOWER AND RESERVE AFFAIRS; DR. STEVEN A. CAMBONE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY; MICHAEL MONTELONGO TO BE ASSISTANT SECRETARY FOR THE AIR FORCE, FINANCIAL MANAGEMENT AND COMPTROLLER; AND JOHN J. YOUNG, JR., TO BE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, AND ACQUISITION)

WEDNESDAY, JUNE 27, 2001

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

The committee met, pursuant to notice, at 10:12 a.m., in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

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

Other Senators present: Senators Stevens and Inouye.

Committee staff members present: David S. Lyles, staff director; Madelyn R. Creedon, counsel; Richard D. DeBobes, counsel; Gerald J. Leeling, counsel; and Peter K. Levine, general counsel.

Professional staff members present: Daniel J. Cox, Jr., Richard W. Fieldhouse, and Creighton Greene.

Minority staff members present: Romie L. Brownlee, Republican staff director; Judith A. Ansley, deputy staff director for the minority; L. David Cherington, minority counsel; Ann M. Mittermeyer, minority counsel; Suzanne K.L. Ross, research assistant; Richard F. Walsh, minority counsel; and Scott Stucky, minority counsel.

Professional staff members present: Charles W. Alsup, Edward H. Edens IV, Brian R. Green, William C. Greenwalt, Gary M. Hall, Carolyn M. Hanna, Mary Alice A. Hayward, Ambrose R. Hock, George W. Lauffer, Patricia L. Lewis, and Thomas L. Mackenzie.

Staff assistants present: Gabriella Eisen, Kristi M. Freddo, and Michele A. Traficante.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; Barry Gene (B.G.) Wright, assistant to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Brady King, assistant to Senator Dayton; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; Kristine Fauser, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. The committee will come to order.

The committee meets today to consider the nominations of Dionel Aviles to be Assistant Secretary of the Navy, Financial Management and Comptroller; Reginald Jude Brown to be Assistant Secretary of the Army, Manpower and Reserve Affairs; Dr. Steven A. Cambone to be Deputy Under Secretary of Defense for Policy; Michael Montelongo to be Assistant Secretary of the Air Force, Financial Management and Comptroller; and John Young to be Assistant Secretary of the Navy, Research, Development, and Acquisition.

On behalf of the entire committee, I would like to welcome you, your families, and friends to the Armed Services Committee. We have a tradition in the committee of asking our nominees to introduce their family members who are present. Let me call on each of you to do that now. Then in a moment or two, we are going to go to the introductions.

So first, Mr. Montelongo, why do we not start with you?

Mr. MONTELONGO. Thank you, Mr. Chairman. It is my pleasure to introduce my bride, Debbie, and our daughter, Amanda.

Chairman LEVIN. Mr. Brown.

Mr. BROWN. Thank you, Mr. Chairman. It is my pleasure to introduce my wife, Emmy.

Chairman LEVIN. Dr. Cambone.

Dr. CAMBONE. Mr. Chairman, thank you very much. I would like to introduce my wife, Margaret, and my niece, Caitlin.

Chairman LEVIN. Mr. Aviles.

Mr. AVILES. Thank you, Mr. Chairman. I would like to introduce my wife, Kimberly; my son, Thomas; and my mother-in-law, Arlene Chandler, and my father-in-law, Bill Corbin.

Chairman LEVIN. Mr. Young.

Mr. YOUNG. Mr. Chairman, thank you. I would like to introduce my wife, Barbara; my son, Nathan; my son, William; and my daughter, Kathryn.

Chairman LEVIN. Kathryn is the name of your daughter? I have heard she has two great older brothers, who really, really love her. Someday, she will know how lucky she is. [Laughter.]

Now, that is the truth. Sometimes I joke about that, but I have heard in this family those two brothers really take great care of their sister.

Let me thank all the family members in advance for the sacrifices that they will be making so that you can serve. Each of you before us today have a record of public service, so your families at

least have some idea as to what they are in for. Again we thank them in advance for their willingness to have you serve again.

John Young and Dionel Aviles are well known to committee members for their dedicated service as congressional staffers over the last decade. Mr. Young has served since 1993 as a professional staff member for the Defense Subcommittee of the Senate Appropriations Committee.

Mr. Aviles has served since 1996 as a professional staff member for the House Armed Services Committee.

The experience, skills, thoughtfulness, and dedication that they have brought to their jobs will be missed on Capitol Hill, but will surely serve them well as they take on new challenges in the executive branch.

Mr. Brown, Dr. Cambone, and Mr. Montelongo have also had important experiences and bring great skills to their new jobs.

Mr. Brown has previously served as Assistant Administrator at the United States Agency for International Development.

Dr. Cambone has served as Staff Director for the Space Commission and the Ballistic Missile Threat Commission and currently serves as a Special Assistant to the Secretary of Defense.

Mr. Montelongo has served as a Special Assistant to the Army Chief of Staff and is a Congressional Fellow.

Each is well-qualified for the important position to which he has been nominated.

The committee, of course, has a responsibility to get a clear record of our nominees' views on national security issues that they and this Nation face, and we look forward to their testimony.

Senator Warner.

Senator WARNER. Mr. Chairman, I thought out of deference to our two colleagues that I would give my few remarks following the introduction by our distinguished colleagues.

Chairman LEVIN. Terrific. Thank you very much.

Senator WARNER. I really want to hear what they got in return for releasing Young. They got a deal out of this somewhere. [Laughter.]

These two parents structured something to lose this valuable member.

Chairman LEVIN. In other words, I think Senator Warner is suggesting that you stay for questioning as well. [Laughter.]

Our nominees have all responded to the committee's pre-hearing policy questions and our standard questionnaire. Without objection, these responses will be made a part of the record.

The committee has also received the required paperwork on each of the nominees, and we will be reviewing that paperwork to make sure that it is in accordance with our requirements.

The first round of questions will be limited to 6 minutes for each Senator on the basis of the early bird rule. But before we begin our first round of questions and ask our introducers to make their comments, we would ask several standard questions of each of the nominees. In your response to the advanced policy questions you have agreed to appear as a witness before the congressional committees when called, and to ensure that briefings, testimony, and other communications are provided to Congress, so we will not repeat those questions.

Here are the questions that we will ask you to respond to: Have each of you adhered to applicable laws and regulations governing conflict of interest?

Mr. AVILES. Yes, sir.

Mr. BROWN. Yes, sir.

Dr. CAMBONE. Yes, sir.

Mr. MONTELONGO. Yes, sir.

Mr. YOUNG. Yes, sir.

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

Mr. AVILES. No, sir.

Mr. BROWN. No, sir.

Dr. CAMBONE. No, sir.

Mr. MONTELONGO. No, sir.

Mr. YOUNG. No, Mr. Chairman.

Chairman LEVIN. Have you done anything which presumes confirmation?

Mr. MONTELONGO. No, sir.

Mr. YOUNG. No, sir.

Dr. CAMBONE. No, sir.

Mr. BROWN. No, Mr. Chairman.

Mr. AVILES. No, sir.

Chairman LEVIN. Will you ensure that the Department complies with deadlines established for requested communications including prepared testimony and questions for the record and hearings?

Mr. AVILES. Yes, sir.

Mr. BROWN. Yes, sir.

Dr. CAMBONE. Yes, sir.

Mr. MONTELONGO. Yes, sir.

Mr. YOUNG. Yes, sir.

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

Mr. AVILES. Yes, sir.

Mr. BROWN. Yes, sir.

Dr. CAMBONE. Yes, sir.

Mr. MONTELONGO. Yes, sir.

Mr. YOUNG. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. AVILES. Yes, sir.

Mr. BROWN. Yes, sir.

Dr. CAMBONE. Yes, sir.

Mr. MONTELONGO. Yes, sir.

Mr. YOUNG. Yes, sir.

Chairman LEVIN. I think what we will do at this point is ask our colleagues to make their introductions.

Senator Inouye, would you start please?

STATEMENT OF HON. DANIEL INOUYE, U.S. SENATOR FROM HAWAII

Senator INOUYE. Mr. Chairman and members of the committee, I am pleased to be here with my co-chairman of the Senate Appropriations Subcommittee on Defense to introduce Mr. John Young,

the President's nominee to be the Assistant Secretary of the Navy for Research, Development, and Acquisition.

Mr. Young came to the Appropriations Committee 10 years ago as a young 28-year-old American Institute of Aeronautics and Astronautics fellow from Sandia National Labs. At that point, 10 years ago, he already had an impressive resume.

He received an engineering degree from Georgia Tech, a masters degree from Stanford. He had worked for General Dynamics in the F–16 program; for Rockwell on tactical missiles. At Sandia, he had worked on the hypersonic reentry vehicle technology.

He claims that he came to us in Congress to learn about Congress and the defense budget process. He came for 12 months and we succeeded in keeping him for 10 years.

During his initial year, the members of the subcommittee and their staff recognized John's talent, his ability to analyze complex problems, and offer current solutions. As the record indicates, his recommendations to the subcommittee saved the taxpayers hundreds of millions of dollars. At the same time, his ideas helped the military further its agenda. That is why, Mr. Chairman, we kept him for 10 years.

Reluctantly, we recognize now that the administration has discovered our secret weapon and they have pressed him into their service. [Laughter.]

All kidding aside, John Young will be a great asset to the Department of the Navy and the administration. His long experience in acquisition matters for Congress and the private sector make him uniquely equipped to become the next Assistant Secretary for the Navy.

I am pleased to join Senator Stevens in introducing John Young to you formally, even though I know that many of you have gotten to know him over the past decade.

Mr. Chairman and members of the committee, I have never met anyone who has had anything but the greatest respect for his talent, his knowledge, and his pleasant demeanor. I recommend him to you without equivocation.

Chairman LEVIN. Senator Inouye, thank you very much.

Senator Stevens.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Senator STEVENS. Mr. Chairman and Senator Warner, it is a pleasure to join my chairman in introducing to you John Young.

Following Senator Inouye's comments you are well aware of his academic, engineering, and public service accomplishments. His resume is an extremely outstanding one. He is immensely qualified for the position that the President has asked him to fill.

I just want to take a moment to tell you how lucky the Navy is to have stolen John from our committee staff. He has demonstrated an extraordinary skill in balancing the priorities of the military and the interests of Congress, and the true capability of technology to be harnessed to serve our national defense.

It is not enough to be certain a system is right; it must be the right solution to a challenge that we face. The real talent lies in

determining whether that solution is, in fact, ready to be produced, how it is to be produced, and when it is to be produced.

Any candidate to serve as Assistant Secretary to the Navy for Research, Development, and Acquisition needs these skills, and John possesses all of them in abundance.

Quite simply, John has served as one of the most trusted members of our committee's staff for more than a decade. He worked for each of us and for both of us the whole time.

I am sorry to see John depart. He has been a grand fishing companion, if nothing else. [Laughter.]

I am not going to tell you, frankly, unless you put me in chains what we really got for him, a few bases here and there; a little reopening of some that were closed inadvertently by a former Secretary of Navy. [Laughter.]

But this is the right assignment at the right time. I know that John appreciates as well that in being here it is a sign that the two of us will be looking over his shoulder as he wrestles with the challenges this administration will give him because we are going to continue to rely upon him to advise your committee and ours.

There is no one whose judgment I would trust more to serve in this position than John Young. It is a pleasure to be with you and a pleasure to work with him. We wish him the very best in his new assignment.

Senator WARNER. Mr. Chairman, if I might observe, the committee sees the presence of Steve Cortese, Sid Ashworth, Charlie Houy, and Tom Hawkins of the staff who have come to give backup support to the distinguished two "co-chairmen," as they refer to themselves.

Senator STEVENS. We have really come just to tell you we are ready to keep him if you do not do this very quickly. [Laughter.]

Chairman LEVIN. Well, I tell you, Senators Inouye and Stevens, we can accommodate your desire to keep him quite easily. There are ways for this committee to meet those needs, not very subtle ways, but there are ways that we can do it. [Laughter.]

Senator STEVENS. If this committee thinks that our needs are greater than the President's, we are at your service, sir. [Laughter.]

Chairman LEVIN. He has been trained at the feet of a couple of masters on the Appropriations Committee, so we know how well he will take that service to the executive branch.

Now, Congressman Reyes, you——

Senator WARNER. I would like to say a few remarks here. I had reserved my time——

Chairman LEVIN. Sure. Oh, no—we have a Congressman here.

Senator WARNER. Oh, yes, of course, OK.

Chairman LEVIN. Thank you.

STATEMENT OF HON. SILVESTRE REYES, U.S. REPRESENTATIVE FROM TEXAS

Mr. REYES. Yes, thank you, Mr. Chairman and members of the committee.

It is my privilege and pleasure to be here with you this morning to introduce a gentleman that we are very proud of, coming from El Paso in general and from Fort Bliss, the Army Air Defense Center, in particular.

I am also here on behalf of our colleague, Senator Kay Bailey Hutchison, who was unable to be here, but would have liked to be here as well. Also representing Mr. and Ms. Jerry Tennison are the nominee's in-laws, residents of my district.

This morning, it is my sincere pleasure to introduce to you the nominee for Under Secretary of the Air Force for Financial Management and Comptroller, Mr. Michael Montelongo. He is a graduate of the United States Military Academy and a career Army officer, having retired as a Lieutenant Colonel after serving in the Army Air Defense Artillery.

He is coming to us, to public service, from Cap Gemini Ernst and Young, where he served as a sales executive and consulting manager. He also served as a Congressional Fellow in the office of Senator Kay Bailey Hutchison in the 104th Congress, and in the past has also served as a fellow in the Pentagon.

It is my privilege and pleasure to also acknowledge his wife Debbie from El Paso and his daughter Amanda, who are with him here today.

Mr. Chairman and the members of the committee, I know that Michael Montelongo will do an outstanding job for our country in his new position.

Thank you very much for the opportunity.

Chairman LEVIN. Congressman Reyes, thank you very much for that introduction. I know how appreciative Mr. Montelongo is as well. Thank you.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman.

Mr. Chairman, I commend you again in your skills for having these very important hearings, the Constitutional function of the United States Senate, which is to give advise and consent with regard to nominees of the President of the United States.

The President, again, is to be commended for recruiting such a fine, outstanding, and well-qualified group of individuals to come and, in several instances, to re-enter public service. They take on the very heavy responsibilities associated with protecting this Nation and making us secure, and not only here at home, and I emphasize at home because the President in his Citadel speech brought to the attention of the American people that threats here at home now unfortunately are mounting, but also preserving freedom abroad for ourselves and our allies.

I commend you and I thank you, Mr. Chairman, for your reference to the families. Indeed, they are a vital part of this team in the Department of Defense.

I was privileged to serve once and I remember so well my children were almost the sizes of those children right there at that time, and I have a wonderful picture of those toddlers gathered around me when I took on those responsibilities a quarter of a century ago.

I hasten to tell the families to get those husbands home at a reasonable hour in the evening. Any decision made after 7 o'clock in the Pentagon is reversed in the morning. [Laughter.]

So come on home and you will do better in your jobs after rejoining your wonderful families and getting the sustenance and the support that they can provide you.

Mr. Chairman and members of the committee, I would like to make some special comments with reference to Reginald Brown. He proudly claims Virginia as his State since 1986.

He is a West Point graduate who has served in the infantry from 1961 through 1971. He has an impressive history of government and business accomplishments including service as Assistant Administrator at the U.S. Agency for International Development from 1989 to 1993.

I believe at that time I introduced you before the Senate, but we will just dig up that old record and make it count for this one. I thank you and your family for once again responding to the public life.

Dr. Cambone, others have covered extensively your exceedingly impressive record of accomplishments for a relatively young man who has achieved so much in such a short period of time. You will be a point man for the President's policies and initiatives and particularly with missile defense and other strategic programs.

You are eminently qualified in my judgment, Doctor, to handle those debates before Congress and in the public forum. I think you want to anxiously accept that challenge.

Mr. Young, you have received so much praise, so I will remain quiet and just let it rest and I will put into the record my comments with respect to you.

To the others here, the Chairman also covered extensively your background, so I will place my statement in the record. But I, again, join the Chair and the members of this committee in thanking you for offering yourselves to public service.

Thank you, Mr. Chairman.

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in extending a warm welcome to our nominees and their families. I thank you all for your willingness to serve.

Dr. Stephen A. Cambone is currently serving as the Special Assistant to the Secretary and Deputy Secretary of Defense and has compiled a distinguished career in government and academia. He served as the Director of Research at the Institute for National Strategic Studies of the National Defense University from August 1998 to July 2000. Prior to that he served as the Staff Director for the Commission to Assess United States National Security Space Management and Organization from July 2000 to January 2001. From January 1998 to July 1998, Dr. Cambone was the Staff Director for the Commission to Assess the Ballistic Missile Threat to the United States. He previously served in the Office of the Secretary of Defense from 1990 to 1993 as Director for Strategic Defense Policy, and he worked in the Office of the Director, Los Alamos National Laboratory from 1982 to 1986. Dr. Cambone, I congratulate you on your many accomplishments.

Mr. Young is currently a Professional Staff Member on the Senate Appropriations Committee, Subcommittee on Defense, having served there since 1993. For 10 years prior to joining our colleagues on the Appropriations Committee, Mr. Young was a member of the Technical Staff at the Sandia National Labs. He has also worked as an engineer with Rockwell International, the BDM Corporation, and General Dynamics. Congratulations, Mr. Young, on your nomination.

Mr. Montelongo is an Army veteran having graduated from the U.S. Military Academy in 1977. His active-duty service included assignments as a Senior Analyst and Associate Professor at the U.S. Military Academy from 1988 to 1991 and as a Special Assistant to the Chief of Staff of the Army from 1994 to 1995. He currently works for the firm of Ernst & Young in Atlanta, Georgia.

Mr. Brown also served on active duty in the U.S. Army with the infantry after graduating from West Point in 1961. Following his military service, he served in various important government positions including Director in the Office of Price Monitoring at the Council of Wage and Price Stability and Principal Analyst for the Defense Manpower Commission. From 1989 to 1993, he was an Assistant Administrator at the U.S. Agency for International Development. Thank you for your willingness to return to government service.

Mr. Aviles is currently a Professional Staff Member on the House Armed Services Committee with responsibility for defense budget and financial management, Navy procurement, and Merchant Marine issues. He graduated from the U.S. Naval Academy in 1983, and served as a Surface Warfare Officer. Mr. Aviles was an engineer with the Naval Sea Systems Command from 1990 to 1991, and an Examiner at the Office of Management and Budget from 1991 to 1995. Thank you, Mr. Aviles, for your continued willingness to offer public service.

I am very impressed by the qualifications of these nominees. If confirmed, they will be key members of the Secretary's team of senior leaders. They have my support.

Senator Levin.

Chairman LEVIN. Thank you. Senator Reed, do you have an opening statement?

STATEMENT OF SENATOR JACK REED

Senator REED. Mr. Chairman, I do not have a formal opening statement. I just want to welcome the nominees.

I particularly want to welcome Mr. Brown, who was my instructor at West Point in the Social Science Department. If I am particularly acute today, take credit for it. Otherwise, you have no responsibility. [Laughter.]

To all the gentlemen and the families who have come here today to accept this responsibility to serve the Nation, I thank you for that.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you. Without meaning to pry in any way, how good a student was Senator Reed? That good? [Laughter.]

Mr. BROWN. A top one.

Chairman LEVIN. Well, he is top on this committee, too. [Laughter.]

Senator REED. I think that is one of those nominees conversions——[Laughter.]

—confirmation conversion, right?

Chairman LEVIN. Let the record show that Mr. Brown had his thumb up in the air. [Laughter.]

The record should reflect that Chairman Stump and Congressman Spence from the House Armed Services Committee had planned to be here to introduce Mr. Aviles, but we had to change the starting time of the hearing, and they were not then able to make it.

Senator WARNER. We have a hearing before the House this morning and they were with us this morning at the Department of Defense when we had breakfast with the Secretary and spoke very highly of you throughout the meeting. At this point, without objection, I submit for the record the opening statement of Senator Thurmond.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman:

Mr. Chairman, I want to welcome and congratulate each of our nominees as the Armed Services Committee convenes to consider their nominations to the critical positions within the Office of the Secretary of Defense and the military services. The fact that they are here this morning is a reflection of their accomplishments and the potential for them making significant contributions to our Nation, in particular to the men and women of our Armed Forces.

I specifically want to recognize Mr. Aviles and Mr. Young who toiled for many years as professional staff members on the House Armed Services Committee and the Senate Appropriations Committee. Each will provide critical insight of the legislative branch to Secretary Rumsfeld's leadership team and hopefully will facilitate the flow of information between the Department of Defense and the defense committees.

Mr. Chairman, the Nation is fortunate to have individuals, such as our nominees, who are willing to take on the challenges of the offices for which they have been nominated. I wish each of them success and a speedy confirmation.

Thank you, Mr. Chairman.

Chairman LEVIN. Now we will call out our witnesses for any opening remarks that they may wish to make. Let us just go right down the table, keep doing it the way we have been doing it.

Mr. Montelongo.

STATEMENT OF MICHAEL MONTELONGO, NOMINEE TO BE ASSISTANT SECRETARY FOR THE AIR FORCE FINANCIAL MANAGEMENT AND COMPTROLLER

Mr. MONTELONGO. Thank you, Mr. Chairman.

I am very honored and privileged to appear before this committee seeking confirmation as the Assistant Secretary of the Air Force for Financial Management. I want to thank the President and the Secretary for this very special opportunity and privilege to serve the men and women of the United States Air Force and the Nation.

I want to thank the committee members for taking time out of their busy schedules to conduct the hearing, and offer a very special thank you to Congressman Silvestre Reyes for his very kind introduction. I also want to thank everyone who helped shepherd me through the nomination and confirmation process.

Finally, I especially want to thank my bride Debbie and our daughter Amanda, for their love, prayers, and support, and for once again demonstrating that service to the Nation, as it is for so many of our servicewomen and men, is a family affair.

Mr. Chairman, if confirmed, I would seek to address what I believe are three issues key to the Air Force financial management community: One, restore confidence and reliability in financial management systems and the related critical feeder systems to achieve auditable financial statements and, more importantly, provide the warfighters and decisionmakers with informed information.

In other words, Mr. Chairman, as good stewards of taxpayer money, we should do everything possible to ensure that funds are executed in the same manner appropriated and that they are accurately tracked.

Two, review and understand the defense strategy and then shape the budget to meet Air Force priorities and strategy.

Three, to plan, program, and budget funds in a responsible manner to meet the demands of our changing global and military environments.

Mr. Chairman, if confirmed, I very much look forward to working with you and the committee to support and care for the men,

women, and families who selflessly serve in the United States Air Force.

I look forward to your questions.

Chairman LEVIN. Thank you very much.

Mr. Brown.

STATEMENT OF REGINALD JUDE BROWN, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY, MANPOWER AND RESERVE AFFAIRS

Mr. BROWN. Thank you, Mr. Chairman, Senator Warner, Senator Reed, other members of the committee. I feel deeply honored and privileged to appear before this committee to seek confirmation as Assistant Secretary of the Army.

I wish to especially thank you, Senator Warner and Senator Reed, for your kind remarks.

I would also like to thank the President, Secretary Rumsfeld, and Secretary White for this opportunity.

I enthusiastically support Secretary White's three-part vision for the Army; as you may recall, an Army that will attract, develop, and retain America's best young people, while providing for their quality of life and well-being; an Army that will maintain its readiness; an Army that transforms itself to achieve dominance through the full spectrum of future military operations.

I look forward, if confirmed, to working with this committee and the Senate in achieving this vision for the Army. I look forward to the questions of the committee.

Thank you very much.

Chairman LEVIN. Thank you very much.

Dr. Cambone.

STATEMENT OF DR. STEVEN A. CAMBONE, NOMINEE TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY

Dr. CAMBONE. Good morning, Mr. Chairman, Mr. Warner, Mr. Reed. It is an honor to appear before this committee seeking confirmation as the Deputy Under Secretary of Defense for Policy.

I am grateful to Secretary Rumsfeld for his confidence in proposing my name to the President for this post. I am honored by the President for his nomination.

I am looking forward to taking part in this Constitutional process by which the Senate gives its advise and consent to the President on his nomination. It is a process that is characteristic of our democracy and one, as I say, I am looking forward to taking a part in.

If confirmed by the Senate, Mr. Chairman, I will work closely with you and other members of this committee to protect and defend the United States and its people, to promote the national security of the United States, and to assure that we and our future generations are peaceful and prosperous.

Thank you, sir.

Chairman LEVIN. Thank you, Dr. Cambone.

Mr. Aviles.

STATEMENT OF DIONEL M. AVILES, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY, FINANCIAL MANAGEMENT AND COMPTROLLER

Mr. AVILES. Thank you, Mr. Chairman.

Mr. Chairman, Senator Warner, Senator Reed, it is my distinct honor and personal privilege to appear before you today as the nominee for the position of Assistant Secretary of the Navy Financial Management and Comptroller.

With your permission, I would like to dispense with a formal statement and just make a few brief remarks.

I thank President Bush for his nomination, Secretary Rumsfeld and Secretary England for their support for my nomination to serve the Nation and the Department of the Navy.

While serving as an examiner at the Office of Management and Budget and on the staff of the House Armed Services Committee, I have had the opportunity to work with the members and staff of this committee and know firsthand of your unwavering support for all of our Nation's armed forces. Having previously served the Navy both as a naval officer and a civilian engineer, I would like to express my personal thanks for that support.

Should I be confirmed, I look forward to working with Secretary England, the members and staff of this committee, and other Members of Congress to provide the Department of the Navy with the tools necessary to ensure the continued maritime dominance of our naval forces while improving the quality of service for our sailors and marines.

In closing, Mr. Chairman, if I may be permitted, I would like to thank former Chairman Floyd Spence, Chairman Bob Stump, and ranking member Ike Skelton of the Committee on Armed Services in the House of Representatives for their support. The opportunity that they have provided me to serve Congress has resulted in some of the most professionally rewarding experiences of my life, and I am grateful.

Lastly, I would like to thank my family, especially my wife Kimberly and my son Thomas, without whose loving support I am certain that I would not be appearing before you today.

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

Chairman LEVIN. Thank you very much, Mr. Aviles.

Mr. Young.

STATEMENT OF JOHN J. YOUNG, JR., NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, AND ACQUISITION)

Mr. YOUNG. Chairman Levin, Senator Warner, Senator Reed, it is a great honor to appear before you today as the President's nominee to be Assistant Secretary of the Navy for Research, Development, and Acquisition.

I have a statement for the record, and I would like to make a few brief remarks. I appreciate the time and effort devoted by members of the Senate Armed Services Committee to considering my nomination.

First, I wish to thank President Bush, Secretary Rumsfeld, and Navy Secretary England for the privilege of being nominated to

serve in this position. I strongly support their efforts to better prepare our Nation's forces for the future.

In the same breath, I want to thank my family for supporting me in this nomination.

I have served Chairman Inouye, Senator Stevens, and the other members of the Senate Appropriations Committee as a professional staff member for the past 10 years. Senator Stevens and Senator Inouye, as veterans, as lawmakers, and as citizens have provided a daily example of leadership and determined support for our Nation. They have faced dangers that I have never known and, hopefully, the Nation will never know again because of their unwavering support for preparing our defenses to overcome any and all challenges. I do not have adequate words to thank them for introducing me.

During my tenure in the Senate, I have had the opportunity to work with and learn from Senators, my dedicated staff colleagues on the Defense Appropriations Subcommittee, as well as the excellent professional staff supporting the Armed Services Committee.

It has been rewarding to serve the Senate because of the uniform and bipartisan support and desire of members and their staffs to provide for our soldiers, sailors, marines, and airmen.

Looking ahead now, I strongly support Secretary England's goals to improve combat capability, to meet the professional and personal needs of sailors and marines, to apply technology to the challenges posed by an advancing threat, and to change the business practices that hinder timely and affordable purchase of new systems and capabilities. If confirmed, I look forward to working through the details of Navy and Marine Corps research, development, and acquisition programs to accomplish these goals.

As a professional staff member, I have often thought of the sailors and marines who are deployed for months at a time, recognizing that our inconveniences are negligible relative to what the Nation asks of them.

Their commitment to this Nation is measured in their daily sacrifices as well as the patience and support provided by their families and friends. They ask nothing more than to have good equipment, adequate training, and the resources to prepare regularly and fight when necessary.

As a participant in the congressional defense process, I was able to directly observe the leadership role played by this committee in successfully and continually meeting and surpassing the objective of doing everything possible for our soldiers, sailors, marines, and airmen.

If confirmed, I hope to work with the strong Navy and Marine Corps team, the Defense Department, Congress, and this committee to continue this tradition of meeting and exceeding these goals.

I thank the members for their time and attention, and I look forward to your questions.

[The prepared statement of Mr. Young follows:]

PREPARED STATEMENT BY JOHN J. YOUNG, JR.

Chairman Levin, Senator Warner, and members of the committee, it is a great honor to appear before you today as the President's nominee to be Assistant Secretary of the Navy for Research, Development, and Acquisition. I appreciate the time and effort devoted by the members of the Senate Armed Services Committee

to considering my nomination. The opportunity that lies ahead is both daunting and exciting. However, before I can look ahead, I wanted to say a few things about the past.

First, I wish to thank President Bush, Secretary Rumsfeld, and Navy Secretary England for the privilege of being nominated to serve in this position. I strongly support their efforts to better prepare our Nation's forces for the future as well as their initiatives to spend our defense investment dollars more efficiently.

I have served Chairman Inouye, Senator Stevens, and the other members of the Senate Appropriations Committee as a professional staff member for the past 10 years. Senator Stevens and Senator Inonye, as veterans, as lawmakers, and as citizens, have provided a daily example of leadership and determined support for our Nation. They have faced dangers that I have never known and hopefully the Nation will never know again because of their determined, unwavering support for preparing our defenses to overcome any and all challenges. I do not have adequate words which can express my appreciation for the great honor of having these gentlemen introduce me to the Senate Armed Services Committee.

As a member of the Senate Defense Appropriations staff, I have been able to make recommendations on a range of defense issues to the members of the Appropriations Committee and Congress. Because of the excellent spirit of coordination and cooperation between the Senate Armed Services and Appropriations Committees, I have also had the chance to work with many members of the Armed Services Committee on key defense issues. Finally, I have had the pleasure of working with and learning from dedicated staff colleagues on the Defense Appropriations Committee as well as the excellent professional staff supporting the Armed Services Committee. These experiences have been some of the best of my professional career. It has been rewarding to serve the Senate because of the uniform and bi-partisan desire of members and their staffs to provide for our soldiers, sailors, marines, and airmen.

My industry experiences proved to be excellent preparation for my task of reviewing defense programs in support of the Senate. It was important for me to work on technology development, project management and testing in order to appreciate both the capabilities and limits of defense firms. Industry is an important ally in delivering the combat capability of the future, and I will work to enhance the Navy and Marine Corps' industry relationships, if confirmed.

Looking ahead now, I am pleased to have the opportunity to work with the Defense Department as well as Members of the Senate and the House of Representatives to make further improvements in the combat systems and equipment which our sailors and marines will rely on to provide for the Nation's security. Indeed, the support of the President and Congress will be essential to ensuring the Navy and Marine Corps can efficiently and affordably acquire modern weapons systems which will allow sailors and marines to overcome any threat that the future presents to this Nation's territory and ocean commerce.

Each of you is familiar with the key problems facing the Navy and Marine Corps. Secretary England very effectively outlined his strategic thrusts in support of the President's vision for our military. I strongly support his goals to improve combat capability, to meet the professional and personal needs of sailors and marines, to apply technology to the challenges posed by an advancing threat, and to change the business practices that hinder timely and affordable purchase of new systems and capabilities. Clearly, the Navy and Marine Corps must make progress in accurately pricing and then controlling the cost of new weapons systems. Further, more can be done to assure that the systems being purchased are fully tested and ready for combat.

While there are concerns and improvements to make, there is also progress. Many new systems appear to be on the verge of overcoming the challenges of development and delivering real and meaningful new capabilities to our warfighters. Further, as Secretary England highlighted, there are available commercial and defense technologies that, with changes in business practices, can be quickly harnessed to expand our buying power and combat capability.

If confirmed, I look forward to working through the details of current Navy and Marine Corps acquisition and development programs. I also will work to ensure that research programs are focused on the current and future needs of our naval forces. There are also research and development programs in the other services and defense agencies which can be applied to meeting the weapon and technology needs of the Navy and Marine Corps.

As a professional staff member, I often thought of the sailors and marines who are deployed for months at a time, recognizing that our inconveniences are negligible relative to what the Nation asks of them. Their commitment to this Nation is measured in their daily sacrifices as well as the patience and support provided

by their families and friends. They ask nothing more than to have good equipment, adequate training, and the resources to prepare regularly and fight when necessary. As a participant in the congressional defense process, I was able to directly observe the leadership role played by this committee in successfully and continually meeting and surpassing the objective of doing everything possible for our soldiers, sailors, marines, and airmen. If confirmed, I hope to work with the current, strong Navy and Marine Corps team, the Defense Department, and Congress to continue this tradition of meeting and exceeding these goals.

I thank the members of the committee for their time and attention. I look forward to your questions.

Chairman LEVIN. Mr. Young, thank you, and I am sure that Senators Inouye and Stevens would appreciate your tribute to them, well deserved.

Dr. Cambone, let me start asking you about Macedonia. The situation seems to be continuously unraveling. Civil war is a definite possibility there. If civil war erupts in Macedonia, then a renewed conflict could occur elsewhere in the Baltics as a result. That, in turn, could undermine the efforts of NATO including the U.S. in Kosovo, in the Presovo Valley in Serbia.

The United States, unlike other NATO allies, was apparently unwilling to make a commitment to participate in a NATO mission to oversee a voluntary disarmament of ethnic Albanian insurgents, even if the environment became benign.

What are the criteria that you would recommend be used in deciding whether or not U.S. forces participate with the forces of our NATO allies in a NATO mission in Macedonia in either a benign or a hostile environment?

Dr. CAMBONE. Let me say first of all, that the broad analysis that you have made about the importance of the situation as it is evolving in Macedonia is shared by many people. The Secretary and others have been engaged in discussions on this subject.

For my part, I think there are a handful of items we have to keep in mind. First, the objective ought to be to try to keep the legitimate government of Macedonia capable of functioning as such. That includes both its ability to exercise its powers of sovereignty, but also to respect the rights and circumstances of its ethnic populations. Any action that is undertaken with respect to Macedonia ought to have that in mind first and foremost.

Connected and intimately bound up with it is the fact that we already have—the United States does—deployed to Macedonia some 500 people, who have a variety of tasks, two of the most prominent being guarding the lines of communication to the forces at K4, and conducting reconnaissance operations and surveillance operations out of Macedonia.

Chairman LEVIN. Do you want to pull that mike up? Many people in the rear are not able to hear you.

Dr. CAMBONE. I am sorry, sir.

Chairman LEVIN. Just speak right into it.

Dr. CAMBONE. Second, therefore, we need to be careful in any steps we take to assure that our people are, in fact, protected and those supply lines are kept intact going into Kosovo.

Chairman LEVIN. Is it true that we have decided whether or not we would join with NATO in an operation in Macedonia? Have we set limits on it? If so, what?

Dr. CAMBONE. Senator, I cannot answer that question.

Chairman LEVIN. When you say you cannot answer it, that is because you are not——

Dr. CAMBONE. No. I do not know the answer to the question, sir.

Chairman LEVIN. Thank you. In your response to a pre-hearing question on the proper criteria for involvement of U.S. armed forces and military operations overseas, you stated that you would work to ensure, this is now your words, "that when we deploy our armed forces, the mission is justified, well-defined, and the strategy is well-conceived."

You did not include an exit strategy in that description, and I am wondering if that was intentional or just oversight.

Dr. CAMBONE. Oh, no, sir. It was not an omission. As part of a well-conceived strategy, one ought to know what the objectives are and ought to be able to have the criteria in hand for knowing when they have been achieved.

Having done so, we then ought to be able to withdraw our military forces and, in a case like a Bosnia, be able to turn over those kinds of operations to civil authorities.

Chairman LEVIN. I want to move to missile defense. This is a subject which is going to take up a great deal of this committee's time.

The first question relates to this: As a special assistant to the Secretary of Defense, you have been heavily involved in the Ballistic Missile Defense Program at the Department. In a briefing to this committee on June 13, General Kadish, the Director of the Ballistic Missile Defense Organization, presented the results of the Department's missile defense strategy review and its recommendations.

He said that if the recommendations from the strategy review were implemented, there would be no violation of the ABM Treaty in fiscal year 2002. Is that your understanding of that review, number one?

Number two, is it your understanding that the fiscal year 2002 budget request reflects that strategy review?

Dr. CAMBONE. I will answer the second one first, if I may, sir. The budget request will find its way here either this evening, I hope, or in the morning. Within it will be a series of recommendations for spending.

I know that the Secretary is going to be prepared to address this specific question at tomorrow's hearing, and I think all in all it would be better to defer to him on that question.

In terms of General Kadish's comments, I cannot speak for General Kadish, sir. The objective of the program, as it is being proposed, is to be able to permit the United States to pursue the most effective and efficient form of missile defense that is possible, allowing us to make intercepts in each of the phases of the flight of a ballistic missile, and to do it in a way that allows us to take advantage of advances in technology as they occur.

Therefore, as the program unfolds, there will be adjustments and changes to it, particularly as General Kadish learns more about what he can and cannot do, both technically and in terms of the direction and guidance he has been given by the Secretary.

Chairman LEVIN. Do you know whether or not the budget that has been submitted to us reflects the review of the BMDO relative to missile defense budget?

Dr. CAMBONE. Yes. I am certain we have, sir. The Ballistic Missile Defense Office has proposed a program for 2002 that is reflected in its budget. There are a handful of undertakings within that budget which will be, during the course of the year, reviewed and considered.

I think one important thing that distinguishes this approach from past approaches is that what we do not have in this budget is a major acquisition program of the sort that we have had in the past, in which there are clear stages and milestones and activities that are laid out on a year-by-year basis.

It is designed to provide, as I said, the kind of technological experimentation that is necessary to move the program forward and develop as the year goes forward.

Chairman LEVIN. My time is up. I want to make sure I understand the first part of that last answer very clearly.

What you are saying to us is that the budget which is being submitted to us reflects the BMDO's review relative to missile defense, so that what General Kadish told us on June 13 is reflected in this budget submission?

Dr. CAMBONE. The proposed program from General Kadish is the one that he has submitted.

Chairman LEVIN. But——

Dr. CAMBONE. Whether General Kadish's statement to you about what the implications of all of the program activity that he has put forward or not is correct, that I cannot attest to, sir. I do not know what General Kadish has argued on that point.

Chairman LEVIN. All right. But putting aside his characterization, which was that there was no conflict between that proposal of his for 2002 and the ABM Treaty, what you are saying is that his proposal or his review is the review that is reflected in the budget request, his outline of a program.

Dr. CAMBONE. Yes, sir. I mean, he has proposed that——

Chairman LEVIN. His outline of the 2002 program is what is reflected in the 2002 budget request; it has not been changed.

Dr. CAMBONE. Well, insofar as I know, given the fact that there were adjustments made as the marks came down from OMB for the budget, and they went through a process of adjusting that program—and let me say, as well——

Chairman LEVIN. Insofar as you know then, the answer is yes?

Dr. CAMBONE. I believe so, Senator. But on the other hand, there is a great deal of advice that is given to people about what is and is not part of the program and how it is going to be conducted. I think we need to await the Secretary's statement tomorrow. He can give you a definitive answer to the question you are asking.

Chairman LEVIN. Have you not had any conversations in the last week with General Kadish?

Dr. CAMBONE. Yes, sir. We talked to him both yesterday and previously.

Chairman LEVIN. Did this subject not come up?

Dr. CAMBONE. Yes, sir, it did. Let me be as clear as I can. The program that General Kadish has submitted is within the reduc-

tions that they took and the changes that he made within that program, based on the marks that came from OMB, the program as it was proposed. There are adjustments, and there are changes to it that had taken place over the course of the last 10 days as they have adjusted for budgets.

In terms of explicit programmatic detail, I think what you are seeing in some of these statements is different understandings of how the program will unfold over the course of the next year based on where they expect to make progress and where it is that they could inject certain activities into the program.

Chairman LEVIN. I will pursue this in my next round.

Senator Warner.

Senator WARNER. We have a vote, Mr. Chairman. I would simply follow up while this subject is fresh in mind, that this morning in the discussions with the Secretary, my distinguished Chairman had a colloquy with the Secretary on this point, and I recommended today the record of General Kadish's testimony before this committee be brought to the Department, carefully reviewed, so that the Secretary can explicitly answer our Chairman's questions tomorrow, because I am very anxious.

This is an important year, 2002, to the United States military. I want to see our bill moved through Congress and become law. If we get tangled up on legitimate differences of views on this missile defense program, I happen to be among the strongest of supporters of the President's goals, that will stall this bill out quicker than anything I have seen in some time.

We were stalled out for some 50 days last year for other reasons, and I am just hopeful under the guidance of our Chairman that we could move this bill through and we can reconcile these differences, because it is my judgment, listening and studying what the President has said, that he wishes to start some new initiatives. But I do not detect any clear desire to go against the ABM Treaty and its provisions until such time as he has completed a program, which he has started already, of negotiating with our allies—or I should not say, maybe, "negotiating," but in consulting with our allies. Indeed the initial consultations that he has had with President Putin, I think he has done commendably well, and we are moving forward.

But in my own opinion, without any facts to back it up, he's not going to reconcile in all probability a new framework as he has annunciated prior to the 2002 bill coming up for a vote in Congress.

We have to decide, given that I am correct in my prognosis, how we reconcile giving this President some new initiatives, such that he can lay the foundation for a new architecture and, at the same time, not jeopardizing passage of the bill because of controversy over the ABM Treaty. That is my view.

Chairman LEVIN. I very much welcome Senator Warner's comments, by the way. I think they are very much on target, but I would urge you to review this transcript because if there is a conflict between what the Secretary tells us tomorrow and what General Kadish told us just a week ago, there is an unnecessary firestorm that is going to be unleashed on that issue. So take a very careful look at that transcript.

Dr. CAMBONE. I will, sir.

Chairman LEVIN. You are in a position where you can do exactly that?

Dr. CAMBONE. You have my word that we shall.

Chairman LEVIN. We will stand adjourned for——

STAFF. Mr. Chairman.

Chairman LEVIN. Excuse me. [Pause.]

OK.

Senator INHOFE. I have already voted.

Chairman LEVIN. You have already voted. Terrific.

Senator Reed, you have not voted?

Senator REED. I have not, no.

Chairman LEVIN. Do you want to try a couple of minutes before you vote?

Senator REED. Let me just—just a few minutes, and I will go over and vote.

Chairman LEVIN. Please, we will call on Senator Reed. Then we will turn it over to Senator Inhofe.

Senator REED. Let me just first say, once again, I commend all of you for your willingness to serve and particularly to Mr. Brown, who was someone I respected and admired a great deal as a faculty member at West Point. It is a good day for West Point, as I am bracketed between two graduates, 1961 and 1977, so congratulations.

I will just follow up on a question, Dr. Cambone. You in your response suggested that the direction of the missile defense program is going to be abandoning a formal acquisition program with clear stages and milestones.

A simple question: how does one manage a program without clear stages and milestones?

Dr. CAMBONE. Yes, sir.

Senator REED. More importantly for our point, how does Congress effectuate appropriate oversight? Those are two major issues, I believe. Related to that is whether or not that is a strategy driven by policy and budgets rather than a sound acquisition strategy.

Dr. CAMBONE. I am hopeful, sir, that it is sound on all three points.

The proposal is for the Ballistic Missile Defense Office to concentrate more fully on its research and development test, experiment and demonstration activities. As it moves forward in those activities and begins to discover which of the technologies, system designs, and concepts prove to be more effective, more affordable, and able to give support to defense operations across each of the phases of a missile's flight, they will move those programs into acquisition programs.

They will take a program, which has gone through its testing, evaluations, and experimentation, and when we come to that point, the proposal says, when we are prepared to move into acquisition, the proposal is that that system be transferred to a service, whether the Air Force or the Army, and that in its transfer, it be fully funded and brought into then the acquisition process for its subsequent development and deployment.

As we stand today, the Ballistic Missile Defense Office has both its research, development, tests, evaluation, experimentation work, and acquisition responsibilities.

So what the proposal is, is to get it much more closely focused on the first part of the mission, and then as the systems evolve and become appropriate to transfer them to the services for production and procurement.

Senator REED. This begs the question of, then, why originally was it thought that we should combine all those functions into one agency? Again, generically there has been traditionally criticism of military programs as being disjointed, in which some agency does the design; some agency does acquisition; some agency does this; and some agency does that. You seem to be going back to the latter model.

Dr. CAMBONE. There was a closed discussion, sir, between the Secretary, General Kadish, and the Chiefs on this question. There was agreement that this approach would serve the broader purpose of trying to be certain about the nature of the technologies and give the Ballistic Missile Defense Office a freer hand to be able to advance those technologies which work best, to leave behind those which were not succeeding, and to move to new ones as the opportunity presented itself.

When you are managing a research program as an acquisition program, the strictures are much tighter. The ability to adjust from one approach to another approach is oftentimes more difficult.

So what we were looking to do was to make sure that there was a greater facility on the part of the developers to understand what they could accomplish. Then, when they had established the basic capabilities, to then transfer it into a standard acquisition program and to place that acquisition program in the services.

Senator REED. Let me just suggest that this will be a topic of intense interest and scrutiny as the budget comes over, particularly, I believe, on this committee and certainly my interest.

One final comment: It seems to me that this is understandable, but you have a program that is in organizational realignment. You have a technology that has been criticized, frankly, within the ranks of the Department of Defense. Mr. Coyle has rendered some opinions prior to his departure.

All of this would suggest it is not a program that is ready for deployment in the next year or so, which goes back, I think, to the issues that Senator Levin was speaking to.

Dr. CAMBONE. Yes, sir.

Senator REED. But thank you, Dr. Cambone.

Gentlemen, thank you and, again, I commend you all for your willingness to serve the Nation. Thank you.

Dr. CAMBONE. Thank you, Senator.

Senator INHOFE [presiding]. Thank you, Senator Reed.

I have come at a very opportune time, I see. So there are a number of things, I understand, that have been discussed here. I was late because I was having a meeting with Condoleezza Rice on the same subject you were discussing here.

First of all, I know some discussions were taking place on the ABM Treaty. Let me just assure that there are a large number of people who share my ideas about the ABM Treaty.

Sometimes I think it is an advantage not to be a lawyer, so you are not encumbered by all these details and you can look at a treaty that was made between two nations, one of which does not exist

any longer, where the threat is totally changed in accordance with Henry Kissinger, the architect of the ABM Treaty.

The idea of mutually assured destruction might have had a place in the past, but with the proliferation of not just weapons of mass destruction, but the means of delivering those weapons, and when we do not really know who has these technologies.

I was pretty stressed out back in August 1998 when we asked when would North Korea have a multiple rocket capability, and they said it would be sometime in the next 5 to 15 years. And 7 days later, on the 31st of August 1998, they fired one.

So we really do not know who has what out there. But we do know this: That the threat that faces us today is from a number of nations. We know that China, Russia, North Korea all have that capability. We also know that they are trading technology and systems with countries like Iraq, Iran, Libya, Syria, Pakistan.

I just would like to have you aware of the fact that I had asked this question. I think, Dr. Cambone, Condoleezza Rice was on Meet the Press this Sunday. When she was asked the question about the restraints of the ABM Treaty, her response was, "Well, you know, our job is to defend America. If we come up against that, then that is a problem, but we have to do whatever is necessary to build a system that will defend America against incoming ballistic missiles."

Did you hear her make that statement, Dr. Cambone?

Dr. CAMBONE. No, sir. I will confess that I was in church when she was on television, sir.

Senator INHOFE. But anyway, the administration is now getting a little bit stronger in its determination that you cannot construct a system within the framework of an ABM Treaty. You cannot have a sea-based system. You cannot have the radar detections that are necessary to adequately protect yourself.

So I would like, for starters, just to have you share with me, now, maybe it is redundant to what you have said before, but how can we both defend my eight grandchildren and still stay within that treaty?

Dr. CAMBONE. Sir, I do not believe it is going to be possible to do so. The treaty has any number of provisions, which make the type of defense that is the capability that is necessary to defend the United States and might I add, our allies and friends abroad, against missiles of any range increasingly difficult to develop, test, demonstrate, and deploy.

There are four articles of the treaty which come immediately to mind. Article One of the treaty bans the territorial defense of the United States.

Senator INHOFE. Yes. Article Five is——

Dr. CAMBONE. We are hopeful that we are going to be able to do that.

Article Five prohibits the testing and deployment of ABM systems, mobile systems either at sea or air-based and other forms of mobile systems.

Article Six bans the conversion of non-ABM systems, theater defense systems into capabilities that might be able to counter longer range missiles. Might I add, there is no definition in the treaty on

what it means to counter a longer range ballistic missile with a non-ABM system.

Article Nine prohibits us from transferring technology, blueprints, and other forms of information to others of systems that would be capable of intercepting longer range missiles. That includes, ironically enough, the Russians. The treaty as it stands now, if it is to be observed, would, in fact, prohibit that transfer even to the Russians, if an agreement were reached.

Senator INHOFE. You are all five just so qualified. It is very rare that we have a group like this. I will be very proud to be working with each one of you.

You have said it very well. I have used those same four articles in discussions, even once this morning. I think that it is just important that you know, you folks are being nominated by the President, who has a very specific idea about our necessity to defend America and how we are going to do it.

I know there can be some obstacles. Some people have honest differences of opinion as to what the type of threat that is out there is. But George W. Bush is President of the United States, and I happen to agree with his perspectives.

We will have some obstacles. We will have to work out those on this side of the table, the legislative things. I am sure that you will carry out your end of it.

Mr. Montelongo, am I saying that right?

Mr. MONTELONGO. Yes, sir.

Senator INHOFE. You were with Senator Hutchison for awhile, were you not?

Mr. MONTELONGO. At one time, sir, I was a Congressional Fellow in her office.

Senator INHOFE. You have also, I know, had 20 years experience in the U.S. Army, so you have a lot of qualifications.

We have some issues, and having served with Kay Bailey Hutchison and since Kelly was in her district, you are familiar with the air logistics centers. Today, after the four BRAC rounds, we went down, particularly the last round, from five air logistic centers operating at about 50 percent capacity to three operating at about 80 percent capacity.

That 80 percent capacity is now up to about 100 percent capacity, depending on the two ways that they evaluate the capacity.

We have a system that is based on the necessity for national security purposes of having core capability from within. That core capability is very important to protect and until we come up with a better way, this arbitrary 50/50 is the law today. Unfortunately, we have been operating on a national security waiver that has allowed them to go more than 50 percent outsourcing.

This has concerned me quite a bit. It concerns me that when I hear discussions out there that perhaps maybe we can go outside that 50 percent if the air logistic centers are at full capacity. Now, this argument could be used with any other centers, too. I am using this because I am more familiar with air logistic centers.

One of the reasons we are at 100 percent capacity is that we have old equipment. We are not able to do the things that we should be able to do in upgrading and modernizing our equipment. So as new platforms come in, we are not able to adapt to them.

Now, from your perspective, and anyone else who has any ideas on this might respond too, what are your plans to, in terms of financially, getting our air logistics centers and our other depots around the country up to a state of modernization so they can absorb the new responsibilities and be able to keep us compliant with our 50/50 guidelines?

Mr. MONTELONGO. Sir, you certainly cite one area that is very critical and, if confirmed, I intend to certainly give it the priority that it deserves.

You talk about modernization, and that is certainly one of the key things that we have to address going forward, and certainly the depots are part of that whole picture of modernization. As I say, that is one area that I will absolutely give lots of attention to, if confirmed.

Senator INHOFE. Yes. Do you believe, then I appreciate that answer very much and I would assume that you are committed to keeping a core capability in depots, so that we would not face the—some day the problems that we have all been concerned about, being relying upon sole source outside, if a war should come along.

Mr. MONTELONGO. Sir, I do believe that there are missions and tasks that are inherently governmental and that certainly need to belong in that area and in the public domain.

Senator INHOFE. Yes. I would like to hear from anyone else who might have some ideas, even though you might not directly in your job be faced with this. It is still something that each branch of the service is going to have to deal with.

With this changing environment I had noticed—we are down now in the United States of America to primarily three contractors that can build air platforms. When I came in 1986 to the House, we had about 20. So it is a different environment out there. That makes this core capability, in my opinion, even more significant.

Does anyone have any comments to make about that? John?

Mr. YOUNG. Senator, I agree with your point on the consolidation. It is a competition issue, and it is a services issue for the Department. The core capabilities in the depots have served us well.

I think from my work in the Senate that some of the companies have partnered with the depots to try to do positive things to make both sides efficient. If confirmed, I will certainly continue to work towards those goals to make both sides provide good service for the Nation and maintain both an organic capability and the industrial base we need.

Senator INHOFE. Yes. Pardon me for calling you John. I guess that is not proper in a setting like this, but we have worked together for many years and also we witnessed together in the last few weeks where we are relative to the competition out there and our potential adversaries in terms of our air-to-air capability, air-to-ground capability.

While most Americans think that our modernization program is ahead of the rest of the world, they are wrong. We are not. There are platforms out there that are far superior to those that we have.

Any other comments about this subject? [No response.]

Another question, Mr. Montelongo. In terms of flying hours, recently the Navy and the Air Force have under-estimated the cost of flying hours and causing the need for an emergency DOD sup-

plemental. The reasons for this are concerning the increased cost of flying older aircraft and an ineffective budget process. What is your plan to correct this malady?

Mr. MONTELONGO. Senator, I am not familiar with the mechanics of estimating the cost of flying hours at the moment. I will tell you that, as I understand it, certainly flying hours is the heart and soul of the Air Force, an Air Force that is extremely busy today, that is in combat today, that is flying an ever increasing aging fleet, as you have pointed out.

Because it is that important, if confirmed, that is an area that I plan to invest the time necessary to understand and appropriately address the issue.

Senator INHOFE. Good.

Mr. Aviles, the same situation in the Navy: What are your thoughts?

Mr. AVILES. Yes, sir. Senator, I would have to go along with Mr. Montelongo's comments in that I am not particularly familiar with the mechanics of how those models are developed to estimate what the flying hours program costs would be, as the budget is developed in each year.

I would definitely concur with your comments that this has been a systemic problem, it appears, because this theme has cropped up each year as we have seen supplemental requests come up, both in the flying hours program and depot maintenance programs.

If confirmed, I commit to be actively involved in trying to establish what the root cause for these issues are and to try and develop solutions to it.

Senator INHOFE. Yes. I bring this up, because I have chaired the Senate Armed Services Readiness Subcommittee for the last 4 or 5 years and have occasion to really look into this retention of pilots problem, a very expensive problem that we have. It is even more pronounced in the Navy than it is in the Air Force.

One of four or five issues that comes up when I talk to groups of pilots is this thing. They are not getting the flying hours that they need, and they are not getting the red flag exercises and some of these and the constraints are financial constraints. I think it is something that really has to be done.

Do you think that without the supplemental, Mr. Montelongo, that the Air Force can operate effectively without relying on an annual emergency supplemental?

Mr. MONTELONGO. Senator, I am not familiar with the specifics of the supplemental for some obvious reasons. I have not been, obviously, confirmed yet, but I fully agree with your statement that unless our Air Force has the funding to do the flying that it must do, it cannot do its mission.

Senator INHOFE. I just feel very strongly about that.

Mr. Brown, you in your testimony, even though I did not read it, but my staff says that you address this, the problem we are having with retention in some detail and you see this, hopefully, as a crisis that I see it as now.

In terms of recruiting and retaining, I guess I am the only member of this committee that is—you cannot give me a card. I am the only one—oh, no, the Chairman is back now.

I had a pretty good deal going, Mr. Chairman, for awhile. [Laughter.]

Chairman LEVIN [presiding]. Keep going. Keep going.

Senator INHOFE. OK. I guess I am the only member of this committee who openly and publicly says that I believe we should return to the draft to compulsory service. I was a product of that.

Do you see that as something on the horizon that might be an alternative? I look and I talk about the cost of retention of these people. Of course, the quality of life has gone down. We need to rebuild that, and we are in the process of doing that right now and taking care of all these things.

But I wonder sometimes if all the services, in order to retain the quality of people, might want to relook at that some day in the future.

Mr. BROWN. Senator, I think that you have put your finger on perhaps the most important element in the volunteer force that we run today, and that is to be able to recruit and retain the people that we need.

When I served on the Defense Manpower Commission in the 1970s that was one of our primary fears, and so we kept the whole apparatus for conscription in place. Twenty years later I look at this, and I am surprised at how well the services have done in meeting their objectives.

So far, the numbers look good. I think we have to continue in that vein and give this volunteer system what it needs in order to work. The incentives that we need deal with the quality of life issues, deal with the OPTEMPO issues. If we do that, I think we can continue to make the targets.

Senator INHOFE. I would hope that you bring out the issues that are there, but you almost have to go to the field to really sense it and talk to these kids that are out there. Go to Fort Bragg sometime during a rain storm and see what it is like inside the barracks. It is raining in there, too.

These guys are covering their own equipment. We have real property maintenance shortfalls that they have swapped around, bought more bullets instead of doing these things.

I hope that you will be able to look at that and see that in the field and respond in this forum. All too often we will have hearings here in Washington, and it is very difficult for people to come in. There is a spirit of intimidation that none of you feel, of course, but others do when they come in.

I would just hope that you would be able to see the real need, the real problems in these shortfalls that are out there.

Mr. BROWN. Yes, sir.

Senator INHOFE. Mr. Chairman, can I have one more question?

Chairman LEVIN. Please, yes.

Senator INHOFE. I know I have abused this, but I do want to take advantage of the opportunity.

You have been probably sensitized, in terms of the Navy to the problem at Vieques. It is very real, and we probably have differing opinions at this table.

We dealt with this problem last year when the Chairman and the current Chairman got together and decided in order to do the best we can to try to make every effort to retain this very valuable

range. I do not believe there is any place else in the world that can duplicate it in terms of the three missions that are performed there simultaneously in the unified training. That is the marine expeditionary landing, the live Navy firing and, of course, the rest of the battle group from the air, the F–14s and F–18s using live ordnance.

In fact, on March 12, we had an accident where we lost six people, five of whom were Americans. The accident report makes it very clear that we did not get adequate live ordnance training.

We need to get back to that, but in the event that it does not happen, we are going to go forward and do the best we can with the referendum in November. If for some reason that does not come out the way it should come out, we would have to start constructing and spending quite a bit of money to try to replicate this training as near as possible.

Mr. Aviles, primarily you are going to be faced with some alternatives. How are you going to fund that?

There are some, perhaps, opportunities out there. I think you know that we rebate back to Puerto Rico about $300 million a year on rum tax. Primarily a lot of these benefits that are to the advantage of Puerto Rico, do so because we have been able to use that range. We own it, of course, but we are using it.

Do you think that maybe that would be a place where you could look for another $300 million a year that might help offset the loss of Vieques?

Mr. AVILES. Senator, I just would like to say that I am somewhat out of my element speaking with respect to Vieques policy. Having worked as a staffer on the House Armed Services Committee, I am well aware of the efforts that went into the legislation that was put forward and became law last year.

I guess my concern is I really am in deep water if you are looking for me to comment on tax cut policy. That is something that is completely outside my experience.

Senator INHOFE. It may not be completely outside if the time should come, and the Navy were to lose that referendum, you would be looking for places and opportunities.

So we will be in a position to talk about that later, but I think there are some areas where we can look. Hopefully we will not be faced with that and we will get back to our live range as it has been over the last 50 years.

Mr. AVILES. Yes, sir.

Senator INHOFE. Thank you, Mr. Chairman, for your tolerance, sir.

Chairman LEVIN. Thank you.

Dr. Cambone, back to the different aspects of missile defense and whether or not there ought to be demonstrated effectiveness before they are deployed.

This was the prehearing policy question that you were asked: "Would you recommend acquiring or deploying a weapons system, including a missile defense system, that is not operationally effective?"

Here was your response: "No. Defenses that are substantially less than 100 percent effective, however, can be essential to deterring threats and defending against attacks. We should not face an

all-or-nothing choice in missile defense anymore than we do regarding other defense programs."

I understand that weapons systems cannot be 100 percent effective all of the time, but "substantially" is the word you used, "less than 100 percent effective." It sounds to me like a standard that is designed for failure. If an airplane is 80 percent likely to fly, we do not buy it, do not deploy it.

For a national missile defense system that is currently under development, the operational requirement is that the system stop every incoming warhead from a limited attack with a high degree of confidence. That is the operational requirement, is it not?

Dr. CAMBONE. I believe it is, sir, yes.

Chairman LEVIN. Are you proposing to change that?

Dr. CAMBONE. I suspect that it is setting a standard for capability which is going to be such that the cost and time it takes to reach that objective will inhibit us from bringing online capabilities that could be effective in combination with other capabilities in the meanwhile.

Rather than constantly waiting for the system that gets to near perfection, there is an advantage to us in having systems which are confident and capable and militarily useful, both as a way of defending against existing threats and as a way of deterring and dissuading others from proceeding with their own offensive missile programs.

Chairman LEVIN. That operational requirement was set by the Ballistic Missile Defense Office in the uniformed military, was it not?

Dr. CAMBONE. I believe, actually, sir, it came through the military channels, through the CINC and through the ordinary process.

Chairman LEVIN. Right.

Dr. CAMBONE. Yes, sir.

Chairman LEVIN. But are you proposing to override then the CINC's recommendations?

Dr. CAMBONE. Sir, I, personally, no, sir.

Chairman LEVIN. Are you going to propose to the Secretary that he——

Dr. CAMBONE. There has, in fact, been discussion amongst the members of the Joint Chiefs and with the CINCs about how we might think about that requirement in terms of what is militarily useful in a system as they are being developed.

Chairman LEVIN. Would you supply for the record those conversations and discussions?

Dr. CAMBONE. I cannot do that, sir, for——

Chairman LEVIN. That you are familiar with.

Dr. CAMBONE. I am familiar with them, but I cannot give them to you. There is not a record in that sense. It was a discussion amongst them around the table, sir.

Chairman LEVIN. You say you cannot do it?

Dr. CAMBONE. I do not have a written record of it.

Chairman LEVIN. No. Just your recollection of it for the record.

Dr. CAMBONE. Sure. I would be happy to.

[The information follows:]

For a complete response to the above, please refer to my Question for the Record No. 1.

Chairman LEVIN. Thank you.

Relative to your answer on Taiwan, you stated that, if confirmed, you would monitor carefully the situation in the region and take very seriously our obligation to assist Taiwan in maintaining a self-defense capability. Such assistance includes not only making available defense hardware, but also maintaining contacts with the Taiwan defense establishment across a broad range of activities.

Dr. CAMBONE. Yes, sir.

Chairman LEVIN. My question relates to the part of your statement about maintaining contacts with the Taiwan defense establishment across a broad range of activities. Is that meant to signal a change of policy vis-á-vis Taiwan?

Dr. CAMBONE. No, sir, it's not.

Chairman LEVIN. Now, Mr. Young and Mr. Aviles, we will let Dr. Cambone take a rest here for a minute.

We received a report recently from the Navy regarding the potential benefits and risks associated with the use of advanced appropriations for the acquisition of ships. The report indicates that the advanced appropriations would enable the Navy to "increase the number of ship starts in the near term." Over time, the report says, advance appropriations would result in a "loss of flexibility."

According to the report, higher levels of funding will be required to sustain the building rate, and failure to sustain these funding levels will cause disruption to ships already in construction, which will lead to increased costs and the inability to put new ships under contract.

My question is this: Are you concerned that if we relied upon advanced appropriations that the Navy might bet on increased funding in future years and then risk significant disruption to its shipbuilding program if such funding does not appear?

First, Mr. Young.

Mr. YOUNG. Mr. Chairman, as you have highlighted, advanced appropriations is one potential mechanism to try to increase the rate of ship building. My experience on the Appropriations Committee says we have to be cautious about changing full funding policies. The Secretary has articulated a plan to submit budgets that fully fund the Department annually.

If there are advantages to that mechanism, I want to go to the building, if confirmed, and try to understand those and work with you further on them. But certainly, the hope would be to have a fully funded budget in the current year and future years.

Chairman LEVIN. OK. Mr. Aviles?

Mr. AVILES. Mr. Chairman, in any financing mechanism that is other than full funding that relies on the availability of out-year appropriations to complete an individual ship hull, there is going to be some uncertainty associated with those out-year appropriations. This is the nature of the way that we fund the Defense Department.

Having said that, if confirmed, I would want to take a hard look at any of the alternative arrangements.

Clearly, this is one way to get more ships under construction as stated in the report, but as you noted, there is some risk or uncertainty associated with what that means or portends for the out-years.

If you want to maintain a higher ship building rate, you have to spend more money on ship building whether you do it through an advanced appropriation mechanism or full funding mechanism. Now, I think, as I said, if confirmed, I would need to take a hard look at this and try to decide what provides the best value for the Navy, the taxpayers and other stakeholders, relevant committees of Congress, ship yards, everyone that is involved in this process, to make sure everyone understands both the benefits and the risks associated with it.

Chairman LEVIN. You used "full funding" in the same breath as "advanced appropriations." Is there not a greater uncertainty with advanced appropriations than there is with full funding?

Mr. AVILES. Absolutely, sir. There is risk associated with full funding, as you are aware, Senator, because of problems with prior year programs, we have unfunded costs associated with prior year programs, because of the inability to estimate properly what the ship cost would be.

There are risks associated with full funding. There are risks associated with advanced appropriations. The risk or uncertainty with advanced appropriations is whether you would have the commitment from the administration to budget for that money in the out-years and whether Congress would support it.

Chairman LEVIN. But is not the uncertainty greater with the advanced appropriations approach than with full funding?

Mr. AVILES. The question of uncertainty as to whether a completely funded ship would be less risky because the appropriations would be provided for it, I would have to say, yes.

The uncertainty and the quality of the estimates of the cost of that ship, I think, that is a risk under both scenarios.

Chairman LEVIN. OK.

Mr. Montelongo, how do you think other military services and the Navy would react if there is an over-commitment to the ship building program in the form of advanced appropriations? Then if the Navy had to look outside of its own budget to get the funds necessary to meet day-to-day operating needs, how would the other services, do you think, respond to that?

Mr. MONTELONGO. Mr. Chairman, that is an area that I, if confirmed, want to better understand than I do at the moment. But as I understand it, the Air Force has been a long proponent of the full funding policy and has, in fact, complied with that guidance.

But having said that, again if confirmed, I stand ready to explore all possible procurement alternatives and also perhaps look into this particular issue as to the impacts.

Chairman LEVIN. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. Forgive me. I was in debate on the floor on the 2001 supplemental. Some effort is being made to get the 2001 up today and have all amendments filed and debated this afternoon and tonight so we can get this voted out before the House leaves town.

Chairman LEVIN. Good.

Senator WARNER. There is an effort. I do not know what the success may be.

Dr. Cambone, the subject of NATO expansion has been one that I have followed and participated in for years here in the Senate.

I have the greatest respect for that extraordinary coalition of nations and the wisdom that put this thing together 50 years ago.

I have to tell you I see an unraveling of what I believe the core values were that held it together these many years. I was actively engaged in trying to restrict the expansion beyond the one or two nations that occurred last time and to throw a note of caution as we proceed to the future.

I want to let you know where I am coming from on it, because I think the pact has served its purpose way beyond the expectations of those who laid it down, and it can continue to provide a rock of stability in the continent of Europe if it is kept pretty much the way it is.

Nevertheless, it is one of the few times that I have some concerns with my President, whom I respect so much, but during his last swing through Europe he said as follows, "For all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between them" with reference to some of the thoughts he has on expansion.

Now, I will just make two observations. I think our highest priority at the moment is to try and work out with Russia a new framework agreement so that we can move forward with a strong and new innovative architecture for the limited missile defense program.

If the Baltics became the subject of expansion, then the question is put to you and other policymakers in the administration: How does that affect the ability to get ahead with this, which I regard as the number one priority, the limited missile defense, given Russia's strong feelings about the Baltics?

I point out that although I have only been there twice in my life, and it was some time ago, I am not prepared to say, maybe you are, that they have a military component to their overall national structure which would aid NATO in its missions. I will leave to others that analysis, but I have not seen it as yet.

So the certainty of this round of negotiations coming up to expand is one that we should take into consideration very carefully. There may be nations other than the Baltics, which are not only deserving, but begin to strengthen NATO.

I do not know that you need to reply, but I just hope that you would take into consideration the views of some of us that we have to preserve NATO, to preserve its original goals. Yes, the world has changed and the Cold War is terminated, but I think we better use the rear view mirror to watch history that unfolded.

When I came to the Senate with Senator Levin 23 years ago, there were many calls to pull out from NATO: "NATO has finished its work. Let us pack up and go home."

We have a defense budget, which you were present for this morning when we listened to our distinguished Secretary talk about the future and the need to reconstitute the basic procurement structure that is needed to plan for our future.

Those are big dollars. I could match up dollars and NATO expenditures with those, if necessary. Just a little comment from a friendly voice here in the Senate.

To our distinguished members that came from the staffs of our committees, the question of the aging of this cadre of aircraft that

we have in all of our services, the Secretary was very good this morning in pointing out how it is becoming more and more costly to our budget to maintain the existing old aircraft fleets of all of our services, and how that maintenance dollar is becoming so significant that it is impeding the process to get the procurement dollars for the newer aircraft.

I just want to hear both of you talk about that a little bit. Are you aware of that situation? Do you have some innovations that you can bring to the attention of our Secretary, if confirmed, to help alleviate this problem?

Why do you not start first, Mr. Young?

Mr. YOUNG. Senator, because of my work here, I am very familiar with the aircraft procurement accounts. You, sir, I am sure, and the committee are very aware that in the 1980s we bought aircraft at very high rates. Those aircraft are by definition now approaching 20 years old.

The current budget does not necessarily foresee buying aircraft at comparable rates. I think the strategic review and the QDR process will deal with the force structure issues.

But from those decisions, I look forward to, if confirmed, trying to work with the Department to increase the aircraft build rates if the force structure requirements support that, and to work with industry and the Department to try to get the costs of those aircraft under control.

Certainly, you are aware of the Joint Strike Fighter and the promise it holds. It will require continued attention to achieve those cost goals. It holds a lot of promise.

Senator WARNER. In addition, we covered at length this morning—the Secretary is right on target with his analysis on ship building. He added one ship in his proposal coming up to Congress, going from five to six.

But he pointed out that you need a minimum of nine to stop this rapid decline in the numbers of ships, which will take us well below 300 if we do not put in corrective steps. Are you aware of that problem, also?

Mr. YOUNG. Yes, sir. Senator Warner, it has been spoken of frequently. As I mentioned earlier, the review process will set the force structure, but regardless of that, I think the Secretary has articulated his expectation that we will have to have more ships than the current build rates support.

My experience in aircraft programs, I have to, if confirmed, get out to the shipyards and look at these issues. But I hope there are some opportunities to bring design tools and other production practices to the shipyards so we can do a better job of delivering ships in a timely manner and at a cost that puts them on an affordable basis.

Senator WARNER. You also heard about some of the innovations with regard to how Congress should fund these ships. Are you basically supportive of trying to explore those innovations of—in other words, we used to call it advanced procurement. We used another term this morning.

I have been associated with this issue for a very long time. We put new names and new titles, but the whole concept is to try and utilize such appropriations as are available for that fiscal year to

maximize the number of ships that we can put into the construction process. Are you open to those innovations?

Mr. YOUNG. Yes, sir, Senator. We talked to the Chairman briefly earlier. I think every acquisition strategy and technique should be on the table to try to get an affordable ship building program, where we know the costs and we can get the build rate up on ships if at all possible.

Senator WARNER. Good.

Mr. YOUNG. We just have to make sure we have the resources in the future to buy the ships. I think we both articulated that we have to have a fully funded budget, where we would like to put as many ships as the strategic review supports and the shipyards can build into that budget.

Senator WARNER. All right.

Mr. Aviles.

Mr. AVILES. Yes, Senator Warner, I would like to echo Mr. Young's remarks. We had a discussion with Senator Levin before you came back, on the subject of advanced appropriations. The discussion chiefly centered around the uncertainty associated with the advanced appropriations model, as I understand it, with respect to the availability of that out-year funding, and balance that against the uncertainty associated with a full funding mechanism as we currently use primarily for ship building; and the uncertainty there chiefly being in the inability to accurately estimate what the true costs of the vessel will be from when Congress actually provides the appropriations until the construction is actually completed.

The point that I would make is that under any scenario, there will be uncertainty associated with the true costs of the ship. Under the advanced appropriation model, the goal there is ostensibly to get more ships under construction at a given period of time.

But the bottom line is if you are going to buy more ships, it is going to cost more money no matter what financing mechanism you use. That is going to take a commitment from the administration and Congress to provide those, in addition to trying to find ways, innovative ways through technology and, or, industrial techniques to trying to reduce the cost of production of those vessels.

Senator WARNER. I thank you both.

Mr. Chairman, I will return to other questions when my time becomes available again.

Chairman LEVIN. On the financial management issues, Mr. Aviles and Mr. Montelongo, the financial management study, which was commissioned by the Secretary as part of his strategic review, concludes that the Department's current financial management systems "do not provide information that could be characterized as relevant, reliable, and timely."

Then that review said that the systems were unable to provide reliable financial and managerial data for effective decision making and management, because what has too often happened is that convoluted practices are used to make decisions in the absence of that information.

I assume that, if you are confirmed, you both would commit yourselves to address the deficiencies in the financial management systems of the respective departments. But I would be interested as

to whether you have any current ideas as to how you would go about that.

Mr. Montelongo, do you want to start?

Mr. MONTELONGO. Mr. Chairman, you bring up a very important issue and certainly one that I believe is a critical one that is facing us in the Department overall. In fact, I think that it is clearly an issue that is department-wide.

I very much look forward to working with my colleagues, my counterparts across the services, and the OSD Comptroller to support the Secretary of Defense and the Comptroller, to implement consistent budgeting and financial management practices.

One of the key components of that will be to address the improving, if you will, and upgrading of the financial management systems.

One of the areas that I am, if confirmed, very excited about and looking forward to is, again, getting with my colleagues to share best practices and adapting what we can to address this particular issue.

One of the things that I think that we certainly need to do is to look at this from an enterprise-wide perspective, beginning with developing a system architecture for the Department and then having the various services plug into that.

Chairman LEVIN. Thank you.

Mr. Aviles.

Mr. AVILES. Yes, Chairman Levin. I would like to, I guess, echo Mr. Montelongo's remarks with respect to specific changes that I would recommend for the Navy.

If I may, I would like to take that for the record. If confirmed, I will certainly be heavily involved in the development of alternatives to the status quo. But I do not have any specific recommendations at this time.

Chairman LEVIN. OK, that is fine. Thank you.

[The information referred to follows:]

This is certainly an important issue of concern for the Department of Defense. If confirmed, I look forward to working closely with the Under Secretary of Defense (Comptroller) and my counterparts in the other military departments to look at an enterprise-wide financial architecture. Integrating our financial management processes, where appropriate, will be critical to providing the visibility and accountability necessary for leaders of the Department of Defense to make effective and timely decisions.

Chairman LEVIN. Mr. Young, relative to the V–22, the Osprey, that program is at a critical juncture as a result of two fatal crashes and allegations about the falsification of maintenance data. A panel established to review the program has recommended redesign and follow-on testing for the aircraft, which would significantly delay that program.

At a recent hearing, we heard testimony that some critical safety information arising out of flight testing of that aircraft may not have been transmitted to the program manager.

Would you agree that the safety of the aircraft is a paramount consideration and we should not move to low-rate initial production until we can be confident of that safety?

Mr. YOUNG. Senator, I could not agree with you more. Safety of that aircraft and the safety of the marines that were flying it is paramount.

Chairman LEVIN. Would you, if confirmed, review the relationship between the Navy testers and the program management and revise procedures as necessary to ensure that critical safety information gets to the program manager?

Mr. YOUNG. Absolutely, Senator. I would be happy to review that and make sure there are processes in place to guarantee that information is shared appropriately.

Chairman LEVIN. Thank you.

Mr. Brown.

Mr. BROWN. Yes, sir.

Chairman LEVIN. A recent report by an Army training and leadership development panel reported that Army culture is out of balance. These are their words now: "There is friction between Army beliefs and practices. Over time that friction threatens readiness. Training is not done to standard. Leadership development and operational assignments are limited and do not meet officer expectations. Officers and their families elect to leave the service early."

Could you give us some ideas as to how you might address some of those concerns that have been raised about Army leadership and Army culture?

Mr. BROWN. Thank you, Senator. This is, indeed, a very important question. The Army has recently completed an extensive review of this subject and has come up with an extensive program of recommendations as to how to address it.

It is in the process of evaluating exactly which of these should be given the highest priority in terms of being addressed. But my understanding is the leadership is very much seized with this problem of officer retention and is forthright in its commitment to address it.

Chairman LEVIN. On a different subject, the Department considers the biological agent anthrax the most serious biological weapon threat to our military forces. The anthrax vaccine immunization program was initiated to address the threat, but a number of service members have refused to take the vaccine, although ordered to do so.

How do you believe the Department should respond to service members who refuse to take a vaccine when required to do so?

Mr. BROWN. This too is a very important topic, Mr. Chairman. I believe that the Army must uphold its good order and discipline and apply applicable regulations in this matter.

Certainly, the Army has taken measures to educate these people and try to bring about voluntary compliance. If voluntary compliance fails, then it has to resort to existing procedures for dealing with this.

Chairman LEVIN. OK.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

Mr. Montelongo, in your capacity as the financial manager for the Department of the Air Force, you will probably be tasked in part to look over the current infrastructure, base structure to advise your Secretary with regard to the possible future of another round of BRAC. Have you studied that subject at all, base closures?

Mr. MONTELONGO. No, sir, I have not studied it in any detail, but certainly that is an area we had previously talked about.

Senator WARNER. Good. I personally think, and I think the Chairman is of the same view, that we, the United States, should look at that and consider possible base closure in the near future.

But the key to the success of it is showing where there will be a savings. Those types of projections in part fall within your purview. If I may respectfully suggest that you early on get up to speed on these subjects, because you will want to advise your Secretary and be a part of the team that addresses that issue for your department and, indeed, in the Department as a whole.

Mr. MONTELONGO. Yes, sir. Indeed, I believe the Secretary, and in fact, I believe all the service secretaries have mentioned that they are concerned about excess capacity and doing what is prudent to rationalize that. I certainly will take your counsel.

Senator WARNER. Good. Well, then you will enjoy your work, and I hope that you meet with some regularity with your counterparts in the other two military departments, so you can share the experiences that each of you are having.

There are, and there should be, certain individualities to the departments. But in the area of financial management, to the extent to which you all can have some parallelism, I think it makes it easier for those of us here in Congress in our oversight responsibility to monitor the areas for which you have responsibility.

Mr. MONTELONGO. Yes, sir. If confirmed, I am very much looking forward to that.

Senator WARNER. Good. Thank you. Again, thank you for your public service.

Mr. Brown, when we had an opportunity to visit here in my office, I stressed with you the importance of overseeing the procedure by which officers are promoted, and as well as the senior enlisted, because therein is the core of the military services.

It has been my experience that all they ask for is fairness and to have uniformity; in other words, that each are treated, depending on their background and accomplishments and so forth, but there is clear understanding to guide them through their career patterns, hopefully 20 years plus.

What are the criteria by which the President and those beneath him pick officers for promotions? That procedure has to be sacrosanct. It has to be fair, and no real or perceived perception that there is anything other than fairness to every officer and senior enlisted. Do you understand that, do you not?

Mr. BROWN. Yes, Senator, and I could not agree with you more.

Senator WARNER. You basically agree. Our committee, the Chairman and I, these many years we have been together, we carefully look at the recommendations by the President, forwarded by the service secretaries for promotion. There are times when we have to give the closest examination to individual persons, because in the course of their career, they have been involved in incidents which bear upon our decision making as to whether or not we give it advise and consent favorable or withhold it for individuals. It is not an easy task.

Just this morning I dealt with one—or last night. I do not know. We work around the clock here. But we have to look at those cases.

So first, I want your commitment that you will provide Congress with information relating to those individuals where that informa-

tion could be viewed as adverse to their promotion. Even though it is a decision of the service secretary to include them on the list for promotion that comes to Congress, we must make our own separate and independent evaluation.

Now, do you commit to do that?

Mr. BROWN. Yes, Senator. I have an advisory role in this with regards to the Secretary, but I can assure you I will do all in my power to make sure that you get the information you need.

Senator WARNER. I would hope that Secretary Abell, who was on our staff for many years in the Armed Services Committee, a highly respected individual now in office over there, would early on bring together persons in your position, if confirmed, and I expect you will be, and get a uniformity among the military departments on how to keep Congress informed in a timely fashion.

There is someone in the audience who can communicate with him very quickly on that subject. [Laughter.]

Mr. BROWN. Yes, Senator.

Senator WARNER. Dr. Cambone, I hope the others here today recognize that this is an opportunity for us to discuss policy issues relating to the security interests of this nation abroad as we have one here who is eminently qualified to take on his position and who will be very integral, not only within the Department of Defense, but with his colleagues and associates and potentially the State Department, but other departments and agencies, CIA, but this committee follows very closely the policy decisions by administrations on various sections of the world.

I come to the subject of North Korea. I frankly think that former Secretary of Defense Perry, who came before this committee on the issue of his work on behalf of the previous administration towards the framework in North Korea, did a wonderful job. I hope you will familiarize yourself with his work, as you undertake yours.

I believe now our administration is going to take steps to build on that framework. Am I not correct in that, Doctor?

Dr. CAMBONE. Yes, sir.

Senator WARNER. Also, China/Taiwan is always an issue that is just beneath the surface and can flare up for various reasons.

We want to enforce the law of our land, this committee does, with respect to issues as they may arise on that theater of operations, but I urge that you spend time regularly on this subject and to hear out both sides as issues arise with regard to that sensitive part of the world.

Dr. CAMBONE. Yes, sir.

Senator WARNER. We certainly do not want to see open conflict.

Dr. CAMBONE. No, sir.

Senator WARNER. We must take every step. I have urged those both in China and Taiwan to use carefully selected, but cautious, rhetoric, because sometimes rhetoric can trigger situations.

I think the package that the President has set up for the additional arms to—we have an obligation under the law of our land to help Taiwan maintain sufficient arms by which they can protect their freedom and democracy.

Dr. CAMBONE. Yes, sir.

Senator WARNER. Likewise India/Pakistan, almost like a volcano, it is quiet and then it will flare up. Therein are weapons possessed

by both that can spread any conflict way beyond the geographic boundaries of those countries.

Likewise, we see Indonesia, a very sensitive situation in Indonesia right now. We have to monitor that. I think the administration has recently decided to restore some military-to-military contact with Indonesia.

There is always risk associated with that. But I think history has shown through the years that our Nation is reaching out to young officers who some day become heads of state and government, reaching out so that they can learn and understand the fundamentals of democracy that is in our Nation, even though it is not practiced in their homelands.

Human rights, how we treat that subject here in our Nation gives them some incentive, I think, to go back to their respective nations and work to achieve many of the things that we have in this country and all too often take for granted.

I wonder if you have any comment on any of those four regions that you wish to put in today's record.

Dr. CAMBONE. It is quite a list, sir. I would first like to say that I am grateful for your wise counsel on this. All four of those regions are, as you suggest, subject to eruptions sometimes unpredictably.

As you well know, the administration has decided to build on the work on North Korea.

The China/Taiwan issue, as you say, is one that is volatile and can be affected by the way in which we talk about it. Therefore, if confirmed, I will take your sound advice on being very careful on how one speaks to that.

India and Pakistan continue to evolve and will continue to evolve in ways that we need to be careful to monitor and not to unconsciously and inadvertently incite one side or the other to do things.

Your words on the training of foreign officers, whether it be Indonesia or any other country, are well placed.

During my time at the National Defense University, I ran into many a chief of staff for foreign countries who had had the opportunity to train in one fashion or another with the United States troops and to, in fact, be educated here in the United States.

That is a very valuable part of our outreach programs and of our military-to-military contacts, and something that we need to continue with, with some vigor.

Senator WARNER. I thank you very much, Dr. Cambone.

Chairman LEVIN. Dr. Cambone, I believe you were the Staff Director of the Commission to Assess the Ballistic Missile Threat to the United States.

Dr. CAMBONE. I was, sir.

Chairman LEVIN. Now, did that commission make any recommendation relative to deployment of a ballistic missile defense?

Dr. CAMBONE. No, sir, it did not.

Chairman LEVIN. Just one other last question for Mr. Brown. We just received a report from the Inspector General of the DOD concluding that the Army has not yet fully incorporated the Gulf War nuclear, biological, and chemical lessons learned, which were identified by the Office of the Special Assistant for Gulf War Illnesses, Medical Readiness, and Military Deployments into its doctrine,

training, organizational structure, leadership development, material policies. So are you familiar with that report?

Mr. BROWN. No, Mr. Chairman, I am not familiar with the report.

Chairman LEVIN. OK. Would you become familiar with it on your confirmation and make the implementation of these lessons learned a high priority for the Department?

Mr. BROWN. If confirmed, I will definitely do that.

Chairman LEVIN. Thank you, all. I also want to thank your families and particularly, if I can single out your children. They have been absolutely wonderful observers here, incredibly patient. I wish I were as well behaved at their age, as they are. They are real testaments to their parents.

We congratulate you all and, again, thank your families for the support which they have given you.

We will stand adjourned.

[Whereupon, at 12:01 p.m., the hearing was adjourned.]

[Prepared questions submitted to Dionel M. Aviles by Chairman Levin prior to the hearing with answers supplied follow:]

JUNE 21, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

DIONEL M. AVILES.

cc: Senator John Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than 10 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes. The establishment of the combatant commands, the delineation of responsibilities, and most importantly, the focus on joint service operations and integration outlined in the Department of Defense Reorganization Act of 1986 has enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. I believe these reforms have been accepted and implemented. They have clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Service Chiefs and the Combatant Commanders. As a result of these reforms, the effectiveness of our joint warfighting forces has improved.

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

Answer. I consider the most significant value of these reforms to be an improvement in joint warfighting capabilities. I believe our military is now stronger and more effective because the our services can work better together.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to

contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate?

Answer. I am unaware of any current proposals to amend the Goldwater-Nichols Act. If confirmed, I will work with the Secretary of the Navy to determine the requirement for any legislative proposals.

Question. If so, what areas do you plan to address in these proposals?

Answer. As I am unaware of any legislative proposals, it would be premature to offer any thoughts on the question at this time.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy (Financial Management)?

Answer. If confirmed, I will be responsible for advising the Secretary of the Navy on financial management matters and for directing and managing all financial activities and operations of the Department of the Navy. I will also be responsible for supervising the Naval Center for Cost Analysis, which performs independent cost analysis and cost estimating functions for the Secretary of the Navy.

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

Answer. I believe my background makes me qualified to serve in the capacity as Assistant Secretary of the Navy (Financial Management and Comptroller). I have worked on many different aspects of defense programs and have gained a thorough understanding of the Department of Defense, executive branch and congressional budget process. Having served as a budget examiner in the Office of Management and Budget and as a Professional Staff Member on the House Armed Services Committee, I believe that, if confirmed, I would bring a solid foundation from which to advise effectively the Secretary of the Navy on financial management matters.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Navy (Financial Management)?

Answer. While I have relevant experience relevant to the position, education is a life long and continuing process. If confirmed, I will continue to learn as much about the position and the issues and challenges facing the Department of the Navy so that, if confirmed, I will be better able to carry out the duties more about the Department and the duties of the Assistant Secretary of the Navy (Financial Management and Comptroller).

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

Answer. If confirmed, I will be responsible to Secretary England for overall financial management issues and Department of the Navy resources. I will also be charged with carrying out the responsibilities pursuant to 10 U.S.C. § 5025.

Question. In carrying out your duties, how will you work with the Secretary of the Navy; the Under Secretary of the Navy; the Under Secretary of Defense (Comptroller); and the Assistant Secretaries of the Army and the Air Force for Financial Management?

Answer. If confirmed as the Assistant Secretary of the Navy (Financial Management and Comptroller), I will be the principal assistant and advisor to the Secretary of the Navy on fiscal and budgetary matters. The Assistant Secretary (Financial Management and Comptroller) also performs such other duties as the Secretary may prescribe.

If confirmed as the Assistant Secretary of the Navy (Financial Management and Comptroller), I will be the principal assistant and advisor to the Under Secretary of the Navy on fiscal and budgetary matters. The Assistant Secretary (Financial Management and Comptroller) also performs such other duties as the Under Secretary may prescribe.

In the role of Assistant Secretary of the Navy (Financial Management and Comptroller), I will, if confirmed, work closely with the Under Secretary of Defense (Comptroller) in the development and execution of the budgetary and fiscal policies

and initiatives of the President, the Secretary of Defense, and the Secretary of the Navy.

If confirmed, I will work closely with the Assistant Secretaries of the Army and Air Force for Financial Management and Comptroller to support the efforts of the Secretary of Defense and the Under Secretary of Defense (Comptroller) to develop a productive working relationship and implement consistent budgeting and financial management policies as appropriate.

CIVILIAN AND MILITARY ROLES IN THE NAVY BUDGET PROCESS

Question. What will the division of responsibilities be between the Assistant Secretary of the Navy (Financial Management) and the senior military officer responsible for budget matters in the Navy's Financial Management office (the Director of the Office of Budget and Fiscal Management) in making program and budget decisions including the preparation of the Navy Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. If confirmed as the Assistant Secretary of the Navy (Financial Management and Comptroller), I will have the responsibility and the authority for all budget matters within the Department of the Navy. The Naval officer who serves as the Director of the Office of Budget will serve under my direct supervision and will be responsible to me for the formulation, justification, and execution of the Navy budget.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Assistant Secretary of the Navy (Financial Management)?

Answer. I am not completely aware of all the challenges that will face the next Assistant Secretary of the Navy (Financial Management and Comptroller), but I believe that providing adequate resources for the Navy's warfighting priorities and ensuring the availability of accurate, reliable and timely financial management information will be significant challenges. If confirmed, I will evaluate these challenges and attempt to address them.

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

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller), the Secretary of the Navy, the Chief of Naval Operations and the Commandant of the Marine Corps to ensure that sufficient resources are allocated for warfighting priorities and efforts to ensure the availability of useful financial management information are undertaken.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Navy (Financial Management)?

Answer. I believe the availability of accurate, reliable and timely financial information is perhaps the most serious issue today in the performance of the duties of the Assistant Secretary of the Navy (Financial Management and Comptroller). I am concerned that financial management systems may not consistently provide needed information.

Question. What management actions and time-lines would you establish to address these problems?

Answer. If confirmed, I will study this issue and then develop actions and timelines, as appropriate.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy (Financial Management)?

Answer. If confirmed, my broad priorities will include improving the quality of financial management information for both budget formulation, budget execution and day-to-day decision making. Another priority will be modernization of financial management systems and processes to ensure that accurate information is available in a timely manner.

ADVANCE BILLING

Question. In recent years the Navy has had to resort to advance billing of customers for industrially funded work in order to keep cash in its working capital funds above minimum levels more frequently and extensively than the other military departments.

What are your views on the practice of advance billing and what is your assessment of the Navy's ability to manage the cash balance of its working capital fund?

Answer. Generally, working capital funds are designed to ensure sufficient funds are available to cover the cost of operations. The practice of advance billing, the billing of customers in advance of the provision of goods or services, should only be used under exceptional circumstances. If confirmed, I will review current processes and the Department of the Navy's ability to manage the cash balances of the working capital fund.

BUDGETING FOR FLYING HOUR COSTS

Question. In recent years both the Navy and the Air Force budgets have consistently underestimated the cost of carrying out their planned training for aviation units, that is, their flying hour costs. The most frequently cited reasons for this are the increasing hourly cost to operate older aircraft and a budget process that does not adequately project and budget for likely cost increases above the most recent data on actual costs incurred.

What are your views on the reasons for the consistent underfunding of flying hour costs and the steps that should be taken to correct it?

Answer. I do not have adequate experience to comment on reasons for underfunding of flying hour costs. If confirmed, it will be my intention to work with appropriate Department of the Navy staff to ensure readiness requirements are adequately identified.

NAVY-MARINE CORPS INTRANET

Question. Last year Congress became concerned that the Navy was embarking on a major acquisition program, the Navy-Marine Corps Intranet (NMCI), for which no funds were identified in the budget and with no adequate process in place to identify to Congress how funds appropriated for other programs would be used to fund this program.

If confirmed, will you ensure that the future Navy budgets identify the funding needed for this program?

Answer. If confirmed, it will be my intention to ensure visibility of the funding for this program in the Department's budget.

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and initiatives the Department and its components are undertaking to correct these deficiencies, financial data continues to be unreliable.

What do you consider to be the top financial management issues to be addressed by the Department of the Navy over the next 5 years?

Answer. I believe one of the top financial management issues of the Department of the Navy, or indeed any of the services, is the need for consistent, accurate, and timely financial information for decision makers. To provide accurate information, the Department of the Navy must have financial management systems that are both capable of producing this information and are compliant with Federal standards and controls. To support the timely delivery of this information, the Department must have a reliable, technologically sound infrastructure that links either transaction-level or aggregated information to the decision maker. If confirmed, I will make this a goal.

Question. How do you plan to provide the needed leadership and commitment necessary to ensure results and improve financial management in the Department of the Navy?

Answer. If confirmed, I intend to make the improvement of financial management in the Department of the Navy, particularly in terms of the quality and timeliness of financial information, one of my highest priorities. I intend to enlist the support of appropriate personnel to accomplish this.

Question. What are the most important performance measurements you would use to evaluate changes in the Department of the Navy's financial operations to determine if its plans and initiatives are being implemented as intended and its anticipated results are being achieved?

Answer. If confirmed, I will enlist the support of senior Department of the Navy leadership to establish logical, useful, and relevant performance measures. This effort would be designed to ensure the necessary auditing conditions of completeness, existence, and proper valuation are achieved—resulting in consistent, accurate, and timely information for decision makers.

COMPLIANCE WITH CHIEF FINANCIAL OFFICERS ACT

Question. The Chief Financial Officers Act requires the annual preparation and audit of financial statements for Federal agencies. However, the DOD Inspector General and GAO's financial audit results have continually pointed out serious internal control weaknesses concerning hundreds of billions of dollars of material and equipment, as well as billions of dollars of errors in Department's financial records.

In your view, is the Navy capable of meeting the requirements imposed by the Chief Financial Officers Act? If not, please describe the actions you think are necessary to bring the Navy into compliance and the extent to which such actions are the responsibility of the Assistant Secretary of the Navy (Financial Management) or other officials in the Department of the Navy or the Department of Defense.

Answer. I understand the Department of the Navy is not currently able to meet the requirements imposed by the Chief Financial Officers Act. If confirmed, one of my top priorities will be to take necessary actions to ensure that the Department of the Navy meets the requirements of the Chief Financial Officers Act consistent with the goals set forth by the Under Secretary of Defense (Comptroller). It would be premature for me to comment on the actions necessary until I, if confirmed, have an opportunity to assess fully the current situation.

STANDARDIZATION WITHIN THE DEPARTMENT OF DEFENSE

Question. Many of the financial management initiatives currently underway within the Department of Defense are centrally controlled by the Office of the Secretary of Defense, and most observers believe that financial management practices should be standardized throughout the Department of Defense to the maximum extent possible.

What role do you believe the military departments should have in the decision-making process when DOD-wide financial management decisions are made?

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller) and the Secretary of the Navy in the decision-making process to ensure the Department of the Navy's perspective is considered in the decision making process affecting financial management issues.

Question. What are your views on standardizing financial management systems (including hardware and software) and financial management practices across the Department of Defense?

Answer. I fully support standardization where it makes sense to do so. The vastness of the information technology infrastructure of the Department of Defense and the Department of the Navy and the many internally and externally driven initiatives being undertaken to improve financial management may not lend themselves to a "one size fits all" solution in all cases. What is important is for the financial and feeder systems, as well as financial management practices and processes, to provide desired information accurately and consistently.

Question. Are there areas where you believe the Department of the Navy needs to maintain unique financial management systems?

Answer. It would be premature for me to provide comment on any one specific area within the Department of the Navy where unique systems may be appropriate. However, as I mentioned above, a "one size fits all" approach to standardization of systems and practices may not make good business sense in some situations.

RESPONSIBILITY FOR ACCURACY OF FINANCIAL DATA

Question. When the Department of Defense, through the Under Secretary of Defense (Comptroller) or the Defense Finance and Accounting Service, prepares financial or budget information for submission to the Office of Management and Budget or Congress, who will be responsible for the accuracy of such information concerning the Navy?

Answer. If confirmed, I will be responsible for the accuracy of the Department of the Navy's finance, budget and accounting information provided to the Department of Defense and the Office of Management and Budget.

Question. Who will be responsible for ensuring that the financial management and accounting systems of the Department of the Navy have the interfaces and internal controls needed to produce timely and accurate financial information?

Answer. If confirmed, it will be my responsibility to ensure that the financial management and accounting systems of the Department of the Navy have the interfaces and internal controls needed to produce timely and accurate financial information.

FINANCIAL MANAGEMENT TRAINING

Question. In response to the Defense Acquisition Workforce Improvement Act of 1991, DOD has taken action directed at improving the professionalism of its acquisition workforce. This was brought about as a result of the need to better ensure that DOD's acquisition workforce was well-versed in the rapidly changing technical skills needed to keep abreast of acquisition trends. A key part of the effort to upgrade the professionalism (technical currency) of DOD's acquisition workforce was the requirement that each acquisition official receive a minimum of 80 hours of continuous learning every 2 years. While DOD has stated that this should be a goal for financial management personnel, it has not made it a requirement because of uncertainties over whether necessary funding would be available.

What are your views on the merits of establishing a requirement that all Navy financial management personnel receive a minimum of 80 hours of continuous learning every 2 years?

Answer. The field of financial management requires a high level of technical proficiency and currency. If confirmed, I will encourage Department of the Navy financial management professionals to pursue on-going training opportunities through available certification programs and other professional training programs.

Question. If confirmed, what actions would you take to ensure that the Navy's financial management personnel keep abreast of emerging technologies and developments in financial management?

Answer. If confirmed, I intend to work with the Under Secretary of Defense (Comptroller) and the Secretary of the Navy to ensure that the Department of the Navy's financial management workforce is adequately trained. I will encourage Department of the Navy financial management personnel to take advantage of career planning and the existing financial management professional development opportunities.

PPBS

Question. Recently, a commission, which included a number of former Defense officials and former Comptroller General Bowsher, asserted that the Department's Planning, Programming, and Budgeting System (PPBS) is no longer functioning effectively.

What are your views on the PPBS process? Are there any changes that you would recommend?

Answer. I believe that the planning, programming, and budgeting process must facilitate top-level decision making efforts and address major resource issues. If confirmed, I will work with the Under Secretary of Defense (Comptroller) and the Secretary of the Navy to evaluate the sufficiency of the current system and make recommendations for improvement if warranted. I do not currently have any changes which I would recommend.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

Question. If confirmed as Assistant Secretary of the Navy (Financial Management and Comptroller), what would your responsibilities be with respect to the requirements of the GPRA to set specific performance goals and measure progress toward meeting them?

Answer. Both the Secretary of the Navy and the Secretary of Defense have made it clear that they want the Department to operate more like a business and to do so requires the establishment of performance-based measures and metrics. If confirmed, I will support this effort.

Question. What additional steps can the Navy take to fulfill the goals of the GPRA to link budget inputs to measurable performance outputs?

Answer. If confirmed, it will be my intent to support the development of meaningful performance metrics and integrate them into the budgeting and decision making process.

INCREMENTAL FUNDING

Question. In your view, what are the likely benefits or advantages of incremental funding of naval vessels?

What are the likely costs or disadvantages of such funding?

How do you weigh these competing costs and benefits and what approach do you believe the Navy should take toward incremental funding of naval vessels?

Answer. The Secretary of Defense has testified before the Senate Armed Services Committee that, he believes in his personal view, we are probably not procuring enough ships for the Navy and we should be procuring more ships. Careful consider-

ation should be given to innovative alternate methods of financing shipbuilding, such as incremental funding, while seeking to ensuring the Navy gets the best value for each investment dollar spent. If confirmed, I will evaluate the potential advantages and disadvantages of investment financing proposals and make appropriate recommendations to the Secretary of the Navy. I look forward to working with the committee on this matter.

ADVANCE APPROPRIATIONS

Question. If such an approach were to be available in the future, what criteria should the Navy use in seeking advance appropriations for a program?

What do you believe would be the strengths and weaknesses of funding ships using advance appropriations?

Have you seen any objective analysis of alternative shipbuilding funding mechanisms that demonstrate that advance appropriations would result in lowering unit costs of ships and/or be preferable to using multi-year procurement or any other approach?

Answer. The Secretary of Defense has stated that he believes we should be procuring more ships. Careful consideration should be given to innovative methods of financing shipbuilding while seeking to get the best value for the money. I look forward to working with the committee on this matter. The Secretary of Defense has testified before the Senate Armed Services Committee that, in his personal view, we are probably not procuring enough ships for the Navy. Careful consideration should be given to alternate methods of financing shipbuilding, such as advance appropriations, while ensuring the Navy gets the best value for each investment dollar spent. If confirmed, I will evaluate the potential advantages and disadvantages of investment financing proposals and make appropriate recommendations to the Secretary of the Navy.

SAVINGS FROM COMPETITION

Question. The Navy and other military departments have substantially increased the number of public-private competitions in recent years in order to achieve greater efficiency and effectiveness while reducing costs. Studies have shown that the military departments save money regardless of which side wins the competition.

Do you believe that decisions on whether to outsource work currently performed by government civilians should be made through public-private competition?

Answer. If confirmed, I will work with the Department of Defense and the Department of the Navy staff to evaluate the effectiveness of public-private competitions.

Question. What steps should the Navy undertake to measure the actual savings achieved after such competitions?

Answer. If confirmed, I will review the metrics currently in place to measure savings achieved from competition and determine what could be done to improve visibility of these savings.

Question. What are your views on the practice of including "funding wedges" in the budget that anticipate savings from public-private competition or other efficiencies prior to those savings actually being achieved?

Answer. Outyear "funding wedges" in a budget are estimates that represent current policy assumptions. If confirmed, I will evaluate the use of such "funding wedges" in the budget.

WORKING CAPITAL FUNDS

Question. Are there any changes you would recommend to the policies governing working capital funds in the Department of the Navy?

Answer. If confirmed, it would be my intention to carefully review the policies associated with the working capital fund and determine what, if any, changes would be desired.

Question. Do you believe the scope of activities funded through the working capital funds should be increased or decreased?

Answer. If confirmed, I will review the scope of activities funded through the working capital fund.

Question. The Navy has established a pilot program at the Pearl Harbor Naval Shipyard. The primary purpose of this pilot program is to increase efficiency by combining the military and civilian maintenance workforces more closely. This pilot program also moved the shifted funding for maintenance at this shipyard from the working capital fund via direct appropriations.

What are your views on removing depot maintenance for some or all of the public depots from the working capital funds?

Answer. It would be premature for me to comment on removing depot maintenance for some, or all, of the public depots from the working capital fund. If confirmed, I will review the appropriateness of financing methods for various activities.

OVERSIGHT OF SPECIAL ACCESS PROGRAMS

Question. As the Assistant Secretary of the Navy (Financial Management), will you be responsible for the financial management of special access programs in the Navy?

Answer. If confirmed, yes. Yes. It is my understanding that the Assistant Secretary of the Navy for Financial Management is responsible for oversight of the financial management structure for Department of the Navy special access programs.

Question. Are you satisfied with the oversight standards for the financial management of special access programs? Are these standards as stringent as those for other programs?

Answer. I am not fully aware of the oversight standards for special access programs. If confirmed, I will review these standards and examine this area.

Question. Does the Office of the Assistant Secretary of the Navy (Financial Management) have sufficient cleared personnel and authority to review special access programs?

Answer. I am not aware of the status of cleared personnel. If confirmed, I will review these requirements.

LEGISLATIVE LIAISON RESPONSIBILITY

Question. Under the current organization of the Navy, legislative liaison functions affecting congressional appropriations committees are performed by officers under the supervision and control of the Navy Comptroller.

If confirmed, what would be your relationship with the Chief of Legislative Affairs regarding budgetary and appropriations matters?

Answer. If confirmed, I would work closely with both the Chief of Legislative Affairs, as well as the Head, Navy Appropriations Matters Office on all matters germane to Congress.

Question. What requirements or procedures, if any, would you put into place, if confirmed, to ensure that financial information is made available on an equal basis to authorization committees?

Answer. If confirmed, it would be my intention to work with both sides of the Department of the Navy legislative liaison organizations to ensure financial management information is made available to the appropriate congressional committees.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. As you may be aware, my colleague, Senator Byrd, has been very critical of the Department's financial management system. I am in full agreement with his assessment and hope that you and your counterparts will bring a new perspective on how to fix the system.

Since you have had exposure to the financial management system during your tenure on the House Armed Services Committee, do you have any specific recommendations for improving the current financial management system?

Mr. AVILES. I am aware of the criticism. This is an area that the Secretary of Defense and the Secretary of the Navy have listed as a top management priority, but the issue is more related to how the total enterprise is managed, rather than just the financial management system.

Reengineering and integrating our business processes, where appropriate, will be critical to providing the visibility and accountability necessary to achieve the goal of clean, auditable financial statements.

As the Secretary of the Navy's principal advisor on financial matters, if confirmed, I will work closely with the Under Secretary of Defense (Comptroller) and my counterparts in the other Military Departments to address these challenges.

2. Senator THURMOND. The Department of Defense has established 2010 as the goal to improve the quality of family housing. The principle vehicle to achieve this goal is the housing privatization initiative, which leverages private sector money to renovate and build military family housing.

How do you evaluate the cost effectiveness of the privatization program?

Mr. AVILES. I would measure the cost effectiveness using a total life cycle cost comparison between the cost of government ownership, as in a traditional family housing project, and any privatization proposal. In making such a comparison I would also try to take into consideration less quantifiable factors such as likely customer satisfaction.

[The nomination reference of Dionel M. Aviles follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Dionel M. Aviles of Maryland, to be Assistant Secretary of the Navy, vice Deborah P. Christie, resigned.

[The biographical sketch of Dionel M. Aviles, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DIONEL M. AVILES

Dionel Aviles is currently a Professional Staff Member on the House Armed Services Committee for defense budget and financial management, Navy procurement, and Merchant Marine issues.

Mr. Aviles was an Examiner at the Office of Management and Budget from 1991 to 1995. Before that, he was an Engineer at the Naval Sea Systems Command from 1990 to 1991. From 1988 to 1991 he was a Support Engineer with Advanced Technology, Inc. He served in the U.S. Navy from 1983 to 1988 as a Surface Warfare Officer in various positions in both the operations and weapons departments.

Mr. Aviles has earned a B.S. degree from the U.S. Naval Academy in 1983 and an M.B.A. from George Washington University in 1993.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Dionel M. Aviles.

2. **Position to which nominated:**
Assistant Secretary of the Navy (Financial Management and Comptroller).

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
January 23, 1961, Bryan, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to the former Kimberly Lee Corbin.

7. **Names and ages of children:**
Thomas William Aviles (4 years old).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
George Washington University, 1991 to 1993, Master of Business Administration, December 1993.
University of Maryland, 1989 to 1990, no degree granted.
U.S. Naval Academy, 1979 to 1983, Bachelor of Science, Mechanical Engineering, May 1983.
Texas A&M University, 1978 to 1979, no degree granted.
Satellite High School, Satellite Beach, Florida, 1975 to 1978, High School Diploma.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Professional Staff Member, U.S. House of Representatives, Committee on Armed Services, Rayburn House Office Building, Washington, DC 20515. March 1995 to Present.
Budget Examiner, Executive Office of the President, Office of Management and Budget, Washington, DC 20503. April 1991 to February 1995.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Engineer, Department of the Navy, Program Executive Officer for Cruise Missiles and Unmanned Aerial Vehicles, Naval Air Systems Command, Arlington, VA 20361. January 1990 to April 1991.
Naval officer, U.S. Navy, 1983 to 1988, U.S. Naval Reserve, 1988 to present.

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

None.

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

U.S. Naval Academy Alumni Association (1983–present), 247 King Street, Annapolis, MD 21402; (410) 263–4448. Life Member—no offices held.

Our Lady of the Fields Catholic Church (1995–present), 1070 Cecil Avenue, Millersville, MD 21108; (410) 923–3133. Parishoner—no offices held.

Republican Party (1979–present), c/o Republican National Committee, 310 First Street, SE, Washington, DC 20003; (202) 863–8500. Member—no offices held.

National Rifle Association (1993—present), 11250 Waples Mill Road, Fairfax, VA 22030; (800) 672–3888. Life Member—no offices held.

Navy Federal Credit Union (1979–present), P.O. Box 3000, Merrifield, VA 22119–3000; (703) 255–8760.

Anne Arundel Fish and Game Conservation Association (1993–present), P.O. Box 150, Arnold, MD 21146; (410) 757–6800. Member—no offices held.

United Services Automobile Association (1982–present), 9800 Fredericksburg Road San Antonio, TX 78288; (800) 531–8111. Member—no offices held.

Society of American Military Engineers (1988–present), 607 Prince Street Alexandria, VA 22314; (703) 549–3800. Member—no offices held.

Reserve Officers Association (1995–present), One Constitution Avenue, NE Washington, DC 20002; (202) 479–2200. Life member—no offices held.

13. **Political affiliations and activities:**

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

None.

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

Member of the Republican party. No offices held or services rendered during the last 5 years.

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

Bush for President Campaign (1999)—$1,000; Bush Gubernatorial Reelection Campaign (1998)—$500.

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

Navy Commendation Medal (2 awards).

Navy Achievement Medal (2 awards).

National Defense Service Medal.

Navy Expert Pistol Medal.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

DIONEL M. AVILES.

This 18th day of June, 2001.

[The nomination of Dionel M. Aviles was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Reginald Jude Brown by Chairman Levin prior to the hearing with answers supplied follow:]

JUNE 21, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

REGINALD J. BROWN.

cc: Senator John Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

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

Answer. I believe these reforms have been fully implemented and that they have greatly clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs. The effectiveness of our joint warfighting forces, especially with respect to communication, interoperability, training, and joint operations, has improved as a result of these reforms.

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

Answer. In my view Goldwater-Nichols defense reforms initiated a cultural change within the military services that reflected an emerging understanding of the importance of joint training and joint operations in defense preparedness and modern warfare. Key aspects of those reforms include strengthening civilian control, and streamlining the operational chain of command, improving efficiency in the use of defense resources, improving the military advice provided to the National Command Authorities, and joint officer management.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I am unaware of any proposals to amend Goldwater-Nichols. If confirmed, I will be in position to better understand and assess whether such proposals would be warranted. The implementation of the Goldwater-Nichols reforms has enhanced the ability of the services to act quickly and jointly.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. I understand that my principal duty, if confirmed, will be the overall supervision of manpower and Reserve component affairs within the Department of the Army.

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

Answer. I believe that my military background and diverse experience in the private sector have prepared me to meet the challenges of this office. After graduating from West Point, I served for over 10 years as a regular Army officer, including tours of duty in Vietnam and post-war Korea. In civilian life, I was the Associate Director of the Defense Manpower Commission and Executive Director of the President's Commission on Military Compensation. Service on these Commissions has given me an excellent perspective on enduring manpower issues relating to recruitment, retention, force structure, and utilization. As Director of Administration in two private sector firms, I have had responsibility for human resources programs in the private sector. I believe that my diverse experience and knowledge of human resources issues will enable me, if confirmed, to effectively discharge the duties of this important position during this period of transformation.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. I believe that I have the requisite experience, knowledge, and leadership to serve in this position. If confirmed, I will extensively study the vast array of issues that I would be responsible for as the Assistant Secretary of the Army for Manpower and Reserve Affairs.

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

Answer. If confirmed, I believe the Secretary of the Army will prescribe specific duties for me that are consistent with my background and experiences and that will support his efforts to ensure that the Department of the Army successfully accomplishes the many demanding and varied missions entrusted to it.

Question. In carrying out your duties, how do you expect to work with the following: the Under Secretary of Defense for Personnel and Readiness; the Assistant Secretary of Defense for Force Management Policy; the Assistant Secretary of Defense for Reserve Affairs; the Assistant Secretary of Defense for Health Affairs; the Army Deputy Chief of Staff for Personnel; and the Chief, Army Reserve.

Answer. Acting on behalf of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness performs responsibilities that require, from time to time, the issuance of guidance to the military departments. If confirmed, I will communicate openly and directly with the Under Secretary of Defense for Personnel and Readiness in articulating the views of the Department of the Army. I will work closely with the Under Secretary of Defense for Personnel and Readiness to ensure that the Department of the Army is administered in accordance with the guidance and direction issued by the Office of the Secretary of Defense.

The Assistant Secretary of Defense for Force Management Policy has functional responsibilities that require, from time to time, the issuance of force management guidance to the military departments. If confirmed, I will establish a close, professional relationship with the Assistant Secretary of Defense for Force Management Policy and will communicate openly and directly in articulating the views of the Department of the Army and in ensuring that the Department of the Army is administered in accordance with the guidance promulgated by the Office of the Secretary of Defense.

The Assistant Secretary of Defense for Reserve Affairs has functional responsibilities that require, from time to time, the issuance of Reserve component guidance

to the military departments. If confirmed, I will establish a close, professional relationship with the Assistant Secretary of Defense for Reserve Affairs and will communicate openly and directly in articulating the views of the Department of the Army and in ensuring that the Department of the Army is administered in accordance with the guidance promulgated by the Office of the Secretary of Defense.

The Assistant Secretary of Defense for Health Affairs has functional responsibilities that require, from time to time, the issuance of health affairs guidance to the military departments. If confirmed, I will establish a close, professional relationship with the Assistant Secretary of Defense for Health Affairs. I will communicate openly and directly in articulating the views of the Department of the Army and in ensuring that the Department of the Army is administered in accordance with the guidance promulgated by the Office of the Secretary of Defense.

The Deputy Chief of Staff for Personnel formulates, manages, evaluates, and executes military personnel plans and programs for the Army for peacetime, contingency, and wartime operations. If confirmed, I will establish a close, professional relationship with the Deputy Chief of Staff for Personnel. I will communicate with him directly and openly as he performs his prescribed duties. I would expect that the Deputy Chief of Staff for Personnel and I would work together as a team on a daily basis.

The Chief, Army Reserve is the principal advisor to both the Secretary of the Army and the Chief of Staff of the Army. The Assistant Secretary of the Army for Manpower and Reserve Affairs is the Secretary of the Army's designated Secretariat agent for dealing with Reserve matters relating to the Department of the Army. If confirmed, I will establish a close, professional relationship with the Chief, Army Reserve. I will communicate with him directly and openly as he performs his prescribed duties.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. The Department of the Army continues to face challenges manning the force. If confirmed, that will be a top priority for me. Training, quality of life, and Army integration will also be priorities. I cannot emphasize enough that the Army's people will always be my top priority.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. In my view, the fundamental challenge facing the Assistant Secretary of the Army for Manpower and Reserve Affairs is to man the force to meet the challenges of the 21st century and Army transformation. I view recruiting and retaining the right men and women as a major challenge in the Army's drive to maintain readiness. While the Army continues to attract and retain high-quality recruits, challenges are still there, not the least of which is a robust economy with low unemployment. Similarly, retaining the right caliber of soldier in the appropriate grades and skills is becoming increasingly difficult, due, in part, to the increased frequency of deployments and the availability of private-sector opportunities.

I believe a second major challenge is to ensure the well-being of the entire Army team, including active, Reserve, Guard, retirees, and veterans and the civilian workforce, and all family members. Ensuring the well-being of the team contributes to the four key institutional outcomes of performance, readiness, retention, and recruiting.

Finally, among the major challenges I would face, if confirmed, is the need to foster and maintain an environment in which soldiers and civilian employees, regardless of gender, have a work environment free of discrimination and harassment, have assignments and advancement systems that, while responsive to the needs of the Army, are based on individual qualifications and performance, and have an equitable opportunity to succeed.

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

Answer. If confirmed, I will forthrightly address these issues to ensure we are doing what we must. I will candidly assess our recruiting and retention posture and do my best to ensure we are not bearing unacceptable risk in these areas. I understand the importance of well-being programs for all of our people (active, Guard, Reserve, civilians, retirees, veterans, and families) and will work to initiate or enhance programs of the type and quality most likely to support the Army's recruiting and

retention needs. I will work closely with the entire Defense community to link all the legacy programs to the well-being campaign plan. Legacy programs, such as Morale, Welfare and Recreation, family programs, and other Quality-of-Life programs will be integrated into the campaign. Finally, if confirmed, I will work to ensure that all of our people are treated with respect and dignity.

Question. What do you consider the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Manpower and Reserve Affairs?

Answer. In addition to recruiting and retention, which I have discussed above, at this time, I consider continuing to improve the state of relations between the active component and the Reserve component as a primary goal. Over the past few years there has been dramatic improvement in this area, but there is still much to do to enhance active component/Reserve component integration.

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

Answer. I cannot at this time, specify a timetable or specific management action for addressing these matters. I know that, in each case, there are already actions underway that are intended to address these issues. It is my intention, if confirmed, to focus immediately on these matters, to review those actions that are underway, and to join with the other civilian leaders and with my counterparts in uniform to resolve them to the best of my ability.

OFFICER MANAGEMENT ISSUES

Question. We consider promotions to general officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values.

Do you believe the officer corps has confidence in the integrity of the officer promotion system in the Army?

Answer. Yes. Although some will always question the end-product, I believe that by and large the officer corps understands the rigor and fairness of the promotion board process.

Question. What role would you, as ASA M&RA, expect to play in the officer promotion system?

Answer. If confirmed, I see myself as the Army Secretariat official principally responsible for developing and overseeing the implementation of promotion policies that comply with the applicable statutes, Department of Defense directives, and Army regulations, and the principal adviser to the Secretary of the Army on these matters.

Question. What role would you, as Assistant Secretary of the Army for Manpower and Reserve Affairs, expect to play in the general officer management nomination process?

Answer. Again, if confirmed, I see myself in a policy making and advisory role within Army Secretariat.

Question. If confirmed, what steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general officer rank?

Answer. If confirmed, I will review the current system to ensure that it is fair and advancing the most highly qualified officers. I also intend to work closely with the Deputy Chief of Staff for Personnel to ensure that we are implementing our system to meet these goals. If confirmed, I will also advise the Secretary of the Army as appropriate.

Question. A recent study by the Army Training and Leader Development Panel concluded that the Army culture is out of balance and that there is widespread dissatisfaction among junior officers. Complaints about micro-management, diminished well-being, unbalanced life, the officer evaluation system, not training to standards, among others, raised serious questions about the morale of junior officers and the efficacy of efforts to improve the attractiveness of continuing service.

What are your views about the validity and implications of this study?

Answer. Since the Army Training and Leader Development Panel findings were based on over 13,000 survey responses, the validity of the report must be respected. Currently, it is my understanding that the Army has an Implementation Process Action Team reviewing the 84 recommendations included in the panel report. The team is determining the implementation processes, as well as, the resourcing implications of each recommendation. The implications of the study are fairly straightforward. The senior leaders of the Army, civilian and military, must do what is necessary to fulfill the commitments we make to our young leaders. We must strive to provide them the requisite command climate and operating environment that al-

lows them to develop skills within their chosen career fields, while providing a just opportunity for advancement.

Question. If confirmed, how would you address the issues raised by the panel?

Answer. The issues raised by the report are important. Some are serious policy issues. Some are simply a matter of leaders practicing effective leadership. If confirmed, I will address the policy issues at the Secretariat level, in coordination with the Army Staff, to find the correct implementation process.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will be vigilant in ensuring that military members whose actions are protected by the act are not subject to reprisals or retaliation. I also understand that the current Department of the Army practice is to brief the requirements of the act to all prospective commanding officers and executive officers. If confirmed, I will ensure that emphasis on the act in the formal Army training courses will continue.

OPERATING TEMPO

Question. The services have been very concerned in recent years about the impact of the pace of operations, or OPTEMPO, on the quality of life of our people in uniform and specifically on their willingness to reenlist.

If confirmed, what steps do you plan to take to address Army OPTEMPO concerns?

Answer. I recognize the delicate balance between quality of life, retention and meeting the operational requirements of the National Command Authority. Though not completely familiar with all current issues of OPTEMPO, I believe that the Service Chiefs should manage personnel issues in regards to operational demands, in coordination with the Service Secretaries, the Joint staff, the Combatant Commanders and the Office of the Secretary of Defense. If confirmed, I will work with the Secretary of the Army to address the issues associated with OPTEMPO.

RECRUITING AND RETENTION

Question. Recruiting and retention in the Army have improved significantly over the last year. Yet the Army continues to have shortages in critical specialties.

What steps will you take, if confirmed, to assist in meeting the Army's recruiting and retention goals?

Answer. I understand that the Army has made progress in the areas of recruiting and retention in the past few years to include meeting its end strength and recruiting goals for all three components last year. If confirmed, I will focus on continuing the momentum of the initiatives already begun and will look to introduce additional state-of-the-art best business practices to ensure that we have the right people in the right place at the right time.

Question. Recent emphasis regarding recruiting and retention has been focused on the active component. The Reserve components are facing even greater challenges in recruiting and retention.

What steps will you take, if confirmed, to assist the Reserve components in achieving their recruiting and retention goals?

Answer. The Reserve components—National Guard and U.S. Army Reserve—are an integral part of America's Army. I believe that active-Reserve integration must include equity of emphasis across the components and will work with the Chief, Army Reserve, and the Director, National Guard Bureau, to best meet their recruiting and retention needs along with the active component.

Question. In a recent hearing before the Personnel Subcommittee, front line recruiters discussed impediments to their efforts, including the inability to gain access to high schools and student directories.

Do you support recent legislation of the Fiscal Year 2001 National Defense Authorization Act that aimed at alleviating this impediment?

Answer. I am supportive of section 563. If confirmed, I will ensure that the Army implements this important legislation effectively and that the whole Army—active and Reserve—shares in the effort in coordination with the Office of the Secretary of Defense.

Question. If confirmed, what actions would you take to ensure that in the year ahead effective notification about this provision of law is provided to local educational agencies?

Answer. I believe that we must work congenially and cooperatively with local educational agencies across the Nation to ensure their understanding of the role of the military in maintaining national security, its importance to communities and national defense, and the opportunities for education and growth it affords young people. However, if confirmed, I will support those procedures in place to notify local educational agencies that are in breach of the law.

RESERVE COMPONENTS

Question. With the extensive commitment of the active components, the Reserve components have been called on to supplement the active components on a more frequent basis. The increased deployments are stressing the relationship between the reservists and his or her civilian employer. Although in periods of low unemployment this may not be a problem, as unemployment rises the employers may not be as accommodating to the absentee reservist.

What is your position on the current program to ensure reservists jobs are protected during periods of extended or multiple military call-ups?

Answer. I am fully supportive of the Federal laws that are currently in place such as the Soldiers and Sailors Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act that provide protections for our mobilized and deploying soldiers. We must also encourage states to enact similar legislation so that all reservists are completely protected. I feel that it is very important to continue to partner with the National Committee for Employer Support of the Guard and Reserve. The Department must duly recognize that employers are vital to our mission accomplishment.

Question. What impact would you expect the high Reserve personnel tempo is having on recruiting and retention?

Answer. It is my understanding that, on the whole, recruiting and retention levels have remained constant as the Reserve component supported the three Presidential Reserve call-ups. I anticipate that this trend will continue. In fact, both Reserve Chiefs have recently reiterated the same message. If confirmed, I will continue to monitor "stress levels" within the Reserve components to ensure that the possible negative effects of high PERSTEMPO are minimized.

RECRUITING OF MILITARY HEALTH CARE PROVIDERS

Question. The health benefit is a significant component of the military compensation package. The Department of Defense utilizes a combination of bonuses and incentives to recruit and retain health care professionals to provide care throughout their military medical assets. The last legislative revision to those bonus amounts occurred some 10 years ago. Given the inherent reduction in buying power of those programs over time, Congress directed the Department of Defense to submit a legislative plan to reinvigorate those bonus programs.

What are your views on these programs and will you commit to a close examination and development of recommendations on these programs as a priority if you are confirmed?

Answer. I believe that use of special pays to recruit and retain highly skilled professionals is necessary and appropriate. But I also believe that special pays are not the only answer. I understand that the study to which you refer is partially completed and will be delivered to you in its final form by Health Affairs in October of this year. If confirmed, I look forward to evaluating the recommendations contained in the report with my Army subject matter experts and financial analysts. I will indeed work with Health Affairs and Congress on implementing any practical and viable changes for not only the active component health professionals, but I am also greatly interested in the bonuses and educational incentives utilized by the Army Reserve components to recruit and retain health care professionals. Since the Reserve components make up some 70 percent of the Army medical department, I also intend to evaluate the programs that affect them, if I am confirmed.

MANAGEMENT OF DEPLOYMENTS OF MEMBERS

Question. Increasing operational demands on military personnel resulted in enactment of section 991 of Title 10, United States Code, and section 435 of Title 37, United States Code. Those provisions require the services to manage the deployments of member and, if operational necessity so dictates, to pay per diem compensation to members whose deployed period exceed prescribed limits. Additionally, each Service Secretary is required to establish a system for tracking and recording the number of days that each member of the armed forces under the jurisdiction of the Secretary is deployed.

Do you support the statutory framework set forth in the sections cited above?

Answer. Yes.

Question. Do you believe any modifications to the law are necessary?

Answer. Not at this time.

Question. What is your understanding of the ability of the Army to comply with these statutes and implement the prescribed tracking and recording system?

Answer. It is my understanding that the Army has been tracking and recording the deployed periods of its personnel since the start of this fiscal year. This information has recently been available to soldiers on their monthly Leave and Earnings Statements.

HOMOSEXUAL CONDUCT POLICY

Question. Do you support the current Department of Defense Homosexual Conduct Policy?

Answer. Yes, I do. I believe that the current policy implements the requirements of public law in a manner that recognizes the private nature of sexual orientation while simultaneously providing commanders with the tools they need to enforce standards of conduct upon which the cohesion of our force depends.

Question. If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. I feel that the basic policy is based in public law. The implementation of this policy is currently consistent with the law and I see no need for change. If confirmed, I will continue to promote the Army's two current emphases; educating all soldiers on the provisions of the law and policy and holding commanders closely accountable for the safety of every soldier within his or her command.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax to be the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA approved vaccine.

If confirmed, will you support and enforce the Anthrax Vaccine Immunization Program if DOD reinstates it?

Answer. Absolutely.

Question. How do you believe the Army should respond to service members who refuse to take the vaccine when ordered to do so?

Answer. I believe current Army procedures should continue to be used to respond to service members who refuse to take the vaccine. These procedures emphasize commanders' responsibility to ensure that soldiers are continually educated about the intent and rationale behind the immunization requirement. That intent is to protect the health and overall effectiveness of the command and the individual soldier. If confirmed, I will monitor this issue closely.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlements. Many sailors and marines say they would like to stay in the service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members might stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

If confirmed, will you give serious consideration to how the Army could use the transfer of unused GI Bill benefits to family members as a retention tool and provide your thoughts on how we best do this?

Answer. If confirmed, I will look into this. Cost effective policy options that address family issues of central concern to service members will be a key to future retention success.

Question. If confirmed, will you give serious consideration to how the Army could use the award of U.S. Savings Bonds as a flexible means to enable soldiers to save money for their education and that of their dependents?

Answer. If confirmed, I would support using a Savings Bond incentive as I believe that it would favorably impact reenlistment. I believe that it would have a more favorable impact if it does not negate or reduce any normal bonuses the soldier may be eligible for at time of reenlistment. I am also concerned that the legislation be inclusive of all soldiers to ensure that none see themselves as forgotten by senior Army leadership and Congress.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individuals' life in the military, is structured and defined differently by each service.

Do you believe the current DOD policy of allowing each of the services to establish its own policy for gender integration in basic training is effective?

Answer. Yes. In my mind it makes good sense to have the people most familiar with the individual service's culture and training requirements make those informed decisions.

Question. If confirmed, will you propose changes to Army policies? If so, what changes will you propose?

Answer. If confirmed, I have no plans to propose changes at this time.

CONCURRENT RECEIPT

Question. Military retirees with disabilities incurred during their military service are eligible to receive military retired pay from the Department of Defense and veterans' disability compensation from the Department of Veteran's Affairs. However, current law requires that military retired pay be reduced by the amount of the veteran's benefits.

If confirmed, would you support a change in the law to permit disabled military retirees to receive their full retired pay as well as their disability compensation?

Answer. If confirmed, I will devote serious study to this important issue. I believe that disabled service members should be treated with the utmost care and fairness.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. For the past several years, the committee has expressed concern about the management of legislative fellows by the military departments and the Department of Defense.

If confirmed, will you review the Department's policies pertaining to the management of legislative fellows and provide the committee your assessment of which management reforms have been implemented and which require additional action?

Answer. Yes.

Question. What are your personal views on the value and current management of the legislative fellowship program within the Army?

Answer. As I receive briefings on this program I view it as an excellent opportunity for outstanding individuals, both military and civilian, to learn the workings of the legislative branch of Government. Based on briefings I have received, I believe legislative fellowships are generally awarded to deserving military and civilian personnel with demonstrated potential to benefit from the experience.

Question. After completing their fellowships, are legislative fellows assigned to positions in which the experience and knowledge they gained during their fellowship are used effectively?

Answer. From my briefings, I understand that after completing their fellowships, legislative fellows return to assignments within their specialties. If confirmed, I will closely monitor this issue to ensure they return to legislative positions to complete their utilization tours.

Question. In your opinion, is it appropriate to bring a Reserve component member on active duty solely to participate in a legislative fellowship program?

Answer. From my briefings, it is my understanding that both Army Reserve and Army National Guard soldiers participate in our program. If confirmed, I will continue to support their participation as long as their respective agencies have legislative positions for them to fill for their utilization tours. I do not support bringing them on active duty solely to participate in the program.

ARMED FORCES RETIREMENT HOME

Question. The Soldiers' and Airmen's Home in Washington, DC, and the Naval Home in Gulfport, MS, provide unique services to eligible military retirees but have experienced problems in funding and management.

Do you support an increase in the amount of money automatically deducted from the pay of active duty enlisted personnel as a means of better funding the retirement homes?

Answer. If confirmed, I will study this issue in-depth and work toward a long-term and comprehensive solution that will ensure the solvency of the Armed Forces Retirement Home Trust Fund.

Question. If confirmed, what actions would you take to ensure the successful operation of the retirement homes?

Answer. If confirmed, I would support any and all efforts that would ensure that both facilities are operated in an efficient manner and that they provide excellent quality of life for our military retirees.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. With the support of Congress, the Department of Defense has made great strides toward improving the quality of life for our military personnel. Among the most significant improvements has been the increase in compensation. However, despite significant pay increases over the past years, there is a continuing crescendo for additional pay raises. What are your views regarding the adequacy of the military personnel compensation program over the span of a military career?

Mr. BROWN. I want to take this opportunity to thank the members for their attention on this important issue and I thank you for your support. Compensation is of great concern to the Army and will remain so. It is important that we continue to monitor military pay to ensure that it is both adequate for the needs of individual soldiers and the needs of the Army as a whole.

I will continue to review all related recommendations in the future to ensure we stick to our basic needs: maintain competitiveness with the civilian sector, and continue to offer programs and incentives which will allow us to attract and retain qualified soldiers.

2. Senator THURMOND. Due to the increase in the OPTEMPO of the Active Forces, they have called on our Reserve components for support on a more frequent basis. Although the Reserve community has willingly taken on this challenge, a consequence of the increased Reserve OPTEMPO is that the number of active duty soldiers completing their tour of duty who join the Reserves is declining. As a result, the Reserves have a recruiting challenge and incur higher training costs to maintain their readiness challenge.

In your view, how important is the infusion of former active component personnel into the Reserve units?

Mr. BROWN. It is very important. Prior service accessions possess high levels of skills and talents in their military occupational specialties and contribute significantly to the overall quality and readiness of the Army's Reserve components. These

soldiers, whether transitioning from active duty directly into drilling reserve units through the in-service recruiter, or as Individual Ready Reservists transitioning from the Individual Ready Reserve into drilling units, have traditionally made up the majority of the Army's Reserve component enlisted accessions each year. Conversely, non-prior service recruits, while introducing youth and vigor to the force, need costly and time consuming training. Unfortunately, as the Individual Ready Reserve pool shrinks with the downsizing of the regular Army, we have been forced to recruit a greater percentage of non-prior service soldiers.

The rate of prior service accessions has been falling for a number of years. In fiscal year 1996, the Army's Reserve components received 15,112 soldiers directly off of active duty. In contrast, by fiscal year 2000, there were only 11,663 accessions of prior service personnel. Also, the active component is experiencing a significant increase in retention, that further decreases the population available for prior service accessions.

3. Senator THURMOND. A change recommended by the defense strategic review is to eliminate the "up or out policy" that has been the backbone of the military personnel management for the past 50 years. What are your views on this proposal? How do you maintain the young and vigorous fighting force by retaining those who cannot qualify for promotion?

Mr. BROWN. I believe the strategic review is on track in that it does not make sense to automatically eliminate experienced, trained soldiers with 10 to 15 years on the job because they were not competitive for further promotion; however it is important that we maintain a vigorous, young fighting force and this must remain first in our thoughts if there is to be any change in the current long standing policy.

Before any changes are made it would be my intent to ensure that we are able to maintain the highest experience level possible without degrading the capabilities of our fighting force.

[The nomination reference of Reginald J. Brown follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Reginald Jude Brown of Virginia, to be Assistant Secretary of the Army, vice Patrick T. Henry, resigned.

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

BIOGRAPHICAL SKETCH OF REGINALD J. BROWN

Reginald J. Brown currently is consulting with two companies; Meridian International and Brown & Lowe International. He was Executive Director and Member of the Board at Alliance for Medical Care from 1996 to 1997. Prior to that he was an independent consultant with Science Applications International Corp (SAIC) from 1996 to 1997, Capital Systems Group, Inc., Executive Vice President and National Policy Forum, Policy Council member from 1995 to 1996.

From 1989 to 1993 he was an Assistant Administrator at the U.S. Agency for International Development, a Senior Fellow at the Center for Strategic and International Studies from 1982 to 1989, and an Executive Vice President at DECA Group, Inc. from 1979 to 1982. From 1974 to 1979 he served in various government positions including: Director, in the Office of Price Monitoring at the Council of Wage and Price Stability, President's Commission on Military Compensation, Congressional Budget Office, Principal Analyst, Defense Manpower Commission. Prior to that he was the Deputy Administrator at the Office of Food, Cost of Living Council from 1973 to 1974.

He was a Special Assistant for Energy and Natural Resources at the MITRE Corporation and an Assistant Vice President at the Urban Institute from 1971 to 1974. He served in various positions with the U.S. Army Infantry from 1961 to 1971.

Mr. Brown graduated with a B.S. from U.S. Military Academy in 1961. The John F. Kennedy School of Government at Harvard University, M.P.A. in 1965. He was a PhD. Candidate in Economics at Harvard University, completing his course work from 1965 to 1966.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Reginald J. Brown.

2. **Position to which nominated:**
Assistant Secretary of Army, Manpower and Reserve Affairs.

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
February 13, 1940; New Orleans, LA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Emilia Lowe Chong.

7. **Names and ages of children:**
Eric F. Brown, 36.
Denise A. Lawson, 34.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Harvard University, 7/64 to 6/66 MPA 65.
USMA, West Point, 7/57 to 6/61, BS 61.
El Cerrito High School, 9/54 to 6/57.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
President, Meridian International, Inc., Alexandria, VA, 5/99 to Present.
Consultant, Elan Vital, Inc., Alexandria, VA, 3/98 to 5/99.
Executive Director, Alliance for Medical Care, Alexandria, VA, 3/96 to 10/97.

Executive Vice President, Capital Systems Group, Rockville, MD, 2/95 to 2/96.
Consultant, SAIC, worked at Fed. Energy Tech. Ctr., Pittsburgh, PA, 10/96 to 6/97.
President, Brown Lowe Intl, Consulting in Alexandria, VA, 3/93 to Present.
Assistant Administrator, USAID, Washington, DC, 8/89 to 1/93.

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
1/79 to 7/79, Director, Energy Div., Office of Price Monitoring, Wage and Price Stab.
5/78 to 12/78, Consultant to Congressional Budget Office and to Off. of Tech. Assessment.
10/77 to 4/78, Exec. Director, President's Commission on Military Compensation.
12/75 to 9/77, Principal Analyst, Congressional Budget Office.
12/74 to 11/75, Associate Director, Defense Manpower Commission.
8/73 to 12/74, Dep. Administrator, Office of Food, Cost of Living Council.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Meridian International, Inc., President & CEO.
Meridian Protection Services of CA, Inc., Director.
Brown & Lowe International, Inc., President.
Capital Systems Group, Inc., Exec. Vice President.
Alliance for Medical Care, Inc., Exec. Director.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
American Legions: 1993 to Present.
National Rifle Association: 1989 to Present.
Naval Institute: 2000 to Present.
Elan Vital Inc., Educational and Religious Organization: More than 10 years to Present.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
Republican National Committee.
Republican Party of Virginia.
RNC, National Policy Forum, 1995–1996.
(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.
Republican National Committee:

05/20/97—$25
08/05/97—25
01/23/98—50
01/11/99—50
06/25/99—100
01/25/00—50

Republican Party of Virginia:

$35 to $50 each year.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.
Meritorious Service Medal.
Bronze Star Medal.
Army Commendation Medal.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.
"Countermobility in Modern Warfare: Opportunities and Limitations," Defense Science, March, 1989 (With LTG Ernest Graves).
"Passive ECM: Merchant Ships' Answer to Self Defense," Defense Science 2003, February, 1985 (With Vice Admiral Frederick Turner).

"Natural Gas Vehicles: A National Security Perspective," CSIS Significant Issue Series Vol. VI, No. 16 (with Charles Ebinger, et al.).

"The Persian Gulf: Upheavals, Instability, and a Preventive Presence," "The Almanac of Sea power, 1984 (with Admiral Thomas H. Moorer).

"Electronic Warfare in the 21st Century: Implications for Low Intensity Conflict," Defense Science and Electronics, July 1984.

"The Case for an ANZUS Carrier," "Defense & Foreign Affairs, May 1983 (with Alvin Cottrell).

"U.S. Naval Strategy for the Twenty-First Century," Defense Science 2001+, April 1983 (with Alvin J. Cottrell).

The Lessons of Wage and Price Controls, The Food Sector. Harvard University Press, Cambridge, Massachusetts, 1977 (with John Dunlop et. al.).

"Petroleum Storage: Alternative Programs and Their Implications for the Federal Budget," Congressional Budget Office, October 1976.

"Overseas Rotation and Tour Lengths," Defense Manpower Commission, Staff Studies, Volume IV, May 1976.

"The Meaning of Professionalism: Purposes and Expectations in a Democratic Society," American Behavioral Scientist, May–June 1976.

"Regulating Food Prices, Limitations and Possibilities," MITRE Technical Report, 1976.

"Investment Cost Comparisons for Capacity Additions for Selected Fuels," MITRE Technical Report, MTR–6769, January 1975.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

REGINALD J. BROWN.

This 19th day of May, 2001.

[The nomination of Reginald J. Brown was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to Dr. Stephen A. Cambone by Chairman Levin prior to the hearing with answers supplied follow:]

JUNE 22, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Yours Truly,

STEPHEN A. CAMBONE.

cc: Senator John W. Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. The focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

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

Answer. These reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

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

Answer. From my point of view, the most important aspects are the clear responsibility and authority given the CINCs for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the reforms of the Goldwater-Nichols legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. I have not identified any major changes that are needed to Goldwater-Nichols. As you well know, the Secretary has studies underway regarding the organization of the Department. If any changes are identified as a result of these studies, the Department would consult closely with Congress, especially this committee.

DUTIES

Question. Section 134a of Title 10, United States Code, provides that the Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. Department of Defense Directive 5111.3 emphasizes that the Deputy Under Secretary of Defense for Policy advises and assists the Under Secretary of Defense for Policy, particularly on strategy formulation, contingency planning, and the integration of Department of Defense plans and policy with overall national security objectives.

What is your understanding of the duties and functions of the Deputy Under Secretary of Defense for Policy?

Answer. If confirmed, I will perform the duties provided by statute and regulation. The Deputy Under Secretary of Defense for Policy, as the primary assistant of the Under Secretary of Defense for Policy (USD(P)), advises and assists the USD(P) for all responsibilities in providing staff advice and assistance to the Secretary of Defense and the Deputy Secretary of Defense, particularly on strategy formulation, contingency planning, and the integration of DOD plans and policy with overall national security objectives, and by law is empowered to act in his or her stead.

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

Answer. I am fortunate to have served in a number of positions that provide useful experience to perform the duties of the Deputy Under Secretary of Defense for Policy.

From 1990–1993, I served in the Department of Defense as Director of Strategic Policy in the Office of the Undersecretary of Defense for Policy. My responsibilities included participation in the Ross-Mamedov talks on cooperative missile defense activities and oversight of U.S. missile defense programs. After I left DOD, I was a Senior Fellow at the Center for Strategic and International Studies until 1998. My work there focused on the new security challenges confronting the U.S. and its allies after the end of the Cold War.

In 1998, I was the staff director of the Commission to Assess the Ballistic Missile Threat to the United States. I led a staff that conducted extensive investigation into the threats posed by the proliferation of missiles and weapons of mass destruction. During this period, I worked with prominent defense policy experts, the intelligence community, and DOD. From 1998–2000, I served as Research Director at the Institute for National Strategic Studies (INSS) at the National Defense University. I oversaw research on key issues of strategy and policy to support senior decision-makers in OSD, the Joint Staff, and the CINCs. Specifically, I focused on the changing nature of deterrence and the trends in key transatlantic security issues. In 2000, I was detailed from INSS to direct the staff of the Commission to Assess United States National Security Space Management and Organization.

Since January of this year, I have been serving as the Special Assistant to the Secretary of Defense and the Deputy Secretary of Defense. In this capacity, I coordinated the series of reviews directed by Secretary Rumsfeld to identify critical issues related to defense strategy for consideration and integration in the Quadrennial Defense Review (QDR).

These experiences, I believe, provide a solid base of experience to perform the duties of the Deputy Under Secretary of Defense for Policy.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Deputy Under Secretary of Defense?

Answer. Please see my previous answer.

Question. Assuming you are confirmed, are there any other duties and functions that you expect that Secretary Rumsfeld would prescribe for you?

Answer. I would expect Secretary Rumsfeld to look to the Deputy Under Secretary of Defense for Policy to fulfill all the duties assigned to that office by statute and regulation—in particular, assistance and advice on the formulation of national security and defense policy. This would likely include strategy formulation, contingency planning, crisis management and the integration of DOD plans and policy with overall national security objectives. In addition, I would expect the Secretary would, from time to time, ask me to undertake various other special projects.

Question. If confirmed, what would your responsibilities be with respect to strategic and nuclear weapons policy for the Department of Defense?

Answer. Under the anticipated reorganization of OSD Policy, the Assistant Secretary of Defense for International Security Policy would, among other things, be charged with the development, coordination, and oversight of all policy issues related to nuclear weapons and forces. The Assistant Secretary would report through the Deputy Under Secretary of Defense to the Under Secretary for Policy. My responsibilities would thus be quite broad, including representing the Under Secretary and the Secretary of Defense in interagency deliberations and international negotiations in this area.

RELATIONSHIPS

Question. If confirmed, what will be your relationship with: the Secretary of Defense; the Deputy Secretary of Defense; the Under Secretary of Defense for Policy; the other Under Secretaries of Defense; the Assistant Secretaries of Defense in the Policy Directorate; the other Assistant Secretaries of Defense; the General Counsel of the Department of Defense; the Service Secretaries; the Chairman of the Joint Chiefs of Staff; the Vice Chairman of the Joint Chiefs of Staff; the Director of the Joint Staff; and the National Security Council.

Answer. If confirmed, I will report to the Secretary and Deputy Secretary of Defense through the Under Secretary of Defense for Policy. I will work closely with and help to coordinate the work of the Assistant Secretaries in the Office of the Under Secretary for Policy. I expect to maintain a close and cooperative working relationship with the other Under Secretaries and Assistant Secretaries of Defense and the General Counsel of the Department. If I am confirmed in this position, it will be a high priority for me to develop a close working relationship with the Service Secretaries, the Chairman, Vice Chairman and Director of the Joint Chiefs of Staff, and with the Joint Staff in general. I also will, if confirmed, continue to work closely with the staff of the National Security Council to coordinate the administration's international security and defense policy with Congress.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Deputy Under Secretary of Defense for Policy?

Answer. The major challenges that will confront the Deputy Under Secretary of Defense for Policy will be in the areas relating to reaching the goal of the President and Secretary of Defense to transform U.S. military capabilities, operational concepts and organizations to meet the security challenges of the 21st century.

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

Answer. The Quadrennial Defense Review process will provide a basis for addressing these challenges. If confirmed, I look forward to working with senior DOD civilian and military officials and with this committee in using the results of the QDR process as a guide.

Question. What do you consider to be the most serious problems in the performance of the functions of the Deputy Under Secretary of Defense for Policy?

Answer. I am not in a position to assess problems in the performance of the functions of the Deputy Under Secretary of Defense for Policy.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I plan to make an early assessment of the functions and resources of the Deputy Under Secretary of Defense for Policy and work with the Under Secretary and this committee to take the necessary actions to address shortfalls, if there are any.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Deputy Under Secretary of Defense for Policy?

Answer. The U.S. faces a rare opportunity to transform its defense posture to meet emerging threats, maintain stability in critical regions, and preserve our leadership and freedom of action for the future. Taking those actions necessary to implement the transformation, decided by the senior civilian and military leadership, will be my highest priority.

In addition to implementing and resourcing the Department's transformation efforts, my principal priorities, if confirmed, will also include strategy formulation and implementation, contingency planning, and crisis management.

STRATEGY FORMULATION AND CONTINGENCY PLANNING

Question. One of the purposes of Goldwater-Nichols was to increase attention on the formulation of strategy and contingency planning. Department of Directive 5111.3 specifically assigns a major role to the Deputy Under Secretary of Defense for Policy for those important matters.

How do you see the civilian role, as compared to the military role in the formulation of strategy and contingency planning?

Answer. Civilian control is essential, and starts with the President, the Commander in Chief. His senior civilian subordinates—including the Secretary of Defense, the Under Secretary for Policy, and the Principal Deputy Under Secretary of Defense—have a major role in formulation of strategy and contingency planning. The senior civilian leadership plays a vigorous role in ensuring the development and implementation of planning in the Department.

Civilian oversight of the contingency planning process is at its most mature state since enactment of the Goldwater-Nichols Act. The Office of the Under Secretary of Defense for Policy maintains very close working relations with the Joint Staff and CINCs' planning staffs to ensure proper oversight.

Question. Secretary Rumsfeld has given the highest priority to accomplishing a defense strategy review.

Has this review process produced the foundation of a defense strategy that will guide the Quadrennial Defense Review (QDR) process?

Answer. The Secretary initiated a number of studies to identify critical issues related to defense strategy. The results are now being integrated into the QDR process. Among the studies undertaken are Acquisition Reform, Financial Management, Conventional Forces, Missile Defense, Morale/Quality of Life, Space, Transformation, Crisis Management, Nuclear Forces, and Strategy. As the Secretary has testified, he has been closely involved with the senior military leadership in developing an alternative approach that could be tested in the QDR process.

Question. Will the QDR further review and refine the Secretary's defense strategy?

Answer. In accordance with the National Defense Authorization Act for Fiscal Year 2000, the QDR will be a comprehensive examination of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program with a view toward determining and expressing the defense strategy of the United States. As Secretary Rumsfeld has testified, the QDR process will integrate the results of a variety of studies and the views of the senior military leadership in the QDR process. From this process, the Department will develop a national defense strategy.

Question. What role did you play in the Secretary's defense strategy review?

Answer. Acting in my appointed role as the Special Assistant to the Secretary and the Deputy Secretary of Defense, I have worked closely with the Secretary and his staff in support of the overall review process.

Question. If confirmed, what role would you expect to play in the QDR?

Answer. If confirmed, I would expect to provide substantial support to the Secretary and the Deputy Secretary in their direction of the QDR. Specifically, I would play a major day-to-day role working closely with senior civilian and military leadership, directing and reviewing staff studies and QDR analyses, and developing decision options and alternatives for the Secretary.

Question. Department of Defense Directive 5111.3 also assigns a major role to the Deputy Under Secretary of Defense for Policy for the integration of DOD plans and policy with overall national security objectives.

If confirmed, how will you know what those overall national security objectives are in the absence of the issuance of a National Security Strategy by President Bush?

Answer. A new National Security Strategy for the Bush administration is now under development. In addition, there is frequent and ongoing interaction among the senior leadership—including the President, the Vice President, the National Security Advisor, the Secretary of State, and the Secretary of Defense, and likewise among my interagency counterparts and myself. The Department will remain fully cognizant of the administration's national security priorities and objectives, and will integrate these into the national defense strategy.

THE BALKANS

Question. It appears that NATO may be called upon to play a role inside Macedonia, which could involve the use of NATO troops on the ground, perhaps overseeing the voluntary disarmament of ethnic Albanian insurgents.

If NATO should agree to play such a role, what are the criteria you would recommend be used in deciding whether U.S. forces should participate with the forces of our allies on such a mission?

Answer. The situation in Macedonia is very fluid and sensitive. The U.S. already has a significant presence in Macedonia, in order to support KFOR logistical operations. Specifically, over 500 U.S. personnel are stationed with KFOR Rear at Camp Able Sentry in Skopje.

As Secretary of State Powell stated on June 20 before the Senate Foreign Relations Committee, we have not made any commitments of troops for the purpose of a potential NATO mission to assist in disarmament in Macedonia, because we really do not see a need for such a contribution under current circumstances. I agree with that statement.

Question. Last December marked the 5-year anniversary of the NATO-led military presence in Bosnia. Despite over 5 years of an international military presence in Bosnia, we are far from achieving the goal of a unified, multi-ethnic nation, as envisioned in the Dayton Accords.

In your opinion, what should the United States do to break the stalemate in Bosnia and help create the conditions for the withdrawal of U.S. troops?

Answer. NATO and associated military forces are being used to secure the environment in which civil implementation of the Dayton Accords can take place. Decisions on the circumstances and timing of continued military presence in Bosnia are linked to an alliance process of periodic assessments. Overall force levels are reviewed every 6 months. We are committed to act as a member of the alliance in defining any reductions. Force levels must be de-linked from civil implementation requirements.

At their most recent meeting in June, NATO defense ministers agreed on the need to accelerate the development of civil institutions and local police so they may be able to take more responsibility for local security and the maintenance of law and order.

NATO ISSUES

Question. According to NATO Secretary General Lord Robertson, Heads of State and Government decided at their special meeting on June 13, 2001 that NATO "hopes and expects, based on current and anticipated progress by aspiring members, to launch the next round of enlargement at the Prague Summit in 2002."

What criteria do you believe should be applied to decide which aspiring members, if any, should be invited to join NATO at that time?

Answer. As President Bush stated in Warsaw, NATO membership should be possible "for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings." The key factor in considering which aspirants should be invited to join the Alliance is whether their membership will contribute to the Alliance's capacity for collective defense and other agreed missions to build security and stability in Europe.

I believe there should not be a "checklist" of criteria required for NATO membership; however, new members must be prepared to commit themselves to:

- Accept the responsibilities that come with NATO, including possible participation in an Article 5 defense of another ally.
- Contribute their fair share in terms of added military value to the Alliance.
- Make the necessary investments in the creation and maintenance of effective military forces that are interoperable with other NATO allies.

Question. The gap in capabilities between the United States and potential allies and coalition partners is wide, and may grow larger as we transform our defense capabilities. What roles should we expect allies and coalition partners to play across the spectrum of military operations? A number of our European NATO allies have assured us that the European Union's (EU) European Security and Defense Policy (ESDP) would result in greater popular support for defense spending. They also have told us that many of the improvements that would have to be made to implement the ESDP are the same improvements that are called for by NATO's Defense Capabilities Initiative (DCI) and that the increased defense spending would enable their military forces to be more capable NATO partners. However, we now know that European defense spending has been decreasing at a rate of 5 percent per year. Are you concerned about the decrease in European defense spending and do you have any suggestions for how the United States can get our European allies to reverse this trend? What are your thoughts about the ESDP?

Answer. There are worrisome imbalances and shortfalls in Alliance capabilities—for example, in the areas of precision strike, mobility, command, control, and communications, and strategic airlift. Several of these were highlighted in Operation Allied Force in 1999. The Alliance is aware of these imbalances and shortfalls, and the allies must continue to work to improve their national and Alliance capabilities, including through NATO's Defense Capabilities Initiative (DCI). Not every NATO ally needs or can afford the newest or best fighter aircraft, long-range tanker aircraft, or surveillance systems, but I believe our goal should be to provide NATO forces with compatible and complementary capabilities that meet our collective requirements.

European nations must do more to ensure both appropriate priorities for defense and adequate spending, and I believe the U.S. should press the allies to move forward on their defense restructuring plans and to improve spending levels. The Alliance will not remain healthy if the allies are unwilling or unable to make investments to field 21st century forces that are fully capable of meeting 21st century challenges.

With regard to ESDP, I believe that NATO will continue to be the indispensable anchor of American engagement in European security matters and the foundation for assuring the collective defense of Alliance members. That said, I believe the administrations approach to ESDP is correct. NATO and the European Union must work in common purpose, and the U.S. should welcome an ESDP that develops EU capabilities in a manner that is fully coordinated, compatible, and transparent within NATO, provides for the fullest possible participation by non-EU European NATO members, embeds defense planning within NATO, and applies only where NATO has chosen not to act collectively.

VALUE OF PEACEKEEPING

Question. A number of recent newspaper articles have reported the views of U.S. military personnel participating in peacekeeping missions in the Balkans. In a statement reflective of the general view, an Army tank company commander is quoted in the *New York Times* edition of January 18, 2001 as saying about his re-

sponsibilities as a member of the American force in Kosovo that "In the Army, you spend practically all of your time training. Here, we are executing a real-world mission. We get to interact with the other NATO militaries. Things are so decentralized that I have a lot more autonomy in making decisions. It's good experience."

Do you believe that peacekeeping missions can make a valuable contribution to troop readiness, particularly at the individual and small unit level?

Answer. The participation of United States forces in peace operations can strengthen military skills in several areas, such as operating in coalition, providing logistics, communications, engineering, medical support, small unit leadership, civil affairs, and other key areas. Readiness depends in great part on mission-based training, which we must balance between preparing for traditional military missions and for peacekeeping and other missions. While this is an ongoing challenge, I believe we can maintain that balance. If confirmed, I will be diligent in the review of U.S. force commitments worldwide, including in peace operations.

MILITARY DEPLOYMENTS

Question. The administration is conducting a comprehensive review of all U.S. military deployments abroad. At a September 1999 speech at The Citadel announcing his intention to direct such a review, then-Governor Bush spoke of problems with "open-ended deployments and unclear military missions."

What do you believe are the proper criteria to apply when deciding whether or not to involve U.S. Armed Forces in military operations overseas, including small-scale contingencies and peacekeeping activities?

Answer. The United States should be selective in its international military interventions, especially where there is danger of combat. As President Bush said at The Citadel on September 23, 1999, "If America is committed everywhere, our commitments are everywhere suspect."

At the same time, the United States will not be able to, nor should it, remain indifferent to significant humanitarian crises. But in these cases, we should seek as a first resort to help develop mechanisms whereby other nations can work together and take the leading responsibility. The United States may be willing to provide assistance but others should take the lead wherever possible.

If confirmed, I will work with DOD officials, others in the administration, and this committee to help ensure that when we deploy our Armed Forces, the mission is justified and well-defined and the strategy is well-conceived.

COUNTER-NARCOTICS

Question. For more than 10 years the Department of Defense has been a key player in the Federal Government's counter-narcotics efforts. The Department is designated as the lead agency for detection and monitoring, but also makes a significant contribution in other counter-narcotics missions, such as interdiction and demand reduction. While many see this as a law enforcement function, others believe that, given the impact of the drug trade on the stability of the Andean Ridge countries, it is a national security function.

In your opinion what is the appropriate role of the Department of Defense in U.S. counter-drug efforts?

Answer. As the President recently said, a successful counter-drug effort depends on a thoughtful and integrated approach. The Department's counter-drug activities support the wide range of programs. At the same time, the Secretary has tasked the Department to review its overall mission to include support to other Federal Agencies. I am ready, if confirmed, to oversee the support the President and the Secretary feel is required to support other agencies in their counter-drug efforts.

Question. Does the Department's counter-drug efforts contribute to the defense of our national interests?

Answer. I believe the Department's counter-drug activities play a significant role in contributing to the administration's overall National Drug Control Strategy.

Question. Do you support the DOD's practice of providing information to Andean Ridge governments who engage in the shootdown of suspected drug trafficking aircraft?

Answer. At this time, the Department of Defense is participating in the ongoing review led by the State Department on USG assistance to host nation interdiction programs, including the recent tragic events in Peru. If confirmed, I would make certain that, upon completion of the review, further information will be made available to Congress.

REGIONAL ISSUES

Question. President Bush and his advisors have emphasized the increasing significance of Asia for U.S. foreign and defense policy.

Do you believe that our national interests dictate that we place greater emphasis on Asia? If so, how does this affect our interests in Europe, Latin America and elsewhere?

Answer. We have vital interests in several regions. Our national interests are not a zero-sum game. As the Secretary stated on June 7, "Increased U.S. attention to the security situation, for example in the Persian Gulf or Korea, in no way implies any American intention to de-emphasize Europe."

While the overall security picture in the Asia-Pacific region is generally positive, we nonetheless face some of the greatest challenges to U.S. defense policy in that region, specifically China, North Korea, and instability in key countries such as Indonesia.

U.S. military presence has long provided a crucial element of stability in the Asia-Pacific region, and that will certainly continue to be the case. In the context of the Quadrennial Defense Review, we will look at the best ways to protect U.S. interests and ensure regional stability in the future. We will be examining possible ways of restructuring our force posture and capabilities within the region; we may have to rearrange our forces and capabilities to face new threats that may arise.

Question. What is your understanding of President Bush's statement that the United States would do "whatever it took" to defend Taiwan?

Answer. The President's statement did not signal a change in U.S. policy toward Taiwan, or in the U.S. position on "One China." We remain committed to help Taiwan defend itself; we have done so since 1979.

U.S. policy toward Taiwan is guided by the Taiwan Relations Act (TRA) of 1979. The TRA's basic premises are that an adequate defensive capability on Taiwan is conducive to the maintenance of peace and security in the region, so long as differences remain between the PRC and Taiwan, and that the U.S. "will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability."

If confirmed, I will monitor carefully the situation in the region and take very seriously our obligation to assist Taiwan in maintaining a self-defense capability. Such assistance includes not only making available defense hardware, but also maintaining contacts with the Taiwan defense establishment across a broad range of activities.

Question. How does this statement affect United States-China relations?

Answer. Our unofficial relationship with Taiwan is an issue that is frequently raised in discussions between the United States and the People's Republic of China, a condition likely to persist so long as differences remain between the PRC and Taiwan.

Question. The administration has initiated a dialogue with North Korea on a "broad agenda," which includes implementation of the Agreed Framework, ending North Korea's missile production and export programs and reducing the conventional threat from North Korea.

Do you believe the administration should attempt to achieve progress on all of these as a package? Will progress on one item be linked to progress on another?

Answer. Pursuing a comprehensive approach with North Korea allows us to address the issues of concern to the U.S., and issues of equal concern to South Korea and Japan. A comprehensive approach also supports South Korea's engagement with the North. The administration is realistic that progress with North Korea will be difficult, but that should not preclude us from putting a number of important issues on the table to expand our opportunities for progress.

It would be difficult to justify diplomatic progress with the North if the DPRK regime fails to address our concerns on missile production and export, Agreed Framework implementation, and reduction of the conventional force threat.

I would support an approach that reaches effectively verifiable agreements with the North and that encourages progress toward North-South reconciliation and a constructive relationship with the United States.

Question. The Bush administration has recently engaged India on a number of regional and bilateral issues.

In your opinion, how will continued dialogue with Indian officials on such matters be in our national security interests?

Answer. Dialogue on strategic issues will build U.S.-India understanding and could lay the foundation for cooperation in such areas as the President's new Strategic Framework, controlling the proliferation of weapons of mass destruction, and enhancing stability in South Asia.

Dialogue on counter-terrorism and peacekeeping also address areas of mutual security interest. We will continue to benefit from cooperation and interaction with India on these and a growing number of other issues, particularly as India's growing economic and military power make it an increasingly important player in South Asia, the Indian Ocean and beyond.

Question. Do you support similar U.S. engagement with Pakistani officials?

Answer. While we still have many unresolved issues between our countries, Pakistan is an important nation in its own right. United States policy in South Asia needs to take account of Pakistan, to seek to resolve our differences, and to establish a relationship that enables us to influence Pakistan's policies and actions.

Question. The administration is currently conducting a comprehensive review of U.S. policy toward Iraq.

What elements—to include military options—do you believe should be part of the administration's policy to ensure Iraqi compliance with the obligations Iraq accepted at the end of the Persian Gulf War?

Answer. Ensuring Iraqi compliance with U.N. Security Council resolutions since the Gulf War will, I believe, require a comprehensive approach. Strengthening the sanctions regime is one part of such an approach. Enforcing the no-fly zones and other aspects of the U.N. Security Council resolutions, as coalition forces are now doing, is also important, and the United States should, I believe, look for ways to accomplish this more effectively. Finally, as expressed on a bipartisan basis in the Iraq Liberation Act, regime change should be an element of U.S. policy.

Question. According to a January 31, 2001, presentation before the Nixon Center, Ambassador Elizabeth Jones, Special Advisor to the President and Secretary of State for Caspian Basin Energy Diplomacy, stated "that the Bush administration has four strategic goals in the Caspian region consisting of (1) assuring sovereignty and independence; (2) supporting economic interdependence; (3) assuring reliable sources of energy; and (4) supporting American companies' investments in the region."

What is your view of this policy and what strategic role do you envision the Department of Defense playing in supporting this policy?

Answer. The Department supports the administration's strategic goals in the Caspian region and has been an active participant in developing policy for the region. We recognize that sovereignty and independence of these countries is a top priority. The Department's support for these emerging democracies will foster peace and stability in the region, and therein strengthen U.S. access to strategic natural resources and markets.

TRANSFORMATION

Question. What should the objectives of military transformation be, and how urgently should they be pursued?

Answer. In transforming the military we must address an uncertain future strategic environment while staying ready to meet our current security responsibilities. This is a difficult challenge that will take some time to achieve, but two requirements are crystal clear. First, our military forces must transform in a manner that outpaces competitors by pursuing new technologies, operational concepts, and organizational constructs. Second, we must do so in a way that makes our most valuable resource—our soldiers, sailors, airmen, and marines—as operationally effective as they can be.

Recent operations and ongoing experimentation strongly indicate that we need to transform now. They have shown the need for forces that are rapidly deployable over greater distances, ready for quick commitment upon entering a theater, and able to decisively affect the outcome of any operation to which they are committed. This necessitates that our forces have a command and control system that is truly joint, integrated and interoperable.

Question. What is the role of experimentation, including joint experimentation, in this transformation process?

Answer. Experimentation—particularly joint experimentation—ensures that our transformation efforts are fully integrated from inception to implementation. To achieve these objectives, our transformation efforts must encompass several tenets:

1. Our experimentation efforts must focus on how we can best introduce new and emerging technologies to our forces in combination with maintaining the legacy systems we will be required to retain for some time yet.

2. Experimentation initiatives must be robust in nature, striking in design and sufficiently publicized and imposing that they provide a deterrent impact of their own, to any potential adversary.

3. Our efforts must be suitably balanced between near, mid, and long range, objectives. While our thinking must clearly be "out-of-the-box", we must not lose sight of the issue of providing enhanced capabilities to our forces today.

4. We must aggressively pursue new concepts of warfare. Network centric, reach back connectivity, sensor-to-shooter, and enhanced reconnaissance, surveillance, and target acquisition concepts all warrant continued exploration.

5. Our experimentation efforts must focus on providing enhanced, full-spectrum, command, control, and communications capabilities to our military forces. Shared, distributed, templated, "systems of systems", providing real-time, relevant information to widely dispersed forces, conducting combat/contingency operations is the required end state.

EXPORT CONTROLS

Question. Are you in favor of passing a new Export Administration Act to reauthorize the national export control regime for dual-use items?

Answer. Yes, I am. The current bill, S.149, has several provisions that will help transition the current system based on Cold War policies into a more modern system that focuses on WMD, end-user and end-use controls.

Question. If so, what elements of such a reauthorization are essential to protect national security interests?

Answer. First, we must protect our military personnel and our security interests by ensuring that sensitive technologies are not exported to potential adversaries or to foreign entities that represent a significant diversion risk. Second, we must have sensible and effective policies and procedures to ensure appropriate transfers of military and commercial systems and technologies that support our coalition warfighting objectives are permitted. Finally, we must be mindful that the U.S. is not the only country with advanced military and commercial technology. If confirmed, I look forward to working with this committee on the issue.

Question. What role should the Department of Defense have in the dual use export control process?

Answer. The Defense Department must have a strong role in the export control policy process. Defense has a tremendous amount of talent and technical expertise in the export control area and should have the ability to apply these assets to the overall export control process. If confirmed, I look forward to working with this committee on the issue.

HOMELAND DEFENSE

Question. How do you think the Department of Defense can best contribute to the national effort to combat terrorism within the United States?

Answer. Consistent with law and regulations, the Department of Defense continues to support the lead Federal agencies regarding issues dealing with combating terrorism. The Department of Justice, through the FBI, is the lead Federal Agency for crisis response when dealing with incidents involving domestic terrorism. The Department of Defense also supports the Federal Emergency Management Agency that is designated as the lead Federal Agency in dealing with issues related to consequence management.

I believe that the Department's focus should be to continue to provide unique resources and capabilities that may not reside within other agencies such as the ability to mass mobilize and provide extensive logistical support.

Question. What do you believe are the appropriate roles and missions for the Department in support of homeland defense?

Answer. Defending the American homeland is not a new role or mission for the Department of Defense. The U.S. military has a long and proud tradition of protecting and supporting the American homeland and its institutions from a wide variety of threats.

The Department possesses an array of response assets in both the active and Reserve components that can be task organized to support lead Federal agencies and civil authorities in dealing with man-made events and natural disasters. For example, the Department has created the Joint Task Force for Civil Support to assist Federal, state, and local first responders in mitigating the consequences of weapons of mass destruction (WMD) terrorist incidents.

If confirmed, I will support the efforts of the Office of National Preparedness and the Vice President to develop a preparedness strategy for Federal, state, and local governments to do the best possible job in preparing for and defending against WMD.

NUCLEAR WEAPONS

Question. Do you support repeal of section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998?

Answer. Yes, I support repealing this section of the Authorization Act.

I support the Bush administration's intention to reduce the U.S. nuclear arsenal to the lowest level consistent with our national security requirements, including our commitments to our allies.

If confirmed I will work with the committee to review current legislation that requires the U.S. to maintain the current levels of nuclear forces, and to reach a position that is consistent with the results of the strategic review recommendations.

Question. Do you support prompt retirement of the Peacekeeper ICBM?

Answer. This is currently being examined. The President has indicated that he wants to reduce nuclear forces quickly, and I expect a decision on whether to retire the Peacekeeper ICBM to be made this summer.

Question. Do you support unilateral reductions in strategic nuclear forces? If so, to what levels?

Answer. Clearly, unilateral reductions under the proper circumstances may be an attractive and appropriate approach to take. The Presidential Nuclear Initiatives of 1991 and 1992 resulted in significant unilateral reductions to our tactical nuclear forces, and termination or curtailment of modernization programs for our strategic forces, without requiring years of detailed negotiations in the context of the Strategic Arms Reduction Treaties. Until the Nuclear Posture Review is complete I cannot say to what level we should reduce our forces.

Question. Would you support reductions below START II force levels? If so, to what levels?

Answer. I support reductions below existing levels, which are a vestige of the Cold War. Again, the issue of how far to reduce U.S. nuclear forces is being addressed in the Nuclear Posture Review.

Question. Would such reductions be unilateral, pursuant to treaty, or other government-to-government agreement?

Answer. Reductions could be accomplished in a number of ways, including through unilateral initiatives, reciprocal approaches, formal arms control agreements, or some combination thereof. The choice among these approaches hinges on many military and diplomatic considerations. Again, these issues are being addressed in the review of nuclear forces.

Question. Do you support dismantling warheads removed from deployment?

Answer. I believe we need to address the dismantlement of warheads removed from deployment on a case-by-case basis.

Question. In your view what is the appropriate size of the nuclear arsenal?

Answer. I support the Bush administration's intention to reduce the U.S. nuclear arsenal to the lowest level consistent with our national security requirements, including our commitments to our allies.

Question. Do you support a hedge strategy and if so for what purpose?

Answer. We cannot reliably predict the future. Unforeseen circumstances will arise, despite our best efforts to anticipate them. The United States needs to take steps to reduce its nuclear forces, while at the same time ensuring that we have the flexibility and capacity to deploy an effective deterrent against any potential aggressor.

Question. How do you define "hair trigger alert" and what U.S. weapons fit the description of being "on hair trigger alert"?

Answer. "Hair trigger alert" is a term used by many to describe any nuclear forces, on alert, that are vulnerable to attack and are not supported by a warning system in which the leadership of a country has confidence and that would allow a decision-maker sufficient time to consider appropriate actions. There are no U.S. nuclear weapons that fit that description.

Question. Would you support prompt de-alerting of any Russian or U.S. weapons that are to be retired?

Answer. This measure is not without precedent. This issue will be looked at as a part of the Nuclear Posture Review. Until this review is complete and I have understood the military and political implications, I cannot have an informed personal view.

Question. What other weapons, if any, would you recommend de-alerting?

Answer. Again, until the Nuclear Posture Review is complete I cannot have an informed personal view on this issue. This issue will be carefully considered during the Nuclear Posture Review, and if confirmed, I would study this issue carefully before making a recommendation to the Secretary of Defense.

Question. Do you support the Department of Energy's Stockpile Stewardship Program?

Answer. Yes, I support the Department of Energy's Stockpile Stewardship Program for its contribution to maintaining a credible nuclear deterrent. Ensuring the safety, reliability, and effectiveness of U.S. nuclear weapons is important to the national security interests of the United States.

Question. It is estimated that a new facility for manufacturing plutonium pits will cost approximately a billion dollars.

Do the Department's nuclear weapons requirements support the need to design and construct such a facility?

Answer. Yes. The United States has not had a capability to remanufacture and certify replacement pits since operations ceased at the Rocky Flats Plant in 1989. Destructive surveillance testing forces the retirement of a number of warheads in the stockpile each year. Today, the Department of Energy (DOE) has no way to replace them. Current DOE plans reflect a capability to begin production of one type of replacement pit by fiscal year 2009, with other types following later. I support this effort.

Question. Does this cost impact your view on whether we should proceed with such a facility?

Answer. No. Nuclear weapon facilities with the necessary safeguards and environmental standards are expensive by their very nature. In my opinion, the DOE must restore its capability to produce plutonium components in order to sustain the safety and reliability of the nuclear deterrent.

Question. What role should strategic nuclear forces continue to play in United States policy and strategy in the foreseeable future?

Answer. I believe that nuclear weapons contribute substantially to the ability to deter aggression against the U.S., our forces abroad, and our allies and friends. Nuclear weapons must and will remain a critical component of our security posture. Nuclear weapons also serve as a means of upholding U.S. security commitments to our allies, as a disincentive to those who would otherwise contemplate developing or acquiring their own weapons, and as a hedge against an uncertain future.

Question. What criteria should the United States use in determining an appropriate strategic nuclear force posture for the foreseeable future?

Answer. These criteria will be developed as a part of the congressionally-mandated Nuclear Posture Review. It is too early, at this point, to discuss details of the review, including what criteria will be applied in determining an appropriate strategic nuclear force posture for the foreseeable future.

Question. In your view, what impact would the introduction of missile defense have on deterrence, which in the past has been based exclusively on offensive nuclear forces?

Answer. The world has changed. The United States and Russia are no longer enemies whose relationship should be based on mutual assured destruction, and we now face new threats, which pose new challenges to our security. We require missile defenses to make clear that we will not be blackmailed from supporting allies and friends by threats of ballistic missile attack. Stability and deterrence will be enhanced when we can help dissuade potential adversaries from investing in ballistic missiles by devaluing their political and military utility, and when we can defend allies and friends as well as the U.S. if deterrence should fail.

Question. Do you believe that the introduction of missile defenses by the United States could stimulate a nuclear arms race between Russia and the United States?

Answer. No. We intend to deploy limited defenses against handfuls of longer-range missiles, not against hundreds of missiles or warheads. Those limited defenses will not threaten the Russian strategic deterrent, even under significantly reduced levels of forces.

Question. And/or between China and the United States?

Answer. No. China's nuclear modernization program predates U.S. missile defense efforts. China is likely to continue this modernization regardless of what the U.S. does. In my opinion, China does not want to create a "Cold War" relationship with the U.S. We have made clear that our limited missile defense is intended to protect the U.S., our allies and our friends only from those who would seek to threaten or coerce us.

Question. Do you believe that other arms races might be stimulated by the introduction of missile defenses by the United States?

Answer. Missile defenses are a response to proliferation, not the cause of it. U.S. and allied vulnerability to ballistic missile attack serves as a strong incentive to proliferation. Missile defenses will help dissuade potential adversaries from investing in ballistic missiles by devaluing their political and military utility.

ARMS CONTROL

Question. Do you believe that arms control treaties can be in the national interests of the United States?

Answer. Yes, arms control agreements and actions can be in the national interest of the United States.

Question. If so, under what circumstances?

Answer. Each proposed treaty or unilateral action needs to be evaluated to determine whether it is in the U.S. national interest. Relevant considerations regarding treaties include: Is a proposed treaty's purpose in our national interest? Will the proposed terms accomplish the purpose? Is the proposed treaty verifiable? How likely is it that other parties will comply? How effective are efforts likely to be to enforce compliance if the treaty is violated? Are there collateral benefits of the proposed treaty even if its terms are violated by other parties?

Question. The Department of Defense plays the lead role in developing and implementing arms control technology in support of arms control agreements.

What do you believe should be the key capabilities, e.g. monitoring, verification, that the Department should pursue and develop? What challenges do you believe exist in developing these key capabilities?

Answer. The Department's focus should be on technologies that permit DOD and the United States to protect DOD and other national security equities while allowing us to collect information regarding the treaty-relevant activities of treaty states of concern. I would defer to my colleagues in the intelligence community regarding the challenges associated with the development of national technical means. With regard to on-site and other cooperative capabilities, the key challenge is to develop capabilities that: are selective and whose use would not lead to the disclosure of sensitive information, that minimize the cost to the U.S. of compliance, that enhance safety, that reduce the potential intrusiveness of any on-site arms control provisions in the U.S., and that can be widely shared with other countries without raising the potential risk of disclosure of sensitive technologies.

Question. The Biological Weapons Convention (BWC) prohibits the stockpiling of biological materials in quantities that are not justifiable for solely peaceful purposes. Currently, the parties to the Convention are discussing details of a proposed protocol that consists of a legally binding regime for verification that goes beyond confidence building measures. Some critics of these discussions believe that such verification measures are too difficult to enforce. Others believe the proposed protocol does not go far enough.

What is your view of the Convention and of the desirability of greater verification of it? Do you believe it is possible to establish and verify measures beyond confidence building?

Answer. The Biological Weapons Convention establishes a norm against the development, production, acquisition and stockpiling of biological weapons. However, given the nature of biological weapons and biotechnology, the Convention is inherently unverifiable.

THREAT OF GROWING BIOTECH CAPABILITIES

Question. During the next 10 years expected advances in biotechnology will lead to greater capability to manipulate biological agents. While we are attempting to protect ourselves against known biological agents, we may be several steps behind in addressing near-term threats posed by these near-term advances in biotechnology.

Do you believe our current policies and programs for biological warfare defense are adequate for current threats? If not, what additional steps would you recommend?

Answer. No. Director of Central Intelligence George Tenet has acknowledged that there is "a continued and growing risk of surprise" in the biological warfare (BW) area, especially in light of bio-technology advances and steps being taken by determined rogue states to hide their BW-related activities. DOD therefore must avoid placing too much emphasis on "validated" threats in its bio-defense preparations, because we are unlikely to have knowledge of the range of biological agents that have been, or are available for, weaponization. For example, we did not know until well after the Persian Gulf conflict ended that Iraq had weaponized anthrax for ballistic missile delivery. Nor did we understand the scope of the Soviet BW program—which included BW agents for inter-continental ballistic missile delivery—until defectors came to the West in the early 1990s. Capabilities-based planning will be needed to mitigate risks from emergent BW threats.

COOPERATIVE THREAT REDUCTION (CTR)

Question. Do you support the Nunn-Lugar Cooperative Threat Reduction Programs?

Answer. Yes. The elimination of former Soviet strategic nuclear weapons, other weapons of mass destruction, and their delivery vehicles funded by the CTR program has benefited U.S. national security. The United States also has an interest in ensuring that Russia eliminates its stockpile of chemical munitions and biological agents. At the same time we do not want the CTR program to become a means by which Russia frees resources to finance its military modernization programs.

Question. If so, does this support include support for funding for the Russian chemical weapons destruction facility at Shchuch'ye?

Answer. I do not have a personal view on funding for Shchuch'ye. If confirmed, I would get briefed on all relevant facts and circumstances to allow me to formulate a view.

Question. Do you believe the CTR programs are making a long-term contribution to increasing U.S. security?

Answer. Yes. Please see first CTR answer above.

Question. Do you believe the CTR programs are reducing the probability of an accidental or unauthorized launch of a Russian ballistic missile?

Answer. The CTR program does not address directly the issue of accidental or unauthorized launches. To the extent that the program funds the elimination of former Soviet strategic nuclear weapons and their delivery vehicles, it can be said to contribute to the reduction of that danger.

Question. Do you support increasing funding for the CTR programs as necessary to improve control over all aspects of Russia's nuclear arsenal, including dismantlement of nuclear warheads, accounting storage and control of weapons-usable plutonium and uranium, and shutting down the last three Russian plutonium producing reactors?

Answer. I support the CTR program. As to the particular elements of the program, I would, if confirmed, get briefed on all relevant facts and circumstances to allow me to formulate a view on appropriate funding levels.

Question. In your view, do any increases during the past year in Russia's gross domestic product, military spending and arms exports, affect Russia's ability to assume more of the cost share associated with CTR efforts in Russia?

Answer. Russia should do more to fund the reduction of the weapons of mass destruction left by the Former Soviet Union. Part of the ongoing administration review of assistance programs to Russia is to identify whether Russia is doing as much as it can to fund these reductions. The recent upturn in Russia's economic situation and increase in military spending should be taken into account.

Question. In light of Russia's increasing priority on military spending, what is your view regarding the fungibility of U.S. funds associated with threat reduction assistance?

Answer. Investment in the CTR program and other U.S. nonproliferation programs should not become a means by which Russia frees resources to finance its military modernization programs. The current review of these programs should look at such questions.

Question. Would you propose limiting or prohibiting CTR assistance to Russia until Russia ceases its proliferation activities with Iran?

Answer. I have been informed that the administration is currently reviewing its options for encouraging Russia to cease its proliferation activities with Iran, including possible steps in the event that Russia does not cease such cooperation. If confirmed, I would expect to participate actively in that review.

NUCLEAR TEST DETECTION

Question. Do you support continued and full funding for the U.S. project in support of the International Monitoring System for nuclear testing?

Answer. The U.S. contribution to the CTBT Organization, which includes support for the International Monitoring System is in the Department of State's budget. If confirmed, I would support a review of all DOD activities associated with the CTBT.

Question. Do you believe that the United States' existing nuclear monitoring capabilities are sufficient to deter and detect any nuclear explosions?

Answer. I understand that the Department deems our existing monitoring capabilities sufficient to detect some, but not all, nuclear explosions. The risk of detection will not necessarily deter testing. Whether a country will be deterred depends on its own calculations of whether the benefits of the test exceed possible penalties resulting from possible detection.

Question. Are there steps that should be taken to enhance our nuclear monitoring capabilities, including the possibility of bilateral or other international monitoring collaboration?

Answer. An answer to this question would require an examination of U.S. nuclear monitoring requirements and the extent to which current capabilities can satisfy them. If confirmed, I would review the adequacy of our ability to detect foreign nuclear tests and the cost-effectiveness of potential improvements.

NUCLEAR TESTING

Question. Do you believe the United States should return to underground explosive testing of nuclear weapons? If so, under what circumstances would you favor a return to testing and for what purpose would you conduct a test or series of tests?

Answer. I have not been briefed on a DOD requirement for the United States to resume nuclear explosive testing at this time. If confirmed, I would support a review of how we can assure the reliability, safety, and effectiveness of the nuclear weapons in our stockpile.

COMPREHENSIVE TEST BAN TREATY (CTBT)

Question. What do you believe the policy should be within the Defense Department regarding DOD programs that support the CTBT?

Answer. Secretary Rumsfeld has said that he has concerns with CTBT: the risks to the reliability and safety of our nuclear weapon stockpile and the difficulty of verification. Because the CTBT has not been ratified by the United States or entered into force, the United States is under no obligation to implement it. If confirmed, I would support a review of all planned DOD activities associated with the CTBT, to determine whether they are useful on their own merits.

Question. What programs within the Department, if any, support only a CTBT?

Answer. I do not have such detailed information. If confirmed, I expect that I will be briefed on issues related to the CTBT.

SPACE COMMISSION

Question. Do you support creation of an Under Secretary of Defense for Space, Intelligence, and Information as recommended by the Commission to Assess National Security Space Management and Organization?

Answer. I support Secretary Rumsfeld's decision not to request legislation to establish an Under Secretary of Defense for Space, Intelligence, and Information. As the Secretary's response to Congress on the Space Commission's recommendations indicated, he has asked staff to review the responsibilities and functions of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence and provide him with recommendations to ensure appropriate senior-level policy, guidance, oversight, and advocacy for space, intelligence, and information activities.

Question. If confirmed, what would your responsibilities be with respect to space policy for the Department of Defense?

Answer. If confirmed, I would assist the Under Secretary of Defense for Policy in carrying out the responsibilities currently prescribed by the Secretary of Defense, to ensure that space policy decisions are closely integrated with overall national security policy considerations, in coordination with the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, and review contingency and operations plans to ensure the proposed employment of space forces are coordinated and consistent with DOD policy and the National Military Strategy. I would also assume any additional responsibilities for space policy prescribed by the Secretary of Defense, Deputy Secretary of Defense, or Under Secretary of Defense for Policy.

Question. In your view, how important is it for the United States to develop a wide range of space control capabilities, including the ability to negate hostile satellites?

Answer. The security and well-being of the United States, our allies, and friends depend on our ability to operate in space. Our increasing dependence and the vulnerability it creates, however, require us to have the means to deter and dissuade threats to our national interests in space. In this regard, I support the 1996 National Space Policy that directs that "consistent with treaty obligations, the United States will develop, operate and maintain space control capabilities to ensure freedom of action in space and, if directed, deny such freedom of action to adversaries. These capabilities may also be enhanced by diplomatic, legal or military measures to preclude an adversary's hostile use of space systems and services." A broad range of military capabilities may be required to implement this policy. I understand the

administration has included in its on-going strategic review the range of capabilities necessary to implement this policy, and I support this effort.

NON-PROLIFERATION POLICY

Question. The United States faces a number of threats from the proliferation of weapons of mass destruction.

What role do you believe non-proliferation should have in our national security policy and what role should the Department of Defense play in this effort?

Answer. Non-proliferation is a component, complementary to other elements, of our national security policy. The Department of Defense will continue to take part in interagency policy development to ensure effective non-proliferation policy.

Question. In December 2000, Secretary Cohen met with then Russian Defense Minister Igor Sergeyev to discuss U.S. concern over Moscow's continued arms sales and proliferation activities with Iran. While this meeting and subsequent State Department meetings were considered positive, the United States did not receive concrete assurances from Russia that these proliferation activities would cease. In fact, subsequent actions by Russia indicate that Russia intends to continue to increase its arms sales and nuclear technology transfers to Iran, despite U.S. concerns.

If confirmed as Deputy Under Secretary of Defense for Policy, what policy options would you propose to address any ongoing prohibited or non-prohibited proliferation activities of Russia with Iran?

Answer. If confirmed, I would look at the full range of available options. I would underscore for Russian policy makers that this is a new administration and that positive, concrete steps on their part to address our security and stability concerns in this area can provide a basis for a constructive bilateral relationship.

MISSILE DEFENSE

Question. If the administration concluded that, for whatever reason, deploying a particular missile defense system would actually decrease our security, would you recommend deploying that system?

Answer. No, but at this time I cannot envision a limited system that would decrease our security.

Question. President Bush has called for missile defenses to protect ourselves, our allies and friends against the possibility of limited ballistic missile attacks.

Should we proceed with missile defense programs in a manner such that our allies, friends and, if possible, Russia and China do not perceive our missile defense programs as threatening or destabilizing?

Answer. In my view, the United States should proceed in this area in accordance with its national interests, taking into account the views of our allies. I believe, however, that in the area of missile defense, the United States and our allies have fundamentally harmonious interests. Good alliance relations are an important element of U.S. national interests. I think there are reasonable grounds for hoping that the United States and our allies will work closely and cooperatively in coming years to protect against the threats resulting from the proliferation of weapons of mass destruction and missile capabilities. The United States has begun a cooperative allied consultation process. The desirable and, I believe, likely outcome is alliance consensus, which enlightened U.S. leadership has often over the years been able to produce.

We are also discussing such concerns with Russia and China. We are talking about defenses to protect against handfuls of missiles and warheads, not hundreds. We intend to move forward on defenses against ballistic missiles of all ranges—defenses which would protect our friends and allies as well as the United States against the new threats which we all face. Our proposed system will not threaten the Russian strategic nuclear deterrent, even at significantly reduced levels of forces.

Nor is our missile defense system a threat to China. It is intended to defend against threats or attacks from states currently attempting to acquire longer-range missiles. Since the late 1980s, China has been engaged in the modernization of its nuclear forces; this modernization is likely to continue regardless of what the U.S. does.

Question. The Department of Defense designs, develops and acquires weapon systems intended to be operationally effective in combat, and demonstrated to be capable of meeting their operational requirements. To date, our missile defense programs have followed this long-standing policy.

Do you believe that our missile defense systems should continue to meet the operational requirement for effectiveness?

Answer. Yes. The current operational requirement, however, needs to be reviewed in the context of the overall missile defense review.

Question. Would you recommend acquiring or deploying a weapon system, including a missile defense system, that is not operationally effective?

Answer. No. Defenses that are substantially less than 100 percent effective, however, can be essential to deterring threats and defending against attacks. We should not face an all-or-nothing choice in missile defense any more than we do regarding other defense programs.

Question. You have testified that the ground-based national missile defense architecture developed under the previous administration is inadequate to the Nation's needs.

In your view, to what extent should the United States utilize this ground-based architecture and technology as a starting point for implementing the President's missile defense plans?

Answer. As the President has stated, the U.S. plans to deploy missile defenses capable of defending all 50 states, deployed forces, and friends and allies. The previous administration's ground-based system, which would only provide for the defense of the United States, fails to provide for the defense of our friends and allies. Other system architectures could be more effective overall and capable of defending our friends, allies, and deployed forces. Furthermore, a layered system, capable of intercepting ballistic missiles in their boost, midcourse, and terminal phases, increases the likelihood of a successful intercept.

I believe the current ground-based system could play an important role in the layered defense concept. Its role, however, will depend on a number of factors, such as test results and the availability and effectiveness of other promising technologies.

Question. The administration has stopped describing missile defense systems as either "national" or "theater." What are the advantages to eliminating such a distinction?

Answer. The President has said we will deploy defenses capable of defending the U.S., our deployed forces, and our allies and friends. Whether a particular system is a "national" system or a "theater" system depends on where you live and how close you are to the threat. Some systems—boost-phase system for instance—may be effective against short-, medium-, and long-range ballistic missiles, whether they are directed at the United States or at allies in the theater. These systems should be used where they are effective.

Question. Ballistic missile defense systems would not be able to defend against weapons of mass destruction delivered by non-missile systems such as ships or trucks.

Answer. We are determined to defend against such threats. We already have some defenses against terrorist threats, and are working to strengthen them. The U.S. spends billions of dollars annually to address these types of threats.

Regardless of other means of striking the U.S., some countries are currently putting significant resources into developing or acquiring long-range missile capability, probably because we have no defenses against long-range ballistic missiles. Continued vulnerability would only encourage others to acquire long-range ballistic missiles, to blackmail or coerce the U.S.

ANTI-BALLISTIC MISSILE (ABM) TREATY

Question. In a speech at The Citadel in September, 1999, then-Governor Bush said: "At the earliest possible date, my administration will deploy anti-ballistic missile systems, both theater and national, to guard against attack and blackmail. To make this possible, we will offer Russia the necessary amendments to the Anti-Ballistic Missile Treaty. If Russia refuses the changes we propose, we will give prompt notice, under the provisions of the treaty, that we can no longer be a party to it."

If we can reach agreement with Russia on modifying the ABM Treaty to permit the deployment of a limited missile defense system to defend the Nation against the possibility of a limited attack, do you believe it would be in our interest to do so?

Answer. President Bush has made clear that the ABM Treaty should be replaced with a new framework that reflects a break from Cold War thinking and facilitates development of a new, cooperative relationship between the United States and Russia. The exact nature of the new framework and whether it includes agreements, parallel or unilateral actions, or a combination thereof, is still something that is being developed. The President is looking at a wide range of ideas for the framework, and whether amendments will be part of it remains under consideration. In any case, it is clearly in our interest to reach agreement with Russia, if possible, and President Bush has made it clear that he seeks to move beyond Treaty constraints cooperatively with the Russians. To that end, the administration is consult-

ing with the Russians, with allies, and with Congress on the concept of such a framework. This should provide the opportunity for openness, mutual confidence, and a real chance for cooperation, including in the area of missile defense.

THREATS AND RESPONSES

Question. The United States faces many security challenges and threats.

Do you believe it is important to have a balanced response, in terms of policy, strategy, and resource allocation, to the full range of threats and challenges we face?

Answer. Yes. Our overall approach to defense must recognize the changes in the world, and requires that we balance the risks we face. If confirmed, I will work with this committee to ensure sufficient resources to deal with these challenges.

Question. How do you believe that we should assure that we achieve such a balance between threats and responses?

Answer. We must recognize that the world poses a wide and unpredictable array of security challenges to which we must be ready to respond. These risks include near-term operational challenges as well as long-term challenges that require fundamental transformation of our military forces and defense processes. Among our top resource priorities to address these challenges are effectively managing the force and taking care of our people; promoting experimentation with new concepts, organizations, and capabilities; pursuing robust research and development for the future; and modernizing and focusing our infrastructure and logistics.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

1. Senator LEVIN. At your nomination hearing, we discussed the issue of operational effectiveness of a National Missile Defense system, and you mentioned that there were discussions of the idea of changing the standard for NMD operational effectiveness. The NMD system has an Operational Requirements Document (ORD) as do all major weapon systems, that was approved by the Joint Requirements Oversight Council (JROC). At an unclassified level, the NMD ORD specifies that the NMD system must defeat all warheads from a limited ballistic missile attack (no leakers) with a very high degree of confidence.

Please describe all conversations to which you have been privy this year with persons associated with the Defense Department that have taken place relative to the standards for operational effectiveness for a National Missile Defense program.

Dr. CAMBONE. Since January of this year, in my role as the Special Assistant to the Secretary and Deputy Secretary of Defense, I have worked closely with the Secretary, the Deputy Secretary, and their staffs in the coordination of, and in support of, the series of reviews directed by Secretary Rumsfeld. Missile defense is a high priority for this administration and, naturally, discussion of a missile defense program is a topic receiving substantial attention. Consequently, in my role as the Special Assistant to the Secretary of Defense and the Deputy Secretary of Defense, I have participated in numerous conversations with senior civilian and military officials in which issues associated with the operational requirements for missile defense have arisen. My conversations with DOD officials have included discussion of the operational requirements process within DOD and the different types of requirements examined by DOD, including both threshold and objective requirements.

2. Senator LEVIN. Who has taken part in those discussions?
Dr. CAMBONE. Please see the answer to Question 1.

3. Senator LEVIN. What reasons have been given in favor of wanting to change those operational effectiveness standards?
Dr. CAMBONE. In my opinion, the current standards for operational effectiveness for the National Missile Defense system, as approved in the Operational Requirements Document, need to be reviewed. I understand generally that the reasons for changing the operational effectiveness requirements include: that the existing requirements for missile defense are unprecedented for a weapon system; that no system can be 100 percent effective in meeting threshold or objective requirements; and that missile defense deployment is not an all-or-nothing proposition and rudimentary systems less than 100 percent effective could make substantial contributions to both deterrence and defense.
I understand that the primary argument for not changing the operational effectiveness requirement is that an extremely high degree of effectiveness should be the goal of any weapon system. This does not mean, however, that a system that does not fully meet the objective requirement would not be militarily useful. In fact, the operational requirements process within DOD recognizes that there will be both threshold requirements, which are the minimal requirements a system should meet to be deployed, and objective requirements, which represent the desired evolutionary capability, both of which can be modified for reasons such as excessive cost or military necessity.
I will carefully consider these matters in advising the Department's leadership of my views on this question.

4. Senator LEVIN. What reasons have been given against changing the operational effectiveness standards?
Dr. CAMBONE. Please see the answer to Question 3.

5. Senator LEVIN. What are the views of the Joint Chiefs of Staff, the Commanders in Chief (CINCs) and the Joint Requirements Oversight Council (JROC) on this question of changing the NMD operational requirements standard?
Dr. CAMBONE. I am not in a position to speak for the Joint Chiefs, the CINCs and the JROC on this matter.

6. Senator LEVIN. Have the Joint Chiefs, the CINCs or the JROC requested that the operational effectiveness of NMD be changed from the current ORD standard?
Dr. CAMBONE. I understand that U.S. Space Command is now reviewing the missile defense operational requirement in light of the missile defense review.

7. Senator LEVIN. Have they made such requests for any other missile defense system, or any other weapon system?
Dr. CAMBONE. As I understand the process, formal requests to review operational requirements need not be made; in fact, a CINC can initiate them. I believe there is recognition of the need to review requirements for missile defense programs overall to ensure our ability to defeat the full range of ballistic missiles that we and our friends and allies and deployed forces face today as well as in the future.

7a. Senator LEVIN. If so, for what systems?
Dr. CAMBONE. The Airborne Laser is an example of a system for which, I understand, there is general recognition of the need to review the requirement.

8. Senator LEVIN. Have there been any conclusions or recommendations from those discussions?
Dr. CAMBONE. The discussions are ongoing.

8a. Senator LEVIN. If so, what are they?
Dr. CAMBONE. See above answer.

8c. Senator LEVIN. If not, is there an intention to make recommendations or reach a conclusion on this issue in the foreseeable future?
Dr. CAMBONE. As discussed above, I understand that CINCSPACE is now reviewing missile defense operational requirements in light of the results of the missile defense review.

9. Senator LEVIN. Have there been similar discussions to which you have been privy within the Department on changing operational requirements standards for other missile defense systems, or for other weapon systems?

Dr. CAMBONE. I am aware of discussions about the possible need to review requirements with respect to all missile defense systems. I understand that this is driven by the need to develop the most effective overall systems capable of defending our territory, our friends, allies and deployed forces. I believe that a layered system, capable of intercepting ballistic missiles in their boost, midcourse, and terminal phases, increases the likelihood of a successful intercept.

10. Senator LEVIN. Has the Department recommended, or has the JROC approved, any changes to the operational requirements for any weapon system since Secretary Rumsfeld assumed office? If so, please describe such changes.

Dr. CAMBONE. I am not aware of any such changes.

11. Senator LEVIN. Will the Department continue the policy of having operational requirements for weapon systems, and of having those weapon systems demonstrate that they meet the operational requirements before they are deployed?

Dr. CAMBONE. I understand that the Department will continue the practice of having operational requirements and of testing to those requirements as required by statute. I would note, however, the Department has on occasion deployed a system that was not fully compliant with existing ORD requirements, when necessary to meet increased threats. A good example of this is the deployment during the Gulf War of Joint Surveillance Target Attack Radar System (JSTARS).

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

12. Senator THURMOND. Although the United States has established significant relationships with the countries of South and Central America regarding the counter-drug effort, our interaction with these countries is insignificant when compared to other nations of the globe.

Considering the economic, political and migration issues associated with Central and South America, what are your views on our current military and diplomatic relationships with these regions?

Dr. CAMBONE. The United States has important security interests in Latin America. The security, prosperity and demographic makeup of the U.S. is profoundly influenced by the stability of the region. Latin America countries are some of our most important friends and allies and largely share a commitment to democracy, human rights and free markets. One of our fundamental goals for the region is the promotion of regional stability. The principal threats facing this hemisphere are transnational ones, including drug and arms trafficking, money laundering, illegal immigration, and terrorism. The vast majority of countries of the western hemisphere have reaffirmed their commitment to combat these challenges together.

Given the obvious challenges in the Andes and the President's firm intention to work more closely with Latin American governments to achieve economic and security objectives, the Department of Defense is reviewing existing policies and programs and consulting with regional defense officials to make DOD's role in that process more effective.

13. Senator THURMOND. Many former Soviet republics are seeking to establish their own identity independent of Russia's central government. In your personal view, how should the United States respond to these independence movements?

Dr. CAMBONE. The basic U.S. security interest for all 12 of the independent states of Eurasia that emerged from the former Soviet Union is to support their independence, sovereignty and territorial integrity. We seek to support the transition of these states to free market economic systems and democratized political systems. In security terms, the Department of Defense is working to facilitate the reform, restructuring and professionalism of the ministries of defense and the armed forces of these states in an effort to shed their Soviet military heritage. We hope to build the basis for long-term American influence in the development of professional militaries and in the security decisions that these countries will make for years to come.

[The nomination reference of Dr. Stephen A. Cambone follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Dr. Stephen A. Cambone of Virginia, to be Deputy Under Secretary of Defense for Policy, vice James M. Bodner, resigned.

[The biographical sketch of Dr. Stephen A. Cambone, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. STEPHEN A. CAMBONE

Stephen A. Cambone is currently the Special Assistant to the Secretary and Deputy Secretary of Defense. Prior to that, he was the Staff Director for the Commission to Assess United States National Security Space Management and Organization from July 2000 to January 2001.

Dr. Cambone was the Director of Research at the Institute for National Strategic Studies, National Defense University (INSS/NDU) from August 1998 to July 2000. Before that, he was the Staff Director for the Commission to Assess the Ballistic Missile Threat to the United States from January 1998 to July 1998, a Senior Fellow in Political-Military Studies at the Center for Strategic and International Studies (CSIS) from 1993 to 1998, the Director for Strategic Defense Policy in the Office of the Secretary of Defense from 1990 to 1993, the Deputy Director, Strategic Analysis, SRS Technologies (Washington Operations) from 1986 to 1990, and a Staff Member in the Office of the Director, Los Alamos National Laboratory from 1982 to 1986.

Dr. Cambone graduated from Catholic University in 1973 with a B.A. degree in Political Science, from the Claremont Graduate School in 1977 with an M.A. degree in Political Science, and from the Claremont Graduate School in 1982 with a Ph.D. in Political Science. His numerous awards include the Secretary of Defense Award for Outstanding Service in 1993 and the Employee of the Year Award with SRS Technologies (Washington Operations) in 1988.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Stephen Anthony Cambone.

2. **Position to which nominated:**
Principal Deputy Under Secretary of Defense for Policy.

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
June 22, 1952; Bronx, New York.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Margaret Taaffe Cambone.

7. **Names and ages of children:**
Maria Cambone, 11 years.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Our Lady of Lourdes High School, 9/1966–6/1970; H.S. Diploma 6/1970.
Catholic University 9/1970–5/1973; B.A., Political Science 5/1973.
Claremont Graduate School 1974–1977; M.A., Political Science 1977.
Claremont Graduate School 1977–1981; Ph.D., Political Science 1982.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Director, Strategic Defense Policy, Office of the Secretary of Defense/ISP, DOD, Room 2D459, Pentagon, Washington, DC 20301; 4/1990–4/1993.
Self-employed, Los Alamos Lab/SAIC/National Institute for Public Policy, 1809 Barbee Street, McLean, VA 22101; 5/1993–10/1997.
Senior Fellow, Political-Military Studies, Center for Strategic and International Studies, 1800 K Street, NW, Washington, DC 20006; 6/1993–7/1998.
Staff Director, IPA, Ballistic Missile Threat Commission, HQ CIA, Langley, VA; 11/1997–7/1998.
Director of Research, Institute for National Strategic Studies, National Defense University, Marshall Hall, Fort McNair, Washington, DC; 8/1998–11/2000.
Distinguished Research Professor, Institute for National Strategic Studies, National Defense University, Marshall Hall, Fort McNair, Washington, DC; 12/2000–Present.
Staff Director, Commission to Assess United States National Security Space Management and Organization (detailed from National Defense University), 2100 K Street, NW, Suite 300, Washington, DC; 7/2000–1/2001.
Staff Assistant, Presidential Transition Office (detailed from National Defense University), 1800 G Street, NW, Washington, DC; 1/13/2001–1/21/2001.
Special Assistant to the Secretary of Defense (detailed from National Defense University), 1000 Defense Pentagon, Washington, DC; 1/22/2001–Present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Nominated to serve on the Commission to Assess United States National Security, Space Management and Organization.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Guest Scientist, Los Alamos Laboratory. See SF 278.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**

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

None.

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

Detailed to the Bush/Cheney Transition Team from National Defense University.

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

Dole Campaign, 1996, $1,000.

I may have contributed to other local campaigns:

Colleen Sheehan, Congress, PA, c. 1996.
John Eastman, Congress, CA, c. 1998.
William B. Allen, Senate, CA, c. 1996.

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

Secretary of Defense Award for Outstanding Service, 1993.

Employee of the Year, SRS Technologies (Washington Operations), 1988.

Ph.D. awarded with High Honors, Claremont Graduate School, 1982.

Best Master's Degree Thesis, Government Department, Claremont Graduate School, 1977.

Earhart Fellow, 1976–1977.

Blue Key, Honorary Award, 1973.

Pi Sigma Alpha, +9, c. 1974–1980.

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

"Threats and Risks Prompting a Commitment to Ballistic Missile Defense (BMD)," *National Missile Defence and the Future of Nuclear Policy,* Occasional Paper, Institute for Security Studies—Western European Union, September, 2000, with Ivo Daalder, Stephen J. Hadley and Christopher Makins, "European Views of National Missile Defense," Policy Paper, *The Atlantic Council,* September, 2000.

"An Inherent Lesson in Arms Control," The Washington Quarterly, Vol. 23, No. 2 (Spring 2000).

"After the Assessment: Responding to the Findings of the Rumsfeld Commission." Director's Colloquium, Los Alamos National Laboratory, February 9, 1999.

A New Structure for National Security Policy Planning, (Washington, DC: CSIS Press), 1998.

"Demarcation Issues Between Strategic and Theater Systems: A Response [to an Administration View]," Robert L. Pfalzgraff, Jr., ed., *Security Strategy and Missile Defense* (Cambridge, MA; Institute for Foreign Policy Analysis), 1996.

With Colin Grey, "The Role of Nuclear Forces in U.S. National Security Strategy: Implications of the B–2 Bomber," *Comparative Strategy,* Vol. 15, No. 1 (Fall 1996).

With Patrick J. Garrity, "The Future of U.S. Nuclear Policy," Survival, Vol. 36, No. 4 (Winter 1994–5).

With Don M. Snider and Daniel Goure, "Defense in the Late 1990s: Avoiding the Trainwreck" CSIS Report, 1995.

"Readiness Standards for the Future," prepared for the Institute for National Security Studies, National Defense University, Washington, DC, 1995.

"An Approach to Defense S&T and Providing Technological Superiority for U.S. Military Forces," CNSS, Los Alamos National Laboratory, 1995.

"NATO Enlargement: Implications for the Military Dimension of Ukraine's Security," *The Harriman Review,* Vol. 10, No. 3, Winter 1997.

"Will the Senate Endorse NATO's Enlargement," *RUSI Journal,* Vol, 142, No. 6, December, 1997.

"NATO's New Members: Ready for Accession," unsigned Strategic *Comments for the International Institute for Strategic Studies,* Vol. 3, No. 10, December, 1997.

"European Unified Political-Military Planning and Control: The Creation, Organization and Control of a European Force," Gert de Nooy, ed., *The Role of European Ground and Air Forces after the Cold War* (The Hague: Netherlands Institute of International Relations/Clingendael), 1997.

"NATO Expansion: A Strategic Perspective," U.S. Defense Intelligence Agency, 1996.

"Organizing for Security in Europe: What Missions, What Forces, Who Leads, Who Pays?" Graduate Program in International Studies, Working Paper 95.5, Old Dominion University, 1996.

"Role of the United States in the Future of Europe," Ann-Sofie Dahl, ed., *Security in Our Time. Four Essays on the Future of Europe,* (Stockholm, National Defense Research Establishment), 1995.

Editor, "NATO's Role in European Stability," CSIS Report, Washington, DC, 1995.

"Time to Define a New U.S.-CIS Relationship," Europe Orientale et Centrale: Les Options de L'Europe Occidentale (Brussels: Centre d'Etudes de Defense, Institut Royal Superieur de Defense), 1995.

"The Implications of U.S. Foreign and Defence Policy for the Nordic and Baltic Region," Arne O. Bruntland, Don M. Snider, eds., *Nordic Baltic Security: An International Perspective, CSIS Report, Washington, DC, 1995.*

"The United States and Theater Missile Defense in North-east Asia," *Survival,* Vol. 39, No. 3, Autumn, 1997.

"Weapons Proliferation: Australia, the U.S. and the Strategic Equilibrium of the Asia-Pacific" in Roger Bell, Tim McDonald and Alan Tidwell, editors, *Negotiating the Pacific Century* (Sydney: Allen & Unwin), 1996.

"The Political Setting," Dick A. Leurdijk, ed., *A U.N. Rapid Deployment Brigade. Strengthening the Capacity for Quick Response* (The Hague: Netherlands Institute of International Relations/Clingendael), 1995.

"NATO and Peacekeeping: Lessons Learned," U.S. Defense Intelligence Agency, 1995. "'Principles of Operational Concepts for Peacemaking," Ernest Gilman, Detlef E. Herold, eds., Peacekeeping Challenges to Euro-Atlantic Security (Rome: NATO Defense College), 1994.

"Kodak Moments, Inescapable Momentum and the World Wide Web: Has the Infocomm Revolution Transformed Diplomacy?" Center for Information Strategy and Policy, Science Applications International Corporation, McLean, VA, 1996.

TESTIMONY

- "Iran's Ballistic Missile and WMD Programs," Testimony before the Subcommittee on International Security, Proliferation and Federal Services, Committee on Government Affairs, United States Senate, 106th Congress, September 21, 2000.
- "Elements of a Decision to Deploy National Missile Defense," Testimony before the Armed Services Committee, House of Representatives, 106th Congress, June 28, 2000.
- "Elements of a Modern, Non-Proliferation Policy," Testimony before the Senate Foreign Relations Committee, March 21, 2000.
- "Issues Surrounding the 50th Anniversary Summit of NATO," Testimony before the Senate Foreign Relations Committee, Subcommittee on European Affairs, April 21, 1999.
- "Qualifications of Poland, Hungary and the Czech Republic for NATO Membership," Testimony prepared for the Senate Committee on Foreign Relations, 105th Congress, October 22, 1997.
- "Prepared Statement on the Costs of NATO Enlargement" Appendix 4, *The Debate on NATO Enlargement,* Hearings before the Committee on Foreign Relations, United States Senate, 105th Congress, 1st Session, Committee Print S. Hrng. 105–285.
- "The ABM Treaty and Theater Missile Defense," Testimony before the Military Research and Development Committee of the Committee on National Security, House of Representatives, 104th Congress, March 21, 1996.
- "Space Programs and Issues," Testimony before the Subcommittee on Strategic Forces of the Senate Armed Services Committee, 104th Congress, May 2, 1995.

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

I have not delivered formal speeches. I have, however, participated in numerous panel discussions, colloquies, etc. Those presentations frequently were developed into articles. Examples include:

- "After the Assessment: Responding to the Findings of the Rumsfeld Commission." Director's Colloquium, Los Alamos National Laboratory, February 9, 1999.
- "Demarcation Issues Between Strategic and Theater Systems: A Response [to an Administration View]," Robert L. Pfalzgraff, Jr., ed., *Security Strategy and Missile Defense* (Cambridge, MA; Institute for Foreign Policy Analysis), 1996.

• "Organizing for Security in Europe: What Missions, What Forces, Who Leads, Who Pays?" Graduate Program in International Studies, Working Paper 95.5, Old Dominion University, 1996.
• "Role of the United States in the Future of Europe," Ann-Sofie Dahl, ed., *Security in Our Time. Four Essays on the Future of Europe,* (Stockholm, National Defense Research Establishment), 1995.
• "Time to Define a New U.S.-CIS Relationship," Europe Orientale et Centrale: Les Options de L'Europe Occidentale (Brussels: Centre d'Etudes de Defense, Institut Royal Superieur de Defense), 1995.
• "The Political Setting," Dick A. Leurdijk, ed., *A U.N. Rapid Deployment Brigade. Strengthening the Capacity for Quick Response* (The Hague: Netherlands Institute of International Relations/Clingendael), 1995.
• "Principles of Operational Concepts for Peacemaking," Ernest Gilman, Detlef E. Herold, eds., *Peacekeeping Challenges to Euro-Atlantic Security* (Rome: NATO Defense College), 1994.

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

Yes.

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

SIGNATURE AND DATE

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

DR. STEPHEN A. CAMBONE.

This 18th day of June, 2001.

[The nomination of Dr. Stephen A. Cambone was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 19, 2001.]

[Prepared questions submitted to Michael Montelongo by Chairman Levin prior to the hearing with answers supplied follow:]

JUNE 21, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

MICHAEL MONTELONGO.

cc: Senator John Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

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

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

Answer. Yes, I fully support the Goldwater-Nichols Act. It enhanced the organization of the Department of Defense, establishes a clearer focus on military capabilities and responsibilities and facilitates improvement in the advice provided to the Secretary of Defense. Service capabilities are more integrated.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revision to the national strategy.

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

Answer. I'm not aware of specific proposals, but I do not think changes are contemplated in financial management. I believe strongly in the legislative process. I'm committed to fully supporting all laws as enacted.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force (Financial Management & Comptroller)?

Answer. The duties and functions of the Assistant Secretary of the Air Force (Financial Management & Comptroller) are stated in Public Law 100–456, section 8022. As stated, the Assistant Secretary of the Air Force for Financial Management shall direct and manage financial management activities and operations of the Department of the Air Force, including ensuring that financial management systems of the Department of the Air Force are compliant. The Assistant Secretary of the Air Force for Financial Management shall supervise and direct the preparation of budget estimates of the Department of the Air Force and otherwise carry out, with respect to the Department of the Air Force, the functions specified for the Comptroller of the Department of Defense in section 137(c) of Title 10. Other duties include financial management systems responsibilities, asset management systems responsibilities, 5-year plan strategies, and providing the Secretary of the Air Force an annual report each year on the activities of the Assistant Secretary during the preceding year to include a description and analysis of the status of Department of the Air Force financial management.

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

Answer. I am quite familiar with the military, having served 20 years as an Army officer. I have had invaluable opportunities to work with Pentagon personnel and many people on the Hill as a Special Assistant to the Army Chief of Staff and as a legislative fellow on the staff of Senator Kay Bailey Hutchison. My Bachelor of Science degree in General Engineering is from West Point and my MBA is from Harvard. The quantitative focus in my academic training will be of great use in the numerical world of financial management and in working financial systems reform.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Financial Management & Comptroller)?

Answer. No. I believe I have the right abilities.

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

Answer. As noted above, I'd expect the Secretary would prescribe duties and functions commensurate with the duties and functions outlined in Public Law 100–456, Section 8022.

Question. In carrying out your duties, how will you work with: the Secretary of the Air Force; the Under Secretary of the Air Force; the Under Secretary of Defense (Comptroller); and the Assistant Secretaries of the Army and the Navy for Financial Management?

Answer. As the Secretary of the Air Force shared with this committee, if confirmed I'd expect to be a member of the nucleus of the Secretary's leadership team. Additionally, if confirmed, I look forward to working closely with the Under Secretary of Defense (Comptroller) and the Assistant Secretaries of the Army and the Navy for Financial Management. I think this administration, beginning with the President, has established an environment that encourages this collaboration. There are also various forums that have been created within DOD so the services can talk to OSD and each other and work issues.

CIVILIAN AND MILITARY ROLES IN THE AIR FORCE BUDGET PROCESS

Question. What will the division of responsibilities be between the Assistant Secretary of the Air Force (Financial Management & Comptroller) and the senior military officer responsible for budget matters in the Air Force's Financial Management & Comptroller office (the Deputy Assistant Secretary for Budget) in making program and budget decisions including the preparation of the Air Force Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. If confirmed, I will directly supervise the Deputy Assistant Secretary (Budget). The Assistant Secretary for Financial Management has sole responsibility for all financial management functions including the preparation of the budget. Budgets are important statements about priorities regarding readiness, investment, and other key activities. Therefore, many personnel other than the Assistant Secretary for Financial Management play important roles during the preparation of the Air Force budget. Additionally, if confirmed, I will have formal oversight responsibility for the Secretary for the financial aspects of the POM preparation and the Air Force portions of the annual President's budget submission, along with all the entries in the Future Years Defense Program (FYDP).

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Assistant Secretary of the Air Force (Financial Management & Comptroller)?

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

What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Air Force (Financial Management & Comptroller)?

What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I believe a key challenge will be to improve financial management systems, both budget and finance systems. The services need to lay out a roadmap that supports the DOD plan. The DOD plan includes reducing the number of finance and accounting systems, and then improving the balance.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force (Financial Management & Comptroller)?

Answer. Consistent with my previous response and if confirmed, the broad priorities I would focus on are 1) aggressively pursuing improvements in financial management systems and their related critical feeder systems to achieve auditable financial statements and compliant systems, 2) constructing budgets that meet Air Force priorities and fiscal constraints, and 3) executing budgets in a way that address rapidly changing environments and military needs.

BUDGETING FOR FLYING HOUR COSTS

Question. In recent years both the Air Force and the Navy budgets have consistently underestimated the cost of carrying out their planned training for aviation units, that is, their flying hours costs. The most frequently cited reasons for this are the increasing hourly cost to operate older aircraft and a budget process that does not adequately project and budget for likely cost increases above the most recent data on actual cost incurred.

What are your views on the reason for the consistent underfunding of flying hour costs and the steps that should be taken to correct it?

Answer. While I'm not familiar with the specific details of flying hour costs, if confirmed, I will make this issue a top priority. I understand the increased strain that

is placed on resources, budget planning and budget execution when actual costs significantly differ from budgeted costs.

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and initiatives the Department and its components are undertaking to correct these deficiencies, financial data continues to be unreliable.

What do you consider to be the top financial management issues to be addressed by the Department of the Air Force over the next 5 years?

If confirmed, how do you plan to provide the needed leadership and commitment necessary to ensure results and improve financial management in the Air Force?

If confirmed, what are the most important performance measurements you would use to evaluate changes in the Air Force's financial operations to determine if its plans and initiatives are being implemented as intended and the anticipated results are being achieved?

Answer. I consider the top financial management issues for the next 5 years to parallel the priorities I noted previously. If confirmed, I'll provide the necessary leadership, strong commitment, and emphasis to the priorities outlined by the President, the Secretary of Defense and the Secretary of the Air Force. The key driver and critical success factor is sustained senior management level attention, and we have it. It is my understanding that the Secretary of Defense and the Under Secretary of Defense (Comptroller) are very concerned with financial management improvement and so is the Secretary of the Air Force.

COMPLIANCE WITH CHIEF FINANCIAL OFFICERS ACT

Question. The Chief Financial Officers Act requires the annual preparation and audit of financial statements for Federal agencies. However, the DOD Inspector General and GAO's financial audit results have continually pointed out serious internal control weaknesses concerning hundreds of billions of dollars of material and equipment, as well as billions of dollars of errors in the Department's financial records.

In your view, is the Air Force capable of meeting the requirements imposed by the Chief Financial Officers Act? If not, please describe the actions you think are necessary to bring the Air Force into compliance and the extent to which such actions are the responsibility of the Assistant Secretary of the Air Force (Financial Management & Comptroller) or other officials in the Department of the Air Force or the Department of Defense.

Answer. I think the Air Force is capable of meeting the requirements imposed by the Chief Financial Officers Act and I'm aware that other agencies have made great strides in this area. Since complying with the CFO Act is a legislative duty, if confirmed, I will make this a high priority item.

STANDARDIZATION WITHIN THE DEPARTMENT OF DEFENSE

Question. Many of the financial management initiatives currently underway within the Department of Defense (DOD) are centrally controlled by the Office of the Secretary of Defense, and most observers believe that financial management and comptroller practices should be standardized throughout the Department of Defense to the maximum extent possible.

What role do you feel the military departments should have in the decision-making process when DOD-wide financial management decisions are made?

What are your views on standardizing financial management systems (including hardware and software) and financial management practices across the Department of Defense?

Are there areas where you believe the Air Force needs to maintain unique financial management systems?

Answer. I believe standardization promotes efficiency and jointness. While OSD has key responsibility for DOD-wide financial management decisions, the services are important customers, paying a large amount of the cost, and must ensure necessary information is provided. I'm not currently aware of any areas where the Air Force needs to maintain unique financial management systems, but there may be areas where practical applications and cost require it. If confirmed, financial management systems will be one of my top priorities.

RESPONSIBILITY FOR ACCURACY OF FINANCIAL DATA

Question. When the Department of Defense, through the Under Secretary of Defense (Comptroller) or the Defense Finance and Accounting Service, prepares financial or budget information for submission to the Office of Management and Budget or Congress, who will be responsible for the accuracy of such information concerning the Air Force?

Who will be responsible for ensuring that the financial management and accounting systems of the Department of the Air Force have the interfaces and internal controls needed to produce timely and accurate financial information?

Answer. I believe the responsibility must be shared. The Air Force is responsible for the accuracy and timeliness of its input information and for ensuring its financial regulations are followed. OSD, working through the Comptroller, and DFAS are responsible for developing and operating the systems and procedures that compile financial management information.

FINANCIAL MANAGEMENT TRAINING

Question. In response to the Defense Acquisition Workforce Improvement Act of 1991, DOD has taken action directed at improving the professionalism of its acquisition workforce. This was brought about as a result of the need to better ensure that DOD's acquisition workforce was well versed in the rapidly changing technical skills needed to keep abreast of acquisition trends. A key part of the effort to upgrade the professionalism (technical currency) of DOD's acquisition workforce was the requirement that each acquisition official receive a minimum of 80 hours of continuous learning every 2 years. While DOD has stated that this should be a goal for financial management personnel, it has not made it a requirement because of uncertainties over whether necessary funding would be available.

What are you views on the merits of establishing a requirement that all Air Force financial management personnel receive a minimum of 80 hours of training every 2 years?

If confirmed, what actions would you take to ensure that the Air Force's financial management personnel keep abreast of emerging technologies and developments in financial management?

Answer. I support the requirement that all Air Force financial management personnel receive a minimum of 80 hours training every 2 years. If confirmed, I would ensure the Air Force's financial management personnel remain current with emerging technologies and developments in financial management by supporting programmed and work-in-progress initiatives.

PPBS

Question. Recently, a commission which included a number of former Defense officials and former Comptroller General Charles Bowsher asserted that the Department's Planning, Programming, and Budgeting System (PPBS) is no longer functioning effectively.

What are your views on the PPBS process? Are there any changes that you would recommend?

Answer. If confirmed, I would welcome the opportunity to review the PPBS process. Because there are a number of agencies other than just the services that are involved with the process, I think a senior level group composed of key players should be formed to study the issue and prepare a report that may or may not recommend changes.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

Question. If confirmed as the Assistant Secretary of the Air Force (Financial Management & Comptroller), what would your responsibilities be with respect to the requirements of the GPRA to set specific performance goals and measure progress toward meeting them?

What additional steps can the Air Force take to fulfill the goals of the GPRA to link budget inputs to measurable performance outputs?

Answer. Since the GPRA report includes the measurement and reporting of resources, the Assistant Secretary of the Air Force (Financial Management & Comptroller) has collateral responsibility with respect to GPRA publication; and of course, DFO requirements include broad performance measures. I believe that steps the Air Force can take to fulfill the goals of the GPRA include the judicious selection of measurable and meaningful metrics.

INCREMENTAL FUNDING

Question. In the fiscal year 2000 budget request, the previous administration proposed to shift from the traditional full funding of military construction projects to an incremental funding approach. This proposal was unanimously rejected by the congressional defense committees.

What are your views regarding full-funding versus incremental funding of major weapons systems?

Answer. I completely support the full-funding policy that has served the department well for decades. There may, however, be an occasional need to waive that policy.

SAVINGS FROM COMPETITION

Question. The Air Force and the other military departments have substantially increased the number of public-private competitions in recent years in order to achieve greater efficiency and effectiveness while reducing costs. Studies have shown that the military departments save money regardless of which side wins the competition.

Do you believe that decisions on whether to outsource work currently performed by government civilians should be made through public-private competition?

What steps should the Air Force undertake to measure the actual savings achieved after such competitions?

What are your views on the practice of including "funding wedges" in the budget that anticipate savings from public-private competition or other efficiencies prior to those savings actually being achieved?

Answer. I believe some tasks are so inherently governmental they should remain in the public arena. Otherwise, I believe competition produces greater benefits for reduced costs and I support competition. My view on the practice of "funding wedges" before those savings are achieved is that it forces an unrealistic amount for planned costs and consequently results in variances to budgeted costs.

WORKING CAPITAL FUNDS

Question. Are there any changes you would recommend in the policies governing working capital funds in the Department of the Air Force?

Do you believe the scope of activities funded through working capital funds should be increased or decreased?

Answer. I am not currently familiar enough with working capital funds to recommend any changes. Based on my experience, I believe the scope of working capital funds is adequate. Especially in the areas of supply and depot maintenance, the working capital fund concept promotes competition and encourages a private sector method of business. This gives the customer visibility to costs so informed decisions and trade-offs can be made.

OVERSIGHT OF SPECIAL ACCESS PROGRAMS

Question. As the Assistant Secretary of the Air Force (Financial Management & Comptroller), will you be responsible for the financial management of special access programs in the Air Force?

Are you satisfied with the oversight standards for the financial management of special access programs? Are these standards as stringent as those for other programs?

Does the Office of the Assistant Secretary of the Air Force (Financial Management & Comptroller) have sufficient cleared personnel and authority to review special access programs?

Answer. Yes. If confirmed, I will have responsibility for the financial management of all special access programs in the Air Force. My understanding is that the oversight standards for the financial management of special access programs are as stringent as those for other programs. The Office of the Assistant Secretary of the Air Force (Financial Management & Comptroller) has one office with appropriately cleared personnel, dedicated to the financial management of Air Force special access programs.

LEGISLATIVE LIAISON RESPONSIBILITY

Question. Under the current organization of the Air Force, legislative liaison function affecting congressional appropriations committees are performed by officers under the supervision and control of the Air Force Comptroller.

If confirmed, what would be your relationship with the Chief of Legislative Affairs regarding budgetary and appropriations matters?

What requirements or procedures, if any, would you put into place, if confirmed, to ensure that financial information is made available on an equal basis to authorization committees?

Answer. If confirmed, I will be responsible for budget appropriations matters while the Chief of Legislative Affairs has responsibility for budgetary authorization matters. Our responsibilities are spelled out in accordance with Public Law. In the past, the two organizations have enjoyed a congenial relationship that I would expect will continue.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that the committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. Based on your private sector and military experiences, what is the most immediate change that must be made to improve financial management within the Department of Defense?

Mr. MONTELONGO. I believe we must give Congress and the American people full confidence in the way the department manages and accounts for funds—we must ensure the systems and processes are in place to achieve this goal. Also, our planning, programming and budgeting processes must remain relevant as we face the demands of the new century.

2. Senator THURMOND. As you may be aware, many of our military installations are in a poor state of repair due to the under-funding of the repair and maintenance accounts. Although the habitual under-funding of these accounts is a primary cause, diversion of funds to other areas is a contributing factor.

What controls would you initiate to limit the diversion of funds from the real property maintenance accounts?

Mr. MONTELONGO. Past experience tells me that this diversion is probably caused by efforts to meet primary mission requirements within a constrained funding level. By ensuring there is enough funding for all basic requirements—mission operations, operations support, people programs, physical plant, and modernization, we limit this migration of funds.

3. Senator THURMOND. Outsourcing of activities to the private sector seems to be the Department's immediate answer for achieving savings in the operating budget. In your personal view, how can we guarantee that these are long-term savings rather than a buy-in on the initial contract?

Mr. MONTELONGO. Certainly there is risk in making any long-term savings assumptions. However, I understand that the process the Department uses to outsource activities allows these decisions to be revisited in the future. At that time, if a function is more cost-effective to be accomplished in-house, it is returned to the government.

[The nomination reference of Michael Montelongo follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

Michael Montelongo of Georgia, to be Assistant Secretary of the Air Force, vice Robert F. Hale.

[The biographical sketch of Michael Montelongo, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MICHAEL MONTELONGO

Michael Montelongo is currently the Customer Care Consulting Manager at Ernst & Young in Atlanta, Georgia. Prior to that he was the Operations Consulting Manager at Ernst & Young from 1999 to 2000.

Mr. Montelongo was the Chief of Staff and Director of Small Business Services at BellSouth from 1996 to 1998. He was a Congressional Fellow in the U.S. Senate from 1995–1996, a Special Assistant to the Army Chief of Staff from 1994–1995. From 1992 to 1994 he was the Chief of Staff and General Manager for the U.S. Army at Fort Bliss, Texas, a Senior Analyst and Associate Professor at the U.S. Military Academy from 1988 to 1991.

Mr. Montelongo graduated from U.S. Military Academy with a B.S. degree in 1977 and from Harvard Business School with a M.B.A. in Corporate Strategy, Finance in 1988.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

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

Michael Montelongo.

Michael Montelongo, Jr.

Michael ("Mike") Joseph Montelongo.

2. **Position to which nominated:**
Assistant Secretary of the Air Force (Financial Management and Comptroller).

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
August 20, 1955; New York, N.Y.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to the former Debra Annette Tenison.

7. **Names and ages of children:**
Amanda K. Montelongo, 11.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
U.S. Army Command & General Staff College—8/91–6/92, Diploma—6/92.
Harvard Business School—8/86–6/88, MBA—6/88.
U.S. Military Academy—7/73–6/77, BS—6/77.
Xavier High School—9/69–6/73, Diploma—6/73.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Description	Employer	Location	Dates
Music Minister	Self-Employment	St. Peter Chanel Catholic Church Roswell, GA.	4/01–Present
Music Minister	The Catholic Church of St. Ann.	Marietta GA	9/00–Present
Music Minister	Self-Employment	The Cathedral of Christ the King, Atlanta, GA.	8/00-Present
Sales Executive Consulting Manager.	Cap Gemini Ernst & Young, U.S. LLC.	Atlanta, GA	5/00–Present
Consulting Manager	Ernst & Young LLP	Atlanta, GA	3/99–5/00
Staff Director	BellSouth	Atlanta, GA	11/96–10/98
Congressional Fellow	U.S. Army	U.S. Senate, Washington, DC	7/95–10/96
Special Assistant	U.S. Army	Pentagon, Washington, DC	4/94–7/95
Operations Officer, Executive Officer.	U.S. Army	Fort Bliss, TX	7/92–4/94
Student	U.S. Army	Fort Leavenworth, KS	7/91–6/92
Assistant Professor	U.S. Army	West Point, NY	1/91–6/91

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
BellSouth Telecommunications, Inc., Atlanta, GA, Consultant (Cap Gemini Ernst & Young).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Harvard Business School Club of Atlanta, Vice President for Community Affairs.
Georgia Hispanic Voter Registration Campaign, Board of Directors.
Association of West Point Graduates Minority Outreach Committee, Member.
National Society of Hispanic MBAs, Member.
TEC Ministry and Catholic Parishes, Music Director.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

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

None.

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

Spirit of TEC Award (Service to youth ministry program).

Department of the Army Legion of Merit, Meritorious Service Medal, Commendation Medal.

Congressional Fellowship.

Army Civil Schooling Fellowship.

Service Academy and ROTC Scholarships.

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

Case study co-author of "Florida Power Light Quality Improvement Story Exercise" for Harvard MBA curriculum. Published in 1988.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

MICHAEL MONTELONGO.

This 15th day of June, 2001.

[The nomination of Michael Montelongo was reported to the Senate by Chairman Levin on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

[Prepared questions submitted to John J. Young, Jr., by Chairman Levin prior to the hearing with answers supplied follow:]

JUNE 21, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Respectfully,

JOHN J. YOUNG, JR.

cc: Senator John W. Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. I am committed to the complete and effective implementation of these reforms.

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

Answer. I believe these reforms have been accepted and implemented and that they have clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs. The effectiveness of our joint warfighting forces has improved as a result of these reforms.

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

Answer. I believe the most significant value of these reforms to be improved joint warfighting capabilities. Our military is stronger and more lethal because our services can work better together. If confirmed, I will maintain and extend the Navy's commitment to the principles of joint warfare including interoperability and joint doctrine.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. If confirmed, I expect to play an active role in this administration's efforts to continue defense reforms. The Department has made excellent progress on acquisition reform and much of this program is due to the support of Congress in passing historic reform legislation. I will continue to emphasize reform and work with Congress, if and when additional legislation is required.

I believe the Department will continue to need Congress' help over the course of the next several years as we continue to work this area. Legislative proposals may be necessary, but I am not aware of any in particular at this time. Most importantly, the Department will need your help in resisting new restrictions.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy (Research, Development, and Acquisition)?

Answer. It is my understanding that, at the present time, the Assistant Secretary of the Navy (Research, Development, and Acquisition) serves as the Navy Acquisition Executive and has the authority, responsibility and accountability for all acquisition functions and programs within the Department of the Navy.

Question. What background and experience do you have that you believe qualifies you for this position?

Answer. I believe that my responsibilities and experience as a professional staff member on the Senate Appropriations Defense Subcommittee as well as experience working in a variety of positions in private industry provides me with a solid background in research, development, and acquisition issues. In addition, my experience reviewing the DOD's most advanced procurement programs and research projects dovetails perfectly with the Department of the Navy's move toward a high technology future.

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

Answer. I am professionally and technically prepared to assume the duties of the Assistant Secretary of the Navy (Research, Development, and Acquisition). If confirmed, I expect to have a close working relationship with the Secretary and the Under Secretary of the Navy. I would be aided in my duties with the expertise resident in the strong acquisition management team that currently exists within the Department. However, where opportunities exist for strengthening the team, I would seek to do so with members of the career workforce as well as individuals from industry and academia.

Furthermore, I plan to establish a close working relationship with the operational side of the Navy and Marine Corps team including the Chief of Naval Operations, Commandant of the Marine Corps, as well as others. We will need to understand each others' problems and concerns and how we can help each other and ultimately provide sailors and marines with the required systems and platforms that are effective, reliable, and affordable.

Lastly, I plan to establish a close working relationship with my counterparts in the Army and Air Force as well as the Under Secretary of Defense for Acquisition, Technology and Logistics to ensure coordination of key issues. I also expect to personally work with the Directors of the Ballistic Missile Defense Organization and the Defense Advanced Research Projects Agency to advance the warfighting capabilities of naval systems.

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

Answer. The Secretary's Management Committee consisting of the Deputy Secretary of Defense, three Service Secretaries, and Under Secretary of Defense for Acquisition, Technology and Logistics has been discussed as an operating model for the Department of Defense. If implemented by the Secretary of Defense, this may result in the assignment of additional duties. However, at this point in time, I am not aware of any other additional duties.

Question. In carrying out your duties, how will you work with the following: the Under Secretary of Defense (Acquisition, Technology, and Logistics); the Secretary of the Navy; the Under Secretary of the Navy; and the other Navy Assistant Secretaries.

Answer. If confirmed as the Assistant Secretary of the Navy for Research, Development, and Acquisition, I plan to establish and maintain close relationships with each of those identified below to execute the best possible acquisition program for the Department.

If confirmed as the Assistant Secretary of the Navy (Research, Development, and Acquisition), I would represent the Department of the Navy to the Under Secretary of Defense on all matters relating to Navy acquisition policy and programs. In addition, the Assistant Secretary of the Navy (Research, Development, and Acquisition), as the Service Acquisition Executive, provides recommendations on all Navy ACAT ID programs to the Under Secretary of Defense.

Under the Goldwater-Nichols Act, the Secretary of the Navy has explicit authority to assign such of his powers, functions, and duties, as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries. It is my understanding that the Secretary of the Navy has made the Assistant Secretary of the Navy (Research, Development, and Acquisition) responsible to ". . . establish policy and procedures and manage all research, development, and acquisition . . ." within the Department and serve as the Navy's Service Acquisition Executive and Senior Procurement Executive, among other duties. If confirmed, I will work closely with the Secretary and Under Secretary in furtherance of these assignments and duties.

As the Assistant Secretary of the Navy (Research, Development, and Acquisition) has responsibility for the Navy's acquisition system, the three other ASNs have responsibility for their respective areas: Manpower and Reserve Affairs, Installations and Environment, and Financial Management and Comptroller. If confirmed, I will work with the other ASNs on joint issues and on matters affecting their particular responsibilities as appropriate.

Question. The Secretary of Defense has determined that the Secretaries of the military departments will represent their departments on the Defense Acquisition Board. This role has traditionally been performed by the Assistant Secretaries of Research, Development, and Acquisition.

How do you believe this change will affect the acquisition role of the Assistant Secretary of the Navy (Research, Development, and Acquisition)?

Answer. My understanding is that the Service Secretaries' participation in the Defense Acquisition Board process does not change the relationship between them and their Service Acquisition Executives.

Question. In your view, is this change consistent with the role of the Assistant Secretary of the Navy (Research, Development, and Acquisition) as the Service Acquisition Executive?

Answer. Yes.

Question. To whom will the Navy's Program Executive Officers report on acquisition matters—to the Secretary of the Navy, the Assistant Secretary of the Navy (Research, Development, and Acquisition), or both?

Answer. If confirmed, I do not anticipate changing the reporting process for acquisition matters. I understand that the Navy Program Executive Officers report to the Assistant Secretary of the Navy (Research, Development, and Acquisition), and the Secretary of the Navy is kept aware of, and is engaged in, program matters.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Navy (Research, Development, and Acquisition)?

Answer. I believe the most important challenge facing the Department of the Navy today is how to maintain our Nation's naval forces in view of a rapidly evolving threat and today's fiscal realities. If confirmed as the Assistant Secretary of the Navy (Research, Development, and Acquisition), my challenge will be to integrate the research, development, and acquisition functions in the context of this complex equation. These critical challenges are:

(1) Maintaining our technical advantage over all adversaries;

(2) Developing and fielding affordable systems; and

(3) Maintaining a viable industrial and technological base.

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

Answer. These are interrelated challenges, and cannot be resolved individually. They must be addressed in the context of improving the way the acquisition community and the government conducts business.

First, If confirmed, I will be an active participant in the acquisition reform initiatives being undertaken by the Secretary of Defense and the Secretary of the Navy. Only through comprehensive reforms can the barriers between the defense and commercial sectors of the economy be reduced or eliminated. Better integration of the defense and commercial sectors will leverage our Nation's technology base and reduce overhead costs. This will result in a technically superior and affordable product for our warfighters.

I will work to ensure that the Navy and Marine Corps establish an achievable balance between resources and requirements. Once this balance is achieved, it will be important to properly fund the development and production efforts and avoid the funding disruptions that add serious inefficiency to fielding new capabilities. In addition, I will work to continue efforts to measure accurately the value delivered for each investment and procurement dollar.

Second, I also believe we must ensure that our infrastructure and workforce capabilities respond to the changing world threat environment. If confirmed, I will work with the Secretary of the Navy to properly size our R&D and acquisition infrastructure to meet this new world reality.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Navy (Research, Development, and Acquisition)?

Answer. At this time, as the prospective Assistant Secretary of the Navy (Research, Development, and Acquisition), I cannot comment on what may be the most serious problems in the performance of the functions of the position.

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

Answer. If confirmed and problems were to arise, I would do my best to solve problems as expeditiously as possible to maintain the integrity of the acquisition process.

PRIORITIES

Question. What broad priorities will you establish in terms of issues, which must be addressed by the Assistant Secretary of the Navy (Research, Development, and Acquisition)?

Answer. I believe that the set of priorities stated by the Secretary of the Navy represent an excellent framework for the Department. These priorities include: im-

proving the Navy's combat capability; enriching the lives of sailors and marines; swiftly incorporating technology across the total operation; and dramatically improving the Department's business practices. If confirmed, I will work hard to address these challenging priorities as part of the Department's acquisition process.

STREAMLINING THE ACQUISITION PROCESS

Question. Both Secretary Rumsfeld and Under Secretary Aldridge have indicated that they believe that there is a compelling need to streamline the acquisition process to reduce the fielding times for new weapons systems and capabilities.

What specific steps could the Navy take to reduce cycle time for major acquisition programs?

Answer. I believe that there are three key steps that we must take to reduce cycle time.

First, we must employ demonstrated technology, military and commercial, as much as possible. We should use all available techniques and resources in order to identify developing and maturing technologies that can be used in our weapon and combat control systems.

Second, we should time phase our set balanced, achievable requirements in order which will permit the Navy and Marine Corps to employ evolving technologies and to avoid applying technologies that have not been proven in the planned or near planned operating environment.

Third, we must efficiently apply simulations, engineering test beds, and integrated testing and evaluation to rapidly deliver products and insert new technologies as they mature.

Question. Do you believe that incremental or phased acquisition approaches could help address this problem?

Answer. Yes, I believe incremental, phased, evolutionary acquisition or time-phased approaches, whatever term you choose to use, can be important and useful approaches to placing the best capabilities in the hands of our warfighters as rapidly as possible.

Question. Some would point to the testing process as an overall area that should be scrutinized in this effort to reduce these cycle times. However, the increasing complexity and interaction of complex systems would tend to argue for achieving higher confidence during testing that these systems will work as advertised.

If you are confirmed as the Assistant Secretary of the Navy (Research, Development, and Acquisition), how would you propose to achieve the appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate operational testing?

Answer. I agree that testing is critical to providing confidence in new weapons systems that our sailors and marines deserve. A review of all acquisition processes (including testing) and process changes is necessary to improve acquisition cycle times. If confirmed, I would work to ensure an appropriate balance between reducing acquisition cycle times and adequate operational testing by capitalizing on the benefits of spiral development and new testing technologies.

Question. Do you anticipate the need for changes in legislative or regulatory authority?

Answer. As I mentioned earlier, I expect to play an active role in this administration's efforts to continue defense reforms. The Department has made excellent progress on acquisition reform and much of this is due to the support of Congress in passing historic reform legislation. If confirmed, I will continue to emphasize reform and work with Congress, if and when additional legislation is required.

Question. One of the features of the Department's acquisition system that is frequently criticized is the extensive "concurrency," or overlap, between the development and production phases of major weapon system acquisition programs.

Where and under what conditions should concurrency be used in the development and production phases of Navy's major weapon system acquisition programs?

Answer. Concurrency, or the overlap of program development onto production, must be carefully considered. In general, complex programs that attempt to complete development and operational testing without demonstrating technical maturity may increase program risk by incurring additional cost and delivery delays. A degree of concurrency may be acceptable between development and production phases when the remaining development is very low risk. It should be used in major weapon system acquisition programs when there are near-term threats that must be addressed, and suitable technology is available to address the threat. It is one methodology that may help reduce cycle time. For example, combining developmental testing and operational testing—when it makes sense and while still allowing for an independent assessment—is a form of concurrency that can streamline acquisi-

tion. If confirmed, I will strive to ensure concurrency is used only when appropriate to reduce cycle time without undue risk.

Question. Do you believe there has been too much concurrency?

Answer. The answer depends on the specific acquisition program. The amount of concurrency in a program is a business judgment—balancing risk, cost, production line flow, and manufacturing and design team personnel workload against (technology maturity, etc.) and early fielding of (cycle time reduction) capability for the warfighter. Concurrency is not always bad. When operational requirements can be met with low risk technologies such as commercial items, concurrent development and production concepts may be effectively used within acceptable schedule and cost risk.

Question. If so, what steps should be taken to reduce such concurrency?

Answer. Acquisition strategies should specifically address the benefits and risks associated with reducing lead-time through concurrency, and the including risk mitigation and testsing planned, to compensate for the use of a concurrent development strategy if concurrent development is used. During the milestone review process, I believe there must be an increased emphasis placed on the review of technical risk, cost management, and schedule performance associated with concurrency for those programs using a concurrent strategy. If confirmed, I will work to ensure that concurrent development is used only where appropriate.

Question. Department of Defense Instruction 5000.2, which governs the acquisition of major weapon systems, was recently rewritten to require that new technologies be demonstrated in a relevant environment (preferably an operational environment) before they may be incorporated into DOD acquisition programs.

Are you familiar with the revised version of DOD Instruction 5000.2, and if so, what are your views on this revision?

Answer. Yes, I am familiar with the revised version of DOD Instruction 5000.2. I believe that the revision supports "spiral acquisition" and provides the testing requirements that will ensure sailors and marines receive weapons systems that meet their needs in an operational environment.

Question. Do you believe that the process of testing and demonstrating new technologies is more efficiently conducted in the context of major acquisition programs, or in stand-alone technology program?

Answer. I believe that testing and demonstrating new technologies is appropriate in both stand-alone technology programs as well as major acquisition programs. To ensure the efficient use of our limited resources, new technologies must demonstrate their value before incorporating them into weapon systems. Once incorporated into a weapon system, they must demonstrate that they perform as intended and interact properly with the more complex system of systems. If confirmed, I will seek to ensure the proper testing and evaluation of new technologies.

Question. Would the Navy's major acquisition programs be more successful if the Department were to follow the commercial model and mature its technologies with research and development funds before they are incorporated into product development programs?

Answer. The increasing capability, complexity and interdependency of modern weapons are a result of the application of new technologies. As I mentioned previously, I believe that demonstrating new technologies is appropriate in both technology programs as well as major acquisition programs. If confirmed, I will work to ensure that new technologies receive the appropriate research and development funding.

TEST AND EVALUATION

Question. The Department has frequently been criticized for failing to adequately test its major weapon systems before they are put into production.

Would you agree that a strong, independent Director of Operational Test and Evaluation is critical to the success of the Department's acquisition program?

Answer. If confirmed, I will review roles and criticality of all participants in the Navy acquisition process. The critical ingredient to the success of Navy acquisition programs is a disciplined process for design, development, testing, and fielding. Success in this process also requires both adequate funding and sufficient time to complete thorough testing. If confirmed, I will seek to ensure realistic and complete testing of systems in development. The DOD Director of Operational Test and Evaluation provides the Department with an important assessment of the adequacy of our operational testing.

Question. Would you recommend that the Department proceed with an acquisition program in the absence of a determination by the operational test agencies that the system is effective and suitable for combat?

Answer. No, because under normal circumstances, I believe it would be unacceptable to proceed with an acquisition program that is not operationally effective and suitable. Further, it is my understanding that the Law 10 U.S.C. 2399 does not permit proceeding in the "absence" of a favorable operational test agency determination (Title 10 U.S.C.—Sec 2399, Para. 2.(b) 1.(1) and (b) 2.(2) 1.(A) and 2.(B)) and it would be wrong to field a system that has not been tested. In rare instances where there is an urgent and immediate need for a system to counter an emergent threat, there are procedures for the Milestone Decision Authority to determine necessary testing in order to meet the threat.

ACQUISITION WORKFORCE

Question. There has been considerable pressure to reduce acquisition organizations on the basis of absolute numbers. DOD has reduced its acquisition workforce approximately 50 percent, from the end of fiscal year 1990 to the end of fiscal year 1999, while the workload has essentially remained constant, and even increased by some measures.

Are you concerned that reductions to the acquisition workforce will have a negative effect on effective program management, and if so, how do you plan to address this problem?

Answer. If confirmed, I intend to review this issue carefully and develop appropriate strategies to ensure that the acquisition workforce continues to meet the evolving needs of the Department.

Question. As the Department continues to emphasize contracting out and competitive sourcing, the skills, training and experience of the acquisition workforce will be critical in effectively managing these contracts. In addition, the Department's Acquisition Workforce 2005 Task Force has reported that DOD will be faced with a significant demographic challenge as 50 percent of the acquisition workforce will be eligible to retire in the next 5 years.

Does current acquisition workforce have the quality and training to adapt to new acquisition reforms, as well as to the increased workload and responsibility for managing privatization efforts?

Answer. In my view, the workforce must become increasingly knowledgeable in all aspects of acquisition reform including privatization efforts. If confirmed, I will support the Department of the Navy's current emphasis on training and continuous learning for the acquisition workforce, with a focus on management and leadership, as well as technical competencies.

Question. What is your view of the recommendations of the Acquisition Workforce 2005 Task Force and what role do you expect to play in implementing these recommendations?

Answer. If confirmed, I will examine the recommendations of the taskforce to develop a strategy to shape the Department's acquisition workforce of the future.

ACQUISITION PROCESS PROBLEMS

Question. The committee has been concerned about schedule and cost problems in a number of Navy acquisition programs. The acquisition system seems to have been surprised by some of these problems. Various Department officials have testified that the implementation of earned value management systems and integrated product teams should have provided greater visibility into cost and schedule, but there would appear to have been some shortcomings in that regard.

What structural changes or policy changes to you feel are appropriate to help avoid similar problems on current and future Navy programs?

Answer. I share the committee's view of the overall importance of this area. If confirmed, one of my primary thrusts will be to ensure that the Navy's acquisition programs are well-managed and that cost and schedule problems are kept to a minimum. Earned Value Management and Integrated Product Teams are powerful tools for achieving those objectives. I believe that it would be appropriate to review the Navy's acquisition programs and determine how Earned Value Management and Integrated Product Teams are being employed prior to considering any structural or policy remedies.

Acquiring a grasp of the true state of the Navy's acquisition programs, as well as an understanding of the underlying causes of their condition, are essential precursors to improving performance.

SHIP ACQUISITION INFORMATION

Question. In the past, the Navy has not provided Congress sufficient "heads-up" on key information regarding ship acquisition costs when known cost differences occur.

What will your policy be on providing Congress information in a timely manner on cost changes regarding ship acquisition programs?

Answer. If confirmed, my policy will be to provide Congress information on cost performance changes on ship acquisition programs in conformance with congressional statutory requirements in a timely manner.

Question. The Navy's DDG–51 Industrial Base Study update provided to Congress in October 2000 and the Analysis of Certain Shipbuilding Programs provided in May 2001 were required by Public Law 106–398. Both studies fell short of the requirements stated in the law.

What will your policy be on providing Congress the information it requires and specifically how do you intend to change the process to ensure that required reports provide the information required on the date required?

Answer. If confirmed, my policy will be to provide Congress the information required by the requested date. I will review and implement appropriate internal process improvements as needed to meet congressional information deadlines.

The Navy has recently rebaselined a number of acquisition programs. There are some programs that have been rebaselined more than once in the past 3 years.

Question. What do you intend to do to review the process used to monitor program managers and the metrics they use to determine problem areas and progress of programs?

Answer. If confirmed, I will examine the issue and if required develop metrics to evaluate programs both on a day-to-day management basis as well as at the corporate level.

Question. What initiatives do you intend to take to correct the problems with the ship acquisition cost estimates that result in cost differences as the FYDP outyears become budget years?

Answer. If confirmed, I will work with the senior leadership of the Department to develop a better budgetary process that would accurately reflect shipbuilding cost estimates for out-year ships. My goal would be to correct the current process to ensure that costs estimates are accurate and that budgets support these estimates.

AEROSPACE INDUSTRIAL BASE

Question. The Department has decided to make a winner-take-all selection for moving to engineering and manufacturing development phase of the Joint Strike Fighter program. This raises questions about the future viability of the aircraft industrial base.

To what extent do you see a connection between maintaining a healthy aerospace production base and maintaining superior warfighting capabilities?

Answer. The Navy Department has a vital interest in the concern assessing and ensuring that the aerospace industrial base has its ability to produce the aircraft and weapon systems needed by the Navy and Marine Corps in the 21st century. The health of the aerospace industrial base is a critical component to the future of our combat capabilities. If confirmed, I will strive to identify aerospace industrial base issues that may impact Navy acquisition programs and work with the OSD team and Congress to determine how best to resolve those issues.

DEPOT MAINTENANCE

Question. Some defense contractors have argued for a cradle-to-grave approach where the production facility becomes the maintenance facility over the life of a system. Others argue that there are certain capabilities that must be maintained in government-owned facilities to ensure that the services will have ready access to this capability during a national emergency.

How do you believe that the government should decide on the appropriate balance between these competing views of the maintenance strategy?

Answer. I am aware that this issue has been studied numerous times before, both internal and external to the Department of Defense. While some additional savings may be achieved through further outsourcing, if I am confirmed, I would not support outsourcing decisions based solely on unsubstantiated or marginal savings. Alternately, I believe that outsourcing should be considered as a serious option when such a strategy is appropriate and can reduce cost and ensure weapon system performance and readiness.

I believe that it is important to remember that depot maintenance is a core capability (measured in direct labor hours), which must be maintained in government-owned facilities to ensure that the services will have ready access during a national emergency. There are unacceptable risks associated with the wholesale outsourcing of all depot maintenance to the private sector.

I am aware that there are public laws that impact this balance. For example, 10 U.S.C. 2464 requires DOD to maintain or establish core logistics capabilities to support weapons systems within 4 years of the initial operating capability. 10 U.S.C. 2466 requires that at least 50 percent of each service's depot maintenance be accomplished by government employees (measured in dollars). If confirmed, I will work to ensure that the Department of the Navy complies with these statutes.

MODERNIZATION AND RECAPITALIZATION

Question. The Navy has just over 300 ships and the average age of Navy aircraft is approaching 20 years.

Do you believe that the Navy can meet its modernization and recapitalization goals without a significant infusion of funds?

Answer. I have been advised that the Department has had to realign significant funding from its recapitalization and modernization programs in order to meet increasing readiness and manpower demands. As a result, the shipbuilding and aircraft procurement accounts are substantially below the levels required to maintain our current force structure. Additionally, modernization programs have been reduced to historically low levels.

Question. What, in your view, are "leap-ahead" technologies that the Navy is or should be pursuing?

Answer. Today's complex threat environment, coupled with the accelerating pace of technological progress and the globalization of commerce, requires that the Navy pursue a variety of technology options in order to be ready for an uncertain future. It also means that what appear today to be "leap-ahead" technologies may not look that way tomorrow. I believe that enhancing the range, survivability, and precision of Navy and Marine Corps weapons and weapon platforms will allow the Navy and Marine Corps to defeat all future adversaries. If confirmed, I will work with both the Navy's in-house research organizations, the other services and defense agencies, and industry technology leaders to identify those technologies that have the highest payoff and transition them to the warfighter in a timely manner.

MULTI-MISSION MARITIME AIRCRAFT

Question. The Navy has announced that it is embarking on a multi-mission maritime aircraft (MMA) program, with procurement scheduled to commence later in this decade. At that time, the Navy will still be procuring the F/A–18 E/F and will be about to procure the Joint Strike Fighter.

Do you think procurement of another major platform at the same time is possible?

Answer. Clearly, there are many programmatic and fiscal challenges facing the naval services and Department of Defense at this time. It is my understanding that the Navy and OSD continue to study a variety of MMA options to keep procurement and operating costs within projected fiscal constraints. My experience with remanufacture programs leads me to believe that new procurement may be a more economical solution than remanufacture of legacy airframes. If confirmed, I will work with the senior Department leadership to structure an appropriate program that meets warfighting requirements within fiscal constraints.

V–22

Question. The V–22 Osprey program is at a critical juncture. If the recommendations of the Panel to Review the V–22 Program are implemented, there will be delay in the program, with redesign and follow-on testing required.

How do you perceive your role, if confirmed, in ensuring that this program is adequate to ensure a safe, effective, and suitable platform is delivered to the Marine Corps and the Special Operations Command?

Answer. I have not had an opportunity to review the V–22 Program in detail regarding the implementation of the Panel recommendations. If confirmed, I will work closely with the V–22 Program Executive Committee to establish the proper level of program oversight, and I will execute all of my assigned and delegated responsibilities and authorities to ensure a safe, effective and suitable V–22 is produced.

SCIENCE AND TECHNOLOGIES ISSUES

Question. Under Secretary Aldridge has testified that the Department needs to be increasing its level of science and technology to a level roughly equivalent to 2.5 to 3 percent of the total DOD budget.

Do you support such an increase in the technology base funding?

Answer. Naval science and technology activities are important to the Navy, Marine Corps and our Nation. If confirmed, I will review the S&T budget to ensure the Department and the Nation's needs are met.

Question. Over the last 2 years, the Navy has undertaken a lengthy planning process to identify "grand challenges" and "future naval capabilities" to serve as a focus for prioritizing future S&T program needs.

Are you familiar with this review, and if so, do you support it?

Answer. I am not familiar with this review. If confirmed, I will review both the Grand Challenges and the Future Naval Capabilities science and technology programs.

Question. Do you expect this planning process to result in a significant realignment of Navy science and technology budgets for fiscal years 2002 and 2003?

Answer. I have no insight into the fiscal years 2002 and 2003 budget process of the Department of the Navy, so I cannot provide a response to this question.

Question. Over the last 3 years, a number of outside panels have been highly critical of the performance of the service laboratories. These panels have indicated that the civil service system is slowly calcifying the defense laboratories and depriving them of the new talent that they need to continue to make a valuable contribution to defense science and technology. Congress has enacted a number of legislative provisions to try to address these problems.

Do you believe that these legislative provisions are having the desired effect, or do we need to consider additional measures, such as the partial privatization of one or more laboratories?

Answer. I believe there will always be a need for a permanent cadre of world-class scientists and engineers in the DOD labs and centers. While some legislative provisions have helped, the current Federal system may no longer be capable of providing or retaining the very best scientists and engineers in this economy. As such, additional legislation may be necessary. If confirmed, I would work with the other services, OSD and Congress to develop proposals that will improve the laboratory system.

Question. Are there other steps that you would recommend to increase the flexibility and performance of the defense laboratories?

Answer. If confirmed, I will examine methods to increase the performance of the Navy's laboratories and centers.

Question. The Department of Defense has attempted to make increasing use of technologies developed in the private sector. These technologies frequently need to be adapted for defense use—either at the front end, as they are being developed, or at the back end, after they have been developed. The Dual Use Applications Program (DUAP) and the Commercial Operations and Support Savings Initiative (COSSI) have been funding mechanisms through which DOD has supported such adaptations.

Are you familiar with the DUAP and COSSI programs, and do you know if the Department plans to continue funding these programs?

Answer. I am familiar with the Department's DUAP and COSSI programs. I have no insight into the budget process of the Department of the Navy, so I cannot provide a response to this question.

OCEAN SCIENCES AND POLICY

Question. There remains an essential need to maintain assured access in the littoral regions of the world.

How do you intend to assure there are adequate resources available for such critical ocean science issues as anti-submarine warfare, mine warfare, ocean surveillance, and environmental prediction capabilities?

Answer. I understand that the research conducted in ocean science is transitioned to the Navy's operational community. This is accomplished by close working relationships between the research community and the operational program sponsors, including the Oceanographer of the Navy, who identify operational requirements. As long as these important mission areas are supported by operational requirements, if confirmed, I will support the allocation of resources to continue the science necessary to support them.

Question. Do you support the need for a robust Navy budget for basic and applied research? In this regard, what new priorities in the ocean sciences would you address?

Answer. Maintaining a robust naval science and technology program is important to the future of our Navy, Marine Corps and our Nation. If confirmed, I will become familiar with the Department's ocean sciences program. In general, I believe that

important priorities for all science and technology programs are maintaining strong support for the academic community and building industry involvement.

Question. The upcoming Presidential Commission on Ocean Policy presents the unique opportunity to assess our national ocean programs.

What is the Navy doing to work with other Federal agencies to support this new commission?

Answer. It is my understanding that the Chief of Naval Operations has designated the Oceanographer of the Navy as his principal point of contact for the Commission. Both the Oceanographer of the Navy, and the Office of Naval Research are coordinating their activities with other agencies, through formal participation in the Interagency Working Group of the National Oceanographic Partnership Program, as well as the State Department Ocean Policy Interagency Working Group.

Question. What role could the National Ocean Research Leadership Council (NORLC) play to ensure that the Commission is a success?

Answer. I am not familiar with the NORLC. If confirmed, I will gain an understanding of the Council and the role it plays in the area of ocean research.

Question. The National Oceanographic Partnership Program (NOPP) recently took the first steps to manage an evolving integrated ocean observation system.

Will you support this NOPP effort? Will your support include financial commitment?

Answer. I am not familiar with the NOPP. If confirmed, I will gain an understanding of the Program and the role it plays in the area of ocean research.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

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

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

1. Senator THURMOND. The Department has identified the aging acquisition workforce as one of the critical issues facing the Department. What is your understanding of the problem? What recommendations do you have to resolve this problem?

Mr. YOUNG. It is my understanding that the expected large-scale retirements of the "baby-boomer" generation, coupled with a tight labor market pose challenges to sustaining workforce capabilities in the near future. It appears that the Department no longer has the on-board strength in the younger age groups to naturally replace employees as they retire or as they simply leave for other work.

To improve this situation, I believe the focus needs to be on both attrition and retirement. We must reinvigorate the hiring of new college graduates as well as more experienced people, and we must take advantage of the best human resource and business management practices available. As an increasing proportion of our workforce has the opportunity to retire in the next decade, we must prepare for an orderly transfer of knowledge. We must offer opportunities for professional growth and continue to provide interesting and challenging work to hire and retain the best and brightest.

2. Senator THURMOND. Although our Navy's nuclear submarine fleet is the envy of all nations, most nations prefer conventional power submarines because they are cheap and easy to maintain. Since there is a significant market for these conventional submarines, are you aware of any interest by U.S. shipyards to build conventional submarines for foreign military sales and would you support such a program?

Mr. YOUNG. Senator, there are two circumstances in which U.S. shipyards are expressing interest regarding the construction and export of conventional submarines for foreign customers. The most recent circumstance involves the decision made during the 2001 Taiwan Arms Talks this past April to approve the release of diesel submarines to Taiwan. Northrop Grumman (Ingalls Shipbuilding) possesses a marketing license to discuss potential opportunities with Taiwan. General Dynamics (Electric Boat) has also indicated they will be approaching the USN in the near future for a marketing license. In the second circumstance, which is not contemplated as a foreign military sale, Northrop Grumman (Ingalls Shipbuilding) is seeking to construct, under license at its yard in Mississippi, two submarines of Dutch design for Egypt.

I would support the construction of conventional submarines in U.S. shipyards for export with the adherence to critical submarine technology transfer restrictions. There must be adequate measures in place to protect against the transfer of nuclear submarine technology to foreign nations. In addition, there are other sensitive submarine construction and design technologies that make modern U.S. submarines superior to the rest. It is for these reasons that our critical submarine technologies must be protected. Such a task is challenging, given that our submarine industry's experience base has been exclusively in nuclear submarine design and construction for the past 40 years. This issue was addressed in detail in the Secretary of the Navy's 1992 Report to Congress.

3. Senator THURMOND. What are your views on the vitality and competitiveness of our shipbuilding industrial base?

Mr. YOUNG. Since 1990, the Navy's active fleet and Navy shipbuilding infrastructure have seen considerable downsizing: from 550 ships to 316 ships today and from 14 private shipyards to 6 private shipyards. During the 1980s, the Navy was ordering an average of about 20 ships per year. That average has now fallen to about eight ships per year during the 1990s leaving the shipbuilding industry with overcapacity.

I believe the Navy's current shipbuilding plan is barely adequate to sustain the remaining naval shipbuilding industrial base including the suppliers that provide supporting equipment and associated engineering services. Furthermore, I understand that the Office of the Secretary of Defense has expressed a similar concern and is examining these critical national shipbuilding issues.

If confirmed, I plan to work with Navy, DOD, other government, and industry leaders to identify mechanisms to improve our Nation's shipbuilding industrial base.

[The nomination reference of John J. Young, Jr., follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 12, 2001.

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

John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy, vice Herbert Lee Buchanan III.

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

BIOGRAPHICAL SKETCH OF JOHN J. YOUNG, JR.

John J. Young, Jr., is currently a Professional Staff Member on the Senate Appropriations Committee, Subcommittee on Defense, a position he has held since 1993. Prior to that, he was an AIAA Congressional Fellow with the Subcommittee on Defense from 1991 to 1993.

From 1988 to 1993, Mr. Young was a Member of the Technical Staff at the Sandia National Labs. He was also a Member of the Technical Staff at Rockwell International from 1987 to 1988. From 1985 to 1986, he was an Associate Staff Member with the Engineering Group at The BDM Corporation, and from 1980 to 1985 he was a Co-operative Ed. Engineer with General Dynamics. Finally, in 1984, he was a Press Intern for former Senator Sam Nunn.

Mr. Young graduated from the Georgia Institute of Technology with a B.A. Degree in Engineering in 1985 and from Stanford University with an M.S. Degree in Aeronautics in 1987.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
John Jacob Young, Jr.

2. **Position to which nominated:**
Assistant Secretary of the Navy (Research, Development, and Acquisition).

3. **Date of nomination:**
June 12, 2001.

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

5. **Date and place of birth:**
May 29, 1962; Newnan, Georgia.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Barbara Joan Schleihauf.

7. **Names and ages of children:**
Nathan Jacob Young, 9.
William Joseph Young, 7.
Kathryn Elizabeth Young, 4.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Stanford University; 10/85–6/87; Master's in Aeronautics and Astronautics; Stanford, CA.
Georgia Institute of Technology; 6/80–6/85; Bachelor's in Aerospace Engineering; Atlanta, GA.
Newnan High School; 9/78–6/80; High School Diploma; Newnan, GA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

United States Senate, Committee on Appropriations; Washington, DC, Professional Staff Member, Defense Appropriations Subcommittee, Washington, DC; 12/93–Present.

Sandia National Laboratory; Albuquerque, New Mexico, Member of the Technical Staff serving the U.S. Senate as an American Institute of Aeronautics and Astronautics (AIAA) Congressional Fellow on the U.S. Senate Defense Appropriations Subcommittee, Washington, DC; 1/91–12/93.

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

No additional positions.

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

None.

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

Member—American Institute of Aeronautics and Astronautics.

Member—Jamestown Parent Teacher Association.

Member—National Presbyterian Church.

Member—The Briarean Society, Phi Kappa Phi, Tau Beta Pi, Sigma Gamma Tau, and Phi Eta Sigma college honor societies.

13. **Political affiliations and activities:**

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

None.

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

None.

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

None.

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

Selected for the 1996 National Security Leadership Course at Syracuse University.

Selected for the 1996 class of Georgia Institute of Technology Council of Outstanding Engineering Alumni.

Selected for the 1993–94 Massachusetts Institute of Technology Seminar XXI program.

1993 Who's Who in America in Science and Engineering.

AIAA 1991 Congressional Fellow.

AIAA 1991–1994 National Public Policy Committee.

AIAA 1989–1991 Region IV Deputy Director for Public Policy.

AIAA 1988–1989 Region II Director-at-Large for Young Member Activities.

AIAA Atlanta Section 1988 Mini-Symposium Outstanding Young Engineer Award.

1985–87 Stanford University College of Engineering Fellowship.

1986–87 General Electric Foundation Fellowship.

1986 Outstanding Young Men of America.

1983—1984 Sam Nunn U.S. Senate Intern Program. 1984–85 AIAA/General Dynamics Scholarship.

1980–85 Georgia Tech Lowry, McLendon, Fitten and Towers Scholarships.

Member of the Phi Kappa Phi, Tau Beta Pi, Sigma Gamma Tau, Phi Eta Sigma, and The Briarean Society.

1984–85 Briarean of the Year (Cooperative Education Honorary Society).

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

"Key Objectives for the Strategic Defense Initiative"; American Institute of Aeronautics and Astronautics (AIAA) Student Journal; Fall, 1986.

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

While I have spoken to groups and conferences occasionally over the last 5 years, I have not written formal speeches for these sessions.

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

Yes.

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

SIGNATURE AND DATE

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

JOHN J. YOUNG, JR.

This 13th day of June, 2001.

[The nomination of John J. Young, Jr., was reported to the Senate by Senator Warner on July 11, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on July 12, 2001.]

NOMINATIONS OF JOHN P. STENBIT TO BE ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATION, AND INTELLIGENCE; DR. RONALD M. SEGA TO BE DIRECTOR OF DEFENSE, RESEARCH AND ENGINEERING; MICHAEL L. DOMINGUEZ TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS; PAUL MICHAEL PARKER TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS; DR. MARIO P. FIORI TO BE ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS AND ENVIRONMENT; H.T. JOHNSON TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT; AND NELSON F. GIBBS TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS AND ENVIRONMENT

TUESDAY, JULY 31, 2001

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

The committee met, pursuant to notice, at 9:37 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Cleland, Akaka, E. Benjamin Nelson, Carnahan, Warner, Inhofe, and Allard.

Other Senators present: Senators Lott and Cochran.

Member of Congress present: Mr. Pickering.

Committee staff member present: David S. Lyles, staff director.

Majority staff members present: Gerald J. Leeling, counsel; Michael J. McCord, professional staff member; and Arun A. Seraphin, professional staff member.

Minority staff members present: Romie L. Brownlee, republican staff director; Judith A. Ansley, deputy staff director for the minority; Charles W. Alsup, professional staff member; Brian R. Green,

professional staff member; William C. Greenwalt, professional staff member; Carolyn M. Hanna, professional staff member; Patricia L. Lewis, professional staff member; Ann M. Mittermeyer, minority counsel; Suzanne K.L. Ross, research assistant; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Gabriella Eisen, Michele A. Traficante, and Nicholas W. West.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Davelyn Noelani Kalipi, assistant to Senator Akaka; Eric Pierce, assistant to Senator Ben Nelson; Brady King, assistant to Senator Dayton; John Gastright, assistant to Senator Thurmond; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to consider the nominations of seven individuals to high positions in the Department of Defense. Because of the number of nominees, we have divided today's hearing into two panels. During the first panel, we will consider the nominations of John Stenbit to be Assistant Secretary of Defense for Command, Control, Communication, and Intelligence; Ron Sega to be Director of Defense Research and Engineering; and Michael Dominguez to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

On behalf of the entire committee, I would like to welcome you and your families to the Armed Services Committee. We have a tradition of asking our nominees to introduce family members who are present, so let me start with that. We will start with you, Mr. Dominguez. If you would, introduce any family members you have with you.

Mr. DOMINGUEZ. Thank you, Mr. Chairman. I have with me today my wife, Sheila, and my daughter, Michelle.

Chairman LEVIN. Welcome both of you. Mr. Stenbit.

Mr. STENBIT. I have with me my wife, Albertine.

Chairman LEVIN. Thank you. Dr. Sega.

Dr. SEGA. Mr. Chairman, it is my pleasure to introduce my wife, Ann, who has provided me tremendous support.

Chairman LEVIN. We welcome all of you. None of these nominees would be able to serve in these positions without the support of their families, so we thank them for their service, and we also thank you for your service.

Mr. Stenbit previously served as the Deputy Director of Telecommunications at Command and Control Systems in the Defense Department, and most recently as an executive vice president at TRW. Dr. Sega's military and academic career includes service as a Brigadier General in the Air Force, an astronaut on two Space Shuttle missions, and most recently at the University of Colorado.

Mr. Dominguez's military and civilian experience includes service in the U.S. Army and as Assistant Director of Space Information,

Warfare, and Command and Control, Director for the Chief of Naval Operations.

The committee looks forward to your testimony. Before I call upon Senator Allard for his introduction, I will call upon my good friend and colleague, Senator Warner, for his opening statement.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. I join you in welcoming the nominees, and would ask unanimous consent that my statement, which is biographical, be put in the record.

I would just add a personal comment. Senator Levin and I have been privileged to serve here on this committee some 23 years now. We have seen a lot of appointees, and I say unreservedly I think our President and the Secretary of Defense have really picked a first-class team to serve our Nation. I use the word pick. I have seen several draft choices, and I do not know how they persuaded you to come back and give up what you had in the private sector, but that again lends itself to the commendation of our President and others who have worked so hard to get you here.

To the families, I have had some modest experience in the building, and I remember very well the day I sat in this chair before some of you were on Planet Earth, and I would just be mindful of the wives particularly, and children, because any decisions made after 7:00 are usually reversed the next morning, so bring them home, freshen them up, and send them back for the next day.

Thank you very much.

Chairman LEVIN. That is unless they are responding to congressional inquiries at night. [Laughter.]

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming the nominees and their families. We have a distinguished group of nominess before us this morning.

FIRST PANEL

Mr. Sega—Major General Sega—has had a remarkable career in academia, research, and government service. He was recently promoted to the rank of Major General in the Air Force Reserve, and is currently assigned as Mobilization Assistant to the Commander, Headquarters, Air Force Space Command. General Sega is a former astronaut, having made flights on the Space Shuttle in 1994 and 1996, and also a distinguished academician. He is currently the Dean of the College of Engineering and Applied Science at the University of Colorado. General Sega, welcome, and thank you for your willingness to serve in this important Defense position.

Mr. Stenbit, if confirmed, will be returning to the Pentagon for an additional tour. He served previously in the Office of the Secretary of Defense as Principal Deputy Director of Telecommunications and Command and Control Systems and as a Staff Specialist for Worldwide Military Command and Control Systems. In addition to his impressive credentials as an Executive Vice President for TRW Corporation's Aerospace and Information Systems, Mr. Stenbit has served as Chairman of the Science and Technology Advisory Panel to the Director of Central Intelligence. Mr. Stenbit was also a member of the Science Advisory Group to the Directors of Naval Intelligence and the Defense Communications Agency.

Michael L. Dominguez, the President's nominee for Assistant Secretary of the Air Force (Manpower and Reserve Affairs), has a distinguished career of military and government service. He is a graduate of the United States Military Academy at West Point, and served on active duty in Europe with the 1st Battalion, 509th Airborne Infantry. In 1983, Mr. Dominguez joined the Office of the Secretary of Defense working in the Program Analysis and Evaluation Division. He ultimately rose

through the ranks to become PA&E's Director for Planning and Analytical Support. Mr. Dominguez later joined the staff of the Chief of Naval Operations where he served as the Associate Director for Programming and, more recently, as the Assistant Director for Space and Information Warfare within the OPNAV Command and Control Directorate. Thank you for your willingness to serve in this vitally important manpower policy position.

SECOND PANEL

I would like to introduce to the committee a constituent of mine, Gen. H.T. Johnson.

Gen. H.T. Johnson has over 41 years of service to our Nation in military and government service. He is a combat veteran with 423 missions as a forward air controller in Vietnam. He became one of the U.S. Air Force's most accomplished senior leaders, serving as Deputy Commander in Chief of the U.S. Central Command; Director of the Joint Staff under Admiral William Crowe; and as Commander in Chief of the United States Transportation Command and Military Airlift Commands. He served as TRANSCOM Commander during Operations Desert Shield and Desert Storm, and led one of the most rapid, concentrated, and highly successful movements of troops, equipment, and supplies in American military history. Subsequent to his retirement from the Air Force, he served as a member of the 1993 Base Realignment and Closure Commission. We welcome General Johnson and his family, and thank him for his willingness to return to government service.

Mike Parker has a distinguished career in government. As a member of the U.S. House of Representatives from 1989 through 1999, Mr. Parker ably represented the Fourth Congressional District of Mississippi. In this capacity, he served on the Appropriations Committee and its Subcommittees on Energy and Water Development and Military Construction. He also served on the House Budget, Transportation, Education and the Workforce, and Veterans' Affairs Committees. We thank you for your willingness to return to service in the Executive Branch in this most challenging assignment.

Dr. Mario Fiori, the nominee for Assistant Secretary of the Army (Installations and Environment) has achieved great success in both his military and government careers to date. After graduating from the U.S. Naval Academy, he qualified as a nuclear submariner and served in U.S.S. *Pargo* (SSN 650), an attack submarine, U.S.S. *George Washington Carver* (SSBN 656), a Poseidon missile submarine, and as Commanding Officer of U.S.S. *Spadefish* (SSN 668). Following his retirement, he joined the Senior Executive Service in the Department of Energy. Dr. Fiori served as the Departmental representative to the Defense Nuclear Facilities Safety Board. In 1993, the Secretary of Energy assigned Dr. Fiori to be Manager of the Savannah River Site in Aiken, South Carolina.

I note that among those in attendance is Dr. Fiori's daughter, Cristina, who drove down from Allentown, Pennsylvania, for the occasion. Cris served this committee with great diligence and dedication as a Staff Assistant, and we are delighted to have her present with us today.

Nelson Gibbs is currently the Executive Director of the Cost Accounting Standards Board within the Office of Management and Budget. Following a tour of active duty in the U.S. Army, he built an impressive record of accomplishment in the private sector, gaining expertise in the fields of defense industry management and financial oversight. After rising to the position of Corporate Comptroller with the Northrop Grumman Corporation, he assumed his present position in OMB. Mr. Gibbs, welcome.

Mr. Chairman, I look forward to hearing from the nominees.

Chairman LEVIN. I think we will call on you, Senator Allard.

STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Mr. Chairman, thank you, and Senator Warner, and my fellow members on the committee, I want to thank you for allowing me to introduce someone who I believe is an extraordinary individual sitting here on my right, and that is Dr. Ron Sega. He is the nominee to be the Director of Defense Research and Engineering.

I have known Ron for many years, and I have found him to be one of the brightest and most forward-thinking individuals I have ever met. Each year I hold defense and space roundtables in Colo-

rado, and Ron has been a very valuable resource with his participation in those roundtables.

I believe his resume speaks for itself. You reviewed some of that, Mr. Chairman, but I would like to go and just again highlight a few of those areas that I think are very significant. Since 1996, Dr. Sega has been the Dean of the College of Engineering and Applied Science at the University of Colorado at Colorado Springs, where he has taught since 1982.

Ron was instrumental in adding six degrees to the college, realigning the program with the needs of information technology, aerospace, and complex electronics sectors, and in 1990 Dr. Sega joined NASA, serving as an astronaut from 1991 until 1996. During that time, he participated in two Space Shuttle missions, STS–60 and STS–74, and was Director of Operations in Russia and was the coprincipal investigator of the windshield facility, plus many other technical assignments.

Dr. Sega has also taught physics at the University of Houston and at the Air Force Academy in Colorado Springs. In addition to his teaching duties, Dr. Sega is currently serving this country in the Air Force Reserve. He has achieved a rank of Major General, and is the mobilization assistant to the Commander at Air Force Space Command.

After graduating from the Air Force Academy, Dr. Sega has been an instructor pilot and has been involved with space systems operations and plans. To name a few of the many awards he has received, Dr. Sega has been awarded two honorary doctorates. He has been named Reserve Officer of the Year by the U.S. Air Force and the Air Force Space Command, named Educator of the Year by Inroads Colorado, received the NASA Outstanding Leadership Award Medal for his service as the payload commander on STS–76, and was a distinguished graduate at the Air Force Academy.

However, beyond all these awards and commendations, I can personally attest to the fact that he is a man of vision, honor, and dedication. This is seen best through his service to the students at the University of Colorado at Colorado Springs. He has been a force behind establishing an Office of Student Support to improve recruiting and training of undergraduate students, diversity, interaction with K through 12, and coordination of scholarships and internship activities.

He also sponsored new student clubs for the college, including the American Indian Science and Engineering Society, the National Society of Black Engineers, the National Society of Hispanic Professional Engineers, the American Society of Mechanical Engineers, and the American Institute of Aeronautics and Astronautics.

Mr. Chairman, I heard Senator Roberts once say, true believers are needed in the area of science and technology research. I believe Dr. Sega fits that description. He is a true believer, and is perfectly suited to be the Director of Defense Research and Engineering. I look forward to his confirmation, and thank you for consideration of this fine man, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Allard, for your fine introduction.

Senator WARNER. I join in that, Senator Allard. You have given him a real rocket-boost take-off.

Chairman LEVIN. Today's nominees have all responded to the committee's prehearing policy questions and to our standard questionnaire, and these responses will be made a part of the record.

The committee has also received the required paperwork on each of the nominees, and we will be reviewing that paperwork to make sure that it is in accordance with the committee's requirements.

There are several standard questions we ask every nominee who comes before the committee, and your response to advance policy questions. Do you agree, each of you, to appear as a witness before congressional committees when called to ensure that briefings, testimony, and other communications are provided to Congress?

Mr. DOMINGUEZ. Yes, sir.

Mr. STENBIT. Yes, sir.

Dr. SEGA. Yes, sir.

Chairman LEVIN. Have you adhered to the applicable laws and regulations governing conflict of interest?

Mr. DOMINGUEZ. Yes, sir.

Mr. STENBIT. Yes, sir.

Dr. SEGA. Yes, sir.

Chairman LEVIN. Did you assume any duties or undertake any actions which would appear to presume the outcome of the confirmation process?

Mr. DOMINGUEZ. No, sir.

Mr. STENBIT. No, sir.

Dr. SEGA. No, sir.

Chairman LEVIN. Will you ensure the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings?

Mr. DOMINGUEZ. Yes, sir.

Mr. STENBIT. Yes, sir.

Dr. SEGA. Yes, sir.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers to responsible requests?

Mr. DOMINGUEZ. Yes, sir.

Mr. STENBIT. Yes, sir.

Dr. SEGA. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. DOMINGUEZ. Yes, sir.

Mr. STENBIT. Yes, sir.

Dr. SEGA. Yes, sir.

Chairman LEVIN. Let me now call upon our nominees for any opening remarks you may wish to make. Mr. Dominguez.

STATEMENT OF MICHAEL L. DOMINGUEZ, NOMINEE TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS

Mr. DOMINGUEZ. Thank you, Mr. Chairman, Senator Warner, and other distinguished members of the committee. I am honored to appear before you this morning as President Bush's nominee to serve as the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. I would like to thank the President, the Secretary of Defense, and the Secretary of the Air Force for their support and confidence in me by recommending me for this position. If con-

firmed, I look forward to the opportunity to continue service to my country and to the men and women of the United States Air Force.

Mr. Chairman, I can think of no finer job that directly affects the lives of Air Force personnel, enlisted, officer, active, Guard, Reserve, and civilian, than the position for which I have been nominated. If confirmed, I pledge my full support and energies to take care of Air Force people. Toward that end, I would plan to focus my attention on three key issues. First is recruiting and retention. They go hand-in-glove, and their importance cannot be overstated, especially in light of the very competitive tight labor market.

From my perspective, viable recruiting and retention programs are critical links to keeping the total force ready for the future. I pledge to you my support to keep this a top priority.

Second, I believe we must continue to focus on our quality-of-life programs that are so essential to meeting our readiness, recruiting, and retention goals. Among those are top-notch military health care, safe, affordable family housing, an improved workplace environment, enhanced family and community programs, improved educational opportunities, and last, if confirmed, I will work to improve our personnel systems to facilitate management of the military and civilian workforce for the 21st century.

Thanks to this committee, we are already on this path. We need to continue this momentum, improving the hiring process, addressing compensation and benefits, and focusing on programs that will help us attract men and women to a life of service to the Nation.

In closing, if confirmed, I will look forward to an active relationship with you, Mr. Chairman, Senator Warner, and the members of this committee as we work together to support and care for men and women and families who selflessly serve our Nation and its Air Force.

Thank you.

Chairman LEVIN. Thank you.

Mr. Stenbit.

STATEMENT OF JOHN P. STENBIT, NOMINEE TO BE ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATION, AND INTELLIGENCE

Mr. STENBIT. Thank you, Mr. Chairman, Senator Warner. I would like to thank Secretary Rumsfeld for picking me, as Senator Warner said, and President Bush for nominating me. I have had the opportunity to briefly meet with Senator Warner and Senator Inhofe. I look forward to meeting with Senator Nelson and you Mr. Chairman as that need arises, if I am confirmed. I am very grateful you are taking the time to consider this application this morning.

I have been nominated to be Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. That is quite a mouthful. All of my reviewing of the office says that it is a handful, and I look forward to having your support as we move forward, if I am confirmed. Thank you.

Chairman LEVIN. Mr. Stenbit, thank you very much.

Dr. Sega.

STATEMENT OF DR. RONALD M. SEGA, NOMINEE TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Dr. SEGA. Thank you, Mr. Chairman. I would like to thank Senator Allard for his kind introduction, and Chairman Levin, Senator Warner, and members of the Armed Services Committee, it is truly an honor and privilege for me to be here before this committee today.

I would like to thank President Bush, Secretary Rumsfeld, and Under Secretary Aldridge for their support and trust in nominating me for the position of Director of Defense Research and Engineering. I appreciate their confidence, and I pledge that, if confirmed, I will do everything that I can to justify their confidence while serving in this important position. Thank you.

Chairman LEVIN. Thank you, Dr. Sega. We will just start with rounds of 6 minutes each. First, Mr. Stenbit, let me ask you a few questions.

In your response to the advance policy questions you said the following: "In light of U.S. dependence on vulnerable space assets, it would be contrary to U.S. security interests not to develop, test, and deploy the means of deterring attack on and defending space systems."

Now, when you say the United States must develop the means of deterring attack on our space systems, is it your view that we should develop and deploy offensive weapons in space?

Mr. STENBIT. I believe that the deterrence is an act that is in the eyes of the beholder. What we need to do is be very firm in our demonstrations of how we intend to both decrease the reward of a potential attack, or increase the risk of a potential attack. I believe that space includes the assets in space—it includes the launchers, it includes the ground stations—and I believe there are passive methods, and there are defensive active methods. There are sometimes offensive methods, for example, potentially doing something destructive to a jammer.

I do not believe that anything I have seen would require active, full-time on-orbit offensive capability, other than potentially some ability for a satellite to defend itself against an attack. I personally have worked on a study of Gatlin guns on a satellite to shoot something coming at it. I believe that might be within the realm of what might be required, but I do not believe there is any one set of answers. It is, in fact, a broad set of issues that cause deterrence to exist.

Chairman LEVIN. Mr. Stenbit, the Defense Department has been criticized for its failure to completely comply with the capital planning business process, reengineering and the other requirements of the 1996 Clinger-Cohen act, which was enacted to get the Department's chaotic information systems under control and to improve the security and the interoperability of those systems. If confirmed, would you make it a priority to bring the Defense Department into complete compliance with the Clinger-Cohen act?

Mr. STENBIT. Yes, sir, to the best of my ability.

Chairman LEVIN. Do you believe you have the authority to make that happen?

Mr. STENBIT. I believe the authority is appropriate, yes.

Chairman LEVIN. When you say appropriate, do you also mean adequate?

Mr. STENBIT. Well, it is a coordination and staff authority, as opposed to execution authority, and that is the way the Department works, but certainly the access to the Secretary and the ability to have access to everything and review the budget appears to me to be adequate, yes.

Chairman LEVIN. Dr. Sega, a number of programs have been established to try to speed the transition of technologies and other innovations from science and technology programs into the hands of warfighters. The Director of Defense Research and Engineering is in a unique position to hasten the insertion of these technologies into the hands of the warfighters who need them. Do you believe that it would be helpful to establish a rapid response fund to help expedite that transition and, if so, would you support that within the Department to achieve an appropriate level of funding for it?

Dr. SEGA. Yes, Mr. Chairman, if confirmed I would support a rapid response fund. I believe that it gives a flexibility during the current year to take advantage of maturing technologies and accelerate their application to the warfighter.

Chairman LEVIN. Congress and the Defense Science Board and others have expressed concern about the condition of defense labs and test facilities, the slow implementation of reforms to improve management, personnel, technology development programs, and the degree to which defense labs support the needs of the acquisition and warfighting communities. If confirmed, what specific reforms would you pursue to ensure that defense laboratories continue to make a positive contribution to our defense science and technology programs?

Dr. SEGA. Mr. Chairman, if confirmed, I would look into that and review the situation with respect to the condition of our laboratories both with respect to infrastructure and personnel. I think it is a very important and critical problem that needs to be addressed, and I would take that on as one of my priorities.

Chairman LEVIN. Mr. Dominguez, the Air Force projects that it is going to miss the 2001 statutory end strength by over 4,000 personnel, and the primary reason for this appears to be lower than expected reenlistment rates, and you mentioned that in your opening remarks. What is your view as to why the larger-than-expected numbers of airmen are leaving the Air Force during their second and their third terms and, if confirmed, what specifically would you do to improve retention rates?

Mr. DOMINGUEZ. Senator, I think that is one of the most important issues we must face here in the coming years. I want to take this opportunity to thank the committee for its assistance to all of the services, and improving their ability to recruit and retain qualified personnel.

As to the specific causes for our missing our goals for second and third-term reenlistment, I am happy to research that for you and get back with you on that, and to work with your staff as we understand that problem, but certainly the work this committee has already done in terms of giving us special pay authority and aviation pay for the pilots and the quality of life initiatives that this committee has supported are very, very important to making the

rigors of military life manageable for families, because it is the families who reenlist.

Chairman LEVIN. Finally, Mr. Dominguez, do you support the current Department of Defense homosexual conduct policy?

Mr. DOMINGUEZ. Sir, I understand again that is a very difficult issue. I know that the members of this committee and the staff of this committee were very involved in the policy that now appears to be in place, and I presently have no knowledge of any compelling reason why that policy needs to be changed. It appears to me to be, and from what I know that it seems to be working adequately, but I would be happy, if confirmed, to work with you and your staff on understanding more about that issue.

Chairman LEVIN. Senator Warner.

Senator WARNER. Thank you very much, Mr. Chairman. I will start off with Dr. Sega. You really have a great challenge, and having had the opportunity to visit with you and sharing the views of our distinguished colleague from Colorado, I think you are eminently qualified to take this thing on. I think you probably have as much an opportunity as anyone in the Department of Defense, including the Secretary, to drive the Department and to drive the cutting edge of the next generation of weapons.

It has been my experience through the years, regrettably, that we encounter the old syndrome, which you know well, not invented here. Sometimes some good ideas emanate from beyond the Department of Defense, and they are deserving of equal consideration within the Department once they are presented. Do you share that view?

Dr. SEGA. Yes, Senator Warner, I do. From my background with the University, as the dean of the College of Engineering, it was our goal to form partnerships between industry, Government, and the university. I think various sectors that develop technology, that have innovative ideas, should be included in the process to get the very best capability for the warfighter.

Senator WARNER. Also you will be dealing with the annual battles within the Department to get your share of the budget. I am concerned that America is not keeping up in its research and development as much as it should, and we should try and increase those budgets. I would hope you would commit to this committee to put on your body armor and go in there with your fellow colleagues and go for it. Am I understanding that is the case?

Dr. SEGA. Mr. Chairman, I share your concern, and I would be a strong advocate for the S&T program in the Department of Defense.

Senator WARNER. You also have the DARPA organization. How familiar are you with that organization?

Dr. SEGA. I understand it in an overall sense, sir.

Senator WARNER. Well, therein is kind of an uncut diamond. Do not try and polish it up too much. Leave it rugged and rough, but give it sufficient support to originate some ideas and come up with concepts as they go along. Can you commit to do that?

Dr. SEGA. I will.

Senator WARNER. This committee last year increased the President's budget by $200 million for unmanned advanced capability for combat systems. At that time, we established a goal for the De-

partment that within 10 years one-third of the U.S. military operational deep strike aircraft would be unmanned, and within 15 years one-third of the operational ground combat vehicles would be unmanned. How does that notion strike you? It happens to be the law of the land, but what are your views?

Dr. SEGA. I believe the technology in unmanned and robotics systems has been used in a variety of sectors in the past, has been used to a certain extent in our Department of Defense, and I believe that is a good direction, to continue to push technologies toward unmanned vehicles.

Senator WARNER. I find that very reassuring, and I hope that you will in due course, as you become more fully understanding of this concept, not only adopt it, but even push it harder where you think it can be done efficiently to achieve those goals.

Dr. SEGA. Sir, if confirmed I will look seriously at all of those options.

Senator WARNER. Mr. Dominguez, this committee has a longstanding commitment to ensuring that only military officers, men and women of the highest character and qualifications, rise to the most senior positions. The procedures for identifying adverse information about officers selected for promotion are in place, and we ensure that these matters are fully considered.

Senator Levin and I spend a good deal of time together with our Chairman and Ranking Member of the Personnel Subcommittee and other members of the committee getting into these cases very thoroughly, objectively, and fairly. As a matter of fact, this afternoon I am going to spend some time on these issues. If confirmed, what do you anticipate your role will be in reviewing the promotion boards for nominations for senior flag and general officer positions?

Mr. DOMINGUEZ. Senator, I will take as active a role in that as Secretary Roche requires, but I believe that would entail at a minimum reviewing oversight of the process to ensure compliance with applicable laws and records to ensure the process is fair, and thirdly to ensure that the appropriate information and relevant information is provided to all of the decisionmakers involved in this, and I want to ensure you and the members of this committee that Secretary Roche and I understand our obligation to this committee in that regard.

Senator WARNER. I want you to underline the word fair, because this system is dependant upon fairness and equity when it come to promotions. There simply cannot be any compromise along those lines. Not only the individuals themselves, but their families make an enormous commitment.

So often the spouse has to move every 2 or 3 years, relocate the children and care for the children when the spouse is overseas, or deployed away from home, and this all adds up. When that promotion board comes, something that is anticipated, there is great emotion, and as long as they feel it was fair, they accept the results even though the results might not be what they had hoped.

It is definitely a family situation, and it is interesting. In my time here on the committee I have come to learn more and more about the value of the family in the decisions, particularly those relating to a second hitch, those relating to a critical decision by an

officer to continue on past the 6 or 7 year mark. Those decisions are made around the family table, so bear that in mind.

You have a wonderful family yourself. You understand those values, and I hope that you will follow that with great care.

Mr. DOMINGUEZ. I will, sir.

Senator WARNER. Now, Mr. Stenbit, we hope you will inject yourself in this quadrennial review process. That process, no matter how it comes out, is going to be the subject of tremendous controversy. But that is for the good, because unless it engenders that type of constructive controversy, then little will have been achieved.

It takes forceful personalities like our President and the Secretary of Defense to deal with those sensitive issues in our Department. Nothing is so valued as roles and missions, and I repeat that. Nothing is so valued, and there is a good, strong competition, as there should be, between the military departments. But the ability of that eventual report to become a constructive building block for our Nation's defense will largely be determined on the extent to which persons with responsibility and knowledge are able to feel that they made a contribution, that their voices were heard and their ideas were considered, even though they may have been rejected.

Is my philosophy generally what yours is? I am just curious.

Mr. STENBIT. Absolutely. Constructive, adversarial relationships, and I mean that in the best of senses, in the process are very important to get good ideas out. I have not had the privilege of being involved in that so far, but if confirmed I look forward to being there, and I do not think they hired me to be a weak voice.

Thank you very much, Mr. Senator.

Senator WARNER. I think that is true.

Now, my next question, I think I have said it, and other members on this committee have said it every time a nominee for your position has come up, and I do not say that by way of criticism for those that have preceded you, but there are no limits to which you can move this particular frontier that will not enhance our Nation's defense, so listen carefully.

Despite the efforts of the Department of Defense to establish standards of interoperability in the command and control systems essential for joint operations, virtually every significant military operation in the last 2 decades has experienced communications, intelligence, and operations and logistics systems of the various services that failed to properly interact.

I have just a modest, as I explained to you, knowledge of electronics and so forth from years past, but I am sitting and watching a process by which central switching areas for communications, the Army, Navy, and the Air Force, are now up for rebid and replacement. I find the Army is marching off in one direction and the Navy and Air Force seem to be pretty well joined marching off in another direction. Since the switch is common to the military branches, I cannot figure it out. One wants one contractor, another one wants another contractor.

I am not here to decide which contractor is best qualified, but I keep saying to myself, why should there be a different communications switch for the military services? Why can't one switch better

serve the Nation, and enable some cost savings in training those who constantly have to go in and repair and operate the switch, and save us on the spare parts inventory. I could go on and on. Take a look at that one when you get there.

Mr. STENBIT. I would be happy to, sir, if I am confirmed. There are times when having two different kinds are useful, because then the software bug in one will not destroy them all, but I am absolutely not familiar at all with the details of the one you are talking about.

Senator WARNER. I purposely did not give a lot of detail, but I am just trying to use an example. You may be right, and maybe two systems are needed.

Mr. STENBIT. If I am confirmed, that is clearly on the plate, no question about it.

Senator WARNER. If the Navy cannot get its switch to talk to the Army's switch, where are we?

Mr. STENBIT. Even my solution does not work then, sir. They do not back each other up.

Chairman LEVIN. Thank you, Senator Warner. Senator Thurmond has another commitment. We are going to call on him out of order. We thank Senator Ben Nelson for permitting us to do that.

Senator Thurmond.

Senator THURMOND. Good morning, gentlemen. I am partial to my home town of Aiken, South Carolina, and I always have a special place for those from the Aiken area for going out and doing well. We have two men before us today who can claim the Aiken area as home, Gen. Hansford T. Johnson and Dr. Mario Fiori.

Mr. Johnson grew up in Aiken. I knew his father and had the utmost respect for his entire family. He attended my alma mater before transferring to the United States Air Force Academy, where he graduated in the first class in 1959. Many of us were fortunate to work with him during his career in the Air Force, and as a member of the Base Realignment and Closure Commission.

Dr. Mario Fiori is not actually from Aiken, but I claim him. I got to know him during his tenure as site manager at the Department of Energy Savannah River Site. I even hired his daughter to work for me in 1993. After his successful career as a naval officer, Dr. Fiori was selected to be the manager of the Savannah River Site. The site manager is a demanding post that requires the finesse of a politician, the expertise of a scientist, and the financial skill of a professional accountant. As manager, Dr. Fiori was all of these and much more.

Mr. Chairman, we are fortunate to have these two fine men available to the Department of the Navy and the Department of the Army. They are fine Americans who have dedicated their lives to the service of our Nation, and I am confident that, once confirmed, each will serve with distinction.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Thurmond. I know how appreciative they are of your comments, and how important those comments are to this committee. We thank you for them, and we will make the rest of your statement part of the record at the appropriate place, right before the second panel comes on as you have requested.

Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman. First, I would like to welcome all of the nominees and their families to this gathering today and to say to all of you that it is a daunting task to enter public life, but it is one that I am sure you have fully considered, having such a strong background in each of your cases, so I welcome you and appreciate that very much.

Mr. Dominguez, one of the things that I think can be very helpful in terms of the retention and the staffing for the military has already been established in some cases, certainly where I have some knowledge of the 55th Wing in Omaha at Offutt Air Force Base they have established what is called a future total force initiative, where there is a tie-in between the Nebraska Air National Guard and the regular Air Force, and it has been suggested also that the Reserve can play a role in dealing with the staffing needs of the military.

If we look at the staffing in a layering structure so that you are dealing with the Reserve and the Air Guard putting together all of the staffing needs, particularly with respect to the pilot requirements, because there are so many pilots leaving the regular service who will still be associated with the Reserves or the Air Guard, I wondered if you have any particular plans to work with that system or that initiative in the future and not just with respect to the Air Force, but with respect to other services as well, whatever you have heard.

Mr. DOMINGUEZ. Thank you, Senator. I think the total force concept is an extraordinarily powerful concept, and extraordinarily important to all of the services, and the United States Air Force takes a second seat to no one in the enthusiasm with which they have embraced and integrated the Reserve components in the Guard and Reserve into the missions and life of the active Air Force. I would expect, Senator, that if I am confirmed that will also be a major focus of mine.

There is enormous value in the Reserve components, and there are enormous opportunities in front of us to continue to investigate and explore ways that we can more fully integrate those Reserve components into our missions and capitalize on their unique contributions.

Senator BEN NELSON. In that regard, of course, General Sega is in the Reserves, so who knows, maybe he will be more than a weekend warrior with respect to that continuing service. We appreciate that very much, General.

Mr. Dominguez, in that regard, have you seen any studies, or are you thinking about any studies, that would tie the cost of, let us say, pilot training or other investment that the military makes in its personnel as to what the financial implications and economic implications are in hanging onto well-trained, qualified staff in the total initiative effort?

Mr. DOMINGUEZ. Senator, I am not aware of any particular studies, and have at present no plans to initiate any, although cost-effectiveness is a very, very important decision criterion for us all, as there will always be fewer resources that are necessary to get all of the jobs done across the services, and the Air Force is no different.

Senator BEN NELSON. What I am getting at is, even if we did not have a shortage of available personnel, it probably would still be cost-effective to try to hang on to trained personnel in whom we have invested countless thousands of dollars and have established relationships with, hanging onto old friends, rather than spending our time making new friends.

Mr. DOMINGUEZ. That is absolutely correct, Senator, and there is no question that, once you have invested in training these people and bringing them into your culture and aligning their values and goals with the goals of service to the Nation, you do want to hang onto those people, and that is one of the things I understand that the administration will be looking at.

I believe Dr. Chu may have addressed that in his confirmation hearing, about looking at all of the personnel policies, including the up-or-out route, but basically we have to put everything on the table to see how we can retain the best possible human component of the Air Force of the 21st century.

Senator BEN NELSON. That is why it is so essential to have the re-upping be a family-friendly experience, so that all of the conditions for the families—I guess the comment is often made that you sign up single individuals but you retain families. That is why it needs to be family-friendly with respect to living conditions, benefits, and the quality-of-life issues. I hope that you will factor those into the staffing and retention issues.

I see my time is up. I appreciate very much your answers. Thank you.

Mr. DOMINGUEZ. Thank you, Senator.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. I regretfully will not be able to stay for the next panel, and so I would like to make just a couple of comments, and perhaps in the opening statements some references can be made, particularly to General Johnson. I have had the opportunity, though, Mr. Chairman, to speak with each of these individuals, and I think we will be well-served to have them confirmed and on the job as quickly as possible.

Last Sunday we had an election on the Island of Vieques which frankly I thought—I was shocked that it came out as well as it did. Thirty-eight percent of the people said, after being brainwashed by both the Governor and the mayor, that they liked our Navy and they wanted the Navy to stay, and it seems to me, Mr. Chairman, starting with that, and building between now and November 6, I have very little doubt in my mind that we are going to be able to save that island, and I say that because we had a hearing not too long ago where we talked about the value of live-fire training, and three of the people on the next panel understand the value of live-fire training.

On March 12 of this year we lost six people, five of whom were American troops. The accident report showed that range, and what happened in that tragedy in Kuwait, was because they did not have live-fire training. Inert training is not the same, and so I would hope that during the opening statement, General Johnson, you might address that and express your commitment to live-fire train-

ing on that particular range, and then maybe the others—this is not going to happen in a vacuum.

If for some reason we are, for the first time in history, kicked off of the range that we own by a bunch of law-breakers, then that is going to have a domino effect on all other ranges, and of course that includes the Air Force and the Army, so you might make some reference to that during your opening remarks. I would appreciate that.

Building a little bit, Mr. Dominguez, on questions that have already been asked of you, the chairman asked you about those in the second and third terms. Let us go back to the first term, and I would like to get your idea of the SRB, the selective reenlistment bonus, how effective it has been. It is my understanding that we for the first time since 1998 are getting that first full reenlistment up to 55.6 percent, which I would like to see get a lot higher.

I am one of the last ones up here, I guess, who is still an advocate of the draft, but nonetheless I would like to have your evaluation of that program and how we can build on it.

Mr. DOMINGUEZ. Thank you, Senator. I will be happy to look into that in more detail if confirmed, and get back to you on that, but I do know that bonus program as a general rule is very successful and very important to retaining or reenlisting people in the specified skills where that bonus is targeted.

I do know the Air Force is meeting its goals this year for its first-term reenlistment. That is a success story, and I want to thank the members of this committee for the support they provided to the Air Force in the past.

[The information referred to follows:]

The number of Selective Reenlistment Bonuses (SRBs) skills was small in the heavy drawdown years fiscal year 1989 through fiscal year 1994. As the economy prospered and at the completion of the drawdown, we had to compete with the civilian community to retain our highly trained and marketable enlisted personnel. As such, the number of SRB skills increased from 68 in fiscal year 1997 ($25 million) to 154 in fiscal year 2001 ($165 million). SRBs currently apply to 78 percent of our enlisted skills. In fiscal year 2002 our projected SRB budget jumped to $258 million. It will likely remain at or about this level for the next several years.

For the first time in 3 years, the Air Force met its first term airmen retention target, achieving a 55 percent re-enlistment rate against a goal of 55 percent. This success continues a positive 1st term trend, up from 49 percent in fiscal year 1999. A large part of our success is attributable to an active, aggressive targeted Selective Reenlistment Bonus program. Further, bonuses have been effective in enabling the Air Force to maintain second term and career airmen retention rates. Continued funding of SRBs is a critical element of our retention strategy.

In addition to SRBs, the Air Force continually works toward and supports initiatives to improve the overall compensation package in order to retain our enlisted force. Recent increases in other areas of compensation include higher Basic Allowance for Housing (BAH) rates to reduce out-of-pocket cost from 18.9 percent in 2000 to 15 percent in 2001. Out-of-pocket expenses will continue to decrease until they ultimately reach 0 percent in 2005. The fiscal year 2000 National Defense Authorization Act (NDAA) changed the law to allow military basic pay raises to be set at 0.5 percent above the ECI through the year 2006. In 2001, pay table reform raised basic pay for E–5 through E–7, and in 2002, with support from this committee, we will likely see the largest targeted basic pay increases since the early 1980s. Additionally, we have sponsored recent initiatives that have increased other special and incentive pays for enlisted members such as Foreign Language Proficiency Pay and Hardship Duty Pay for Location. Though all of these are positive gains in our overall compensation package, SRBs continue to fill a significant pay gap for those critical skills competing with higher private sector salaries. SRBs help boost our retention and ultimately our readiness.

Senator INHOFE. That is mostly enlisted personnel. Where the pilot situation is right now we went down—the Navy is a little bit below the Air Force, but it was down below 20 percent at one time. Do you have that figure now, and the trend lines, and what you might be able to do to improve that?

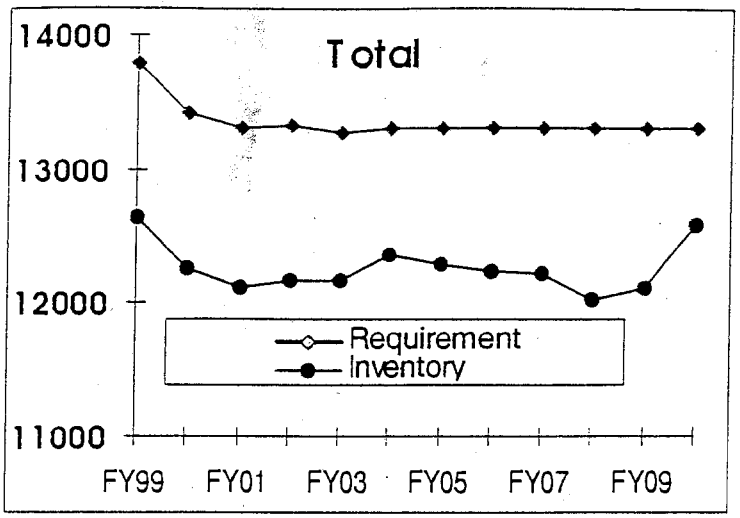
Mr. DOMINGUEZ. Senator, I do not have the percentage, but I would be happy to provide that to you. I know that our pilot retention has leveled off, or appears to be leveling off, and so the trend line for us is no longer declining in the Air Force.

[The information referred to follows:]

PILOT RETENTION RATES

The Air Force is experiencing a 9 percent (1,179) shortage in pilots. The shortage is reflected in the inventory versus requirements chart below. The pilot force manning is projected out to fiscal year 2010 based on current and historical retention trends, the increased active duty service commitment of 10 years for pilot training, bonus take rates, and a constant production level of 1,100 pilots per year.

Category	FY00	FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10
Requirement	13,424	13,306	13,338	13,269	13,318	13,319	13,319	13,319	13,319	13,319	13,319
Inventory ..	12,245	12,116	12,161	12,168	12,366	12,292	12,232	12,214	12,020	12,105	12,589
Percent	−9%	−9%	−9%	−8%	−7%	−8%	−8%	−8%	−10%	−9%	−5%



One measure taken by the Air Force to help lessen the pilot shortage is Aviator Continuation Pay. The take rates for this program are shown below. The long-term bonus take rate reflects the percentage of initially eligible pilots that accept a 5, to 20 or to 25-year agreement.

The long-term initial eligible acceptance rate for fiscal year 2001 was 30 percent; down 2 percentage points from fiscal year 2000's 32 percent, down 12 percentage points from fiscal year 1999's 42 percent, and down from the decade high of 81 percent in fiscal year 1994. In the month since September 11, there has not been any significant increase in the pilot long-term bonus take-rates.

Category	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01
Long Term Bonus Take Rate	81%	78%	59%	35%	27%	42%	32%	30%

The overall pilot continuation rates are reflected below. These are referred to as cumulative continuation rates (CCR). The CCR indicates the percentage of officers entering their 6th year of service that will complete 11 or 14 years of service given existing retention rates. A 45 percent CCR for Air Force pilots in the 6–14 year group means that for every 100 pilots entering the 6th year of commissioned service, 45 would complete the 14th year.

Pilot retention, currently estimated at a relatively low 46 percent, has continued to experience challenges in sustainment and ability to counter current inventory shortfalls.

Category	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01
Pilot CCR	35%	34%	62%	82%	87%	77%	71%	46%	41%	45%	45%

Rated retention is a major concern. The push of operations tempo and historical pull of airline hiring have played major roles in pilot separation decisions and leading indicators, including pilot separations, cumulative continuation rates, initial bonus long-term take rates, and historical airline hiring to date point to a challenging retention environment.

- The AF has a retired rated recall program, which is currently expanding in light of the Nation's wartime tasking (currently 96 personnel participating in this program).
- Increasing Pilot Production and Service Commitment: In fiscal year 2000, pilot production increased to 1,100/year from <500 in fiscal year 1995; pilot training ADSC increased from 8 to 10 years as of 1 Oct 99.
- Improving Aviator Compensation: Aviation Career Incentive Pay increased from $650 to $840 per month in fiscal year 1999; Aviation Continuation Pay (ACP) restructured in fiscal year 2000 to increase compensation from $22,000 to $25,000 per year and extend ACP agreements through 25 years of aviation service.
- Managing Operations Tempo/Quality of Life: AF transition to new Expeditionary Aerospace Force (EAF) construct allows better integration of Active, Guard, Reserve, and Civilian members—improves stability, predictability for Air Force members. Also, reduced Joint and AF exercises and restructured inspection system. Post-deployment stand-down policy, expanded family outreach programs, video/internet email links with deployed forces, fiscal year 2001 NDAA medical care improvements, and Basic Allowance for Housing increases improves quality of life.

Senator INHOFE. Then the Reserve component has been a problem, and I think primarily, and I have gotten this from those individuals as well as from some of the papers they have to fill out when they leave, that the op tempo is the main villain there, all of these deployments to places where in my opinion we should not have been deployed in the first place, and apparently also in the opinion of many of the reservists. Consequently, some of the critical MOSs are having a serious problem. Do you have any ideas on how you can improve that situation with the Reserve component?

Mr. DOMINGUEZ. Thank you, Senator, for that question.

The Air Expeditionary Force concept I think, as has been briefed to me, has gone a very long way to addressing the concerns of all members of the Air Force with regard to that problem. So with that concept, they now have some predictability and stability and in the Reserve components it is my understanding that again, we are operating without presidential call-up, so it really is volunteers who go from the units.

Senator INHOFE. Thank you very much.

Mr. Stenbit, before my time expires I want to get into a subject you and I talked about in my office, and that is spectrum. It is a

very significant thing. In the event we should lose the 1.7, 1.8 Gigahertz: number 1, what alternatives do you see right now, and number 2, what disruptions would take place, and what is your opinion today as to the significance of maintaining DOD's control of those bands?

Mr. STENBIT. Thank you for the question. I have not been deeply involved in those discussions, and have just recently gotten involved, but I do know that the real issue is, it is not a question of the DOD's moving. It will probably take about 15 to 17 years for the satellites that are dependent on frequencies in that band to fly out and be replaced with those that have other frequencies. It is conceivable there are alternatives for the DOD in other frequency spectrums, but this debate appears to me to be the wrong one.

The people who want to pay money, quote-unquote, to have us move are not accepting the full responsibility to replace the absolutely fundamental national security capabilities we have. They want us to take all the risks about whether the actual other frequency will be there. Whether the costs are correct and how fast the satellites fly out and so forth, and so there is a real asymmetry in this particular debate from my point of view.

We have hard core requirements that are built into major weapons systems and training systems, and those requirements have to be met or we are not going to have an effective military, and that is a little different from whether the venture capital guy gets his money back fast enough when he auctions the spectrum.

There is a different risk involved here, and I am very concerned about the haste with which, on the one side, apparent financial risk is being measured against real national security risk. I am very willing to work on that problem, if confirmed, but it is an asymmetrical battle right now.

Senator INHOFE. Well, that is a very good answer, and I wish the people would talk in those terms a little bit more, because all we hear, as Members, is the fact that there is a very large block of people out there that want it and are going to pay for it, but there are other problems. It is more complicated than that.

I guess the request I would make of you, and I know my time has expired, would be that if we go out, as we did last year, and we have previously, and fight for the Defense Department to maintain control of these bands, will you see to it that you do everything within your power—that the administration does not change its mind after we have done all of that, and change their position on whether or not we should keep those bands?

Mr. STENBIT. I can absolutely promise you that if confirmed, or even if not confirmed, I will try.

Senator INHOFE. Thank you very much.

Chairman LEVIN. Thank you, Senator Inhofe.

We will excuse this panel and move to our second panel. We have a couple of our colleagues here that are waiting to introduce one or more of our nominees in the second panel that we would like to get to immediately. Thank you all.

During this second panel, we will be considering the nominations of Michael Parker to be Assistant Secretary of the Army for Civil Works; Dr. Mario Fiori to be Assistant Secretary of the Army for Installations and Environment; H.T. Johnson to be Assistant Sec-

retary of the Navy for Installations and Environment; and Nelson F. Gibbs to be Assistant Secretary of the Air Force for Installations and Environment.

On behalf of the committee, let me welcome each of you and your families. In a moment we will ask you to introduce your family members. We will go a little bit out of order here because of our colleagues' schedules. We have two of our colleagues here to introduce Congressman Parker, and we will call first upon our good Republican Leader, Senator Lott, and then call upon Senator Cochran for that purpose. Then we will call upon Senator Cleland.

[The prepared statements of Senators Bingaman, Thurmond, and Smith follow:]

PREPARED STATEMENT BY SENATOR JEFF BINGAMAN

Mr. Chairman, thank you for holding this confirmation hearing today on these seven nominees. These are all very important positions in the Pentagon, and I am pleased that the administration has sent us these nominations. I expect the committee will quickly report the nominations and they will soon be confirmed by the full Senate.

I'd like to take this opportunity to talk for a few minutes about the position of Assistant Secretary of the Army for Civil Works. This position oversees the Army Corps of Engineers, and the 340-member work force of the Corps' Albuquerque District.

For nearly 75 years, the Albuquerque District of the Corps has played a major role in many important water resources development and management projects in New Mexico. Through a number of projects, the Corps has helped improve the quality of life for citizens all over my State. The Corps built the Conchas Dam in San Miguel County and later built the Jemez, Abiquiu Galisteo, Two Rivers, and Santa Rosa Dams. These projects provide flood control, irrigation and recreation for the people of New Mexico.

The Albuquerque District provides design, construction, and operations and maintenance services to three important Air Force bases in New Mexico—Kirtland, Cannon, and Holloman. The district also works with some of our local communities on critical water resource and flood-prevention projects authorized by Congress, including cooperative projects in Alamogordo, Las Cruces, Bernalillo County, as well as others around the state.

The Corp's role was especially visible in the recent emergency response to last years tragic Cerro Grande Fire. The district provided temporary housing to 114 families whose homes were destroyed and responded quickly to the threat of flooding in Los Alamos after the fire.

I want especially to recognize the Albuquerque District's recent efforts to implement Section 593 of the Water Resources Development Act of 1999. With the first-year appropriation Congress provided in fiscal year 2001, LTC Raymond Midkiff and his staff, especially James White and Bill Spurgeon, have moved quickly to identify eligible projects and to implement Project Cooperation Agreements. The first PCA was signed earlier this month and several more are in the works. I look forward to seeing soon a number of projects under construction in Central New Mexico.

I very much appreciate the continuing support the Albuquerque District has provided the citizens of New Mexico, and I want to express my thanks to the district's dedicated staff for their always prompt responses to requests from my office for project information and status reports.

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman.

Mr. Chairman, I join you and Senator Warner in welcoming our distinguished group of nominees. This is the largest group of nominations that the Armed Services Committee has considered at one time. It shows this committee's bipartisan effort to provide Secretary Rumsfeld the quality people that will be key to transforming the Department of Defense into the organization that it must become to cope with the post Cold-War era challenges to the United States.

Mr. Chairman, I believe each nominee will bring to the position for which they have been nominated unique and professional experience. They are highly qualified and most importantly dedicated to serving our Nation and the men and women of

our Armed Services. Although I will have make additional comments regarding Dr. Fiori and General Johnson, I am pleased to have had a role in recommending both individuals to the President. Each has served in most challenging positions. Dr. Fiori as the Site Manager for the Savannah River Site. General Johnson, a native of South Carolina, as the Commander of the Air Mobility Command.

To each of our nominees I want to state that you my support and that of this committee. I wish you success, and hope that you will consider the committee a partner in your efforts to improve the readiness of our Armed Forces.

Thank you, Mr. Chairman.

PREPARED STATEMENT BY SENATOR BOB SMITH

Good morning. Welcome to Mike Parker, who has been nominated by President Bush to assume the position of Assistant Secretary of the Army for Civil Works. Although in the past, the nomination for this position was referred solely to the Senate Armed Services Committee, this year I am hopeful that the nomination will be sequentially referred to the Senate Environment and Public Works Committee, on which I am the Ranking Republican Member.

Virtually all of the responsibilities of the Assistant Secretary relate to matters that are within the legislative jurisdiction of the Environment and Public Works Committee. The Environment Committee has jurisdiction over the issues of flood control, improvement of rivers and harbors (including environmental aspects of deepwater ports), public works, bridges and dams, and water resources. Members surely are familiar with the fact that every 2 years, the Environment Committee considers a Water Resources Development Act, which authorizes projects nationwide under the Army Corps Civil Works Program.

The Assistant Secretary of the Army for Civil Works is responsible for all aspects of the Army Civil Works Programs, including:

- policy formulation and program direction for water resources development, including: navigation, flood control, hydropower, water supply, shore protection and beach erosion control, recreation, fish and wildlife conservation and enhancement, and emergency response to natural disasters;
- regulatory activities conducted under the River and Harbor Act of 1899, the Clean Water Act, and various other acts;
- legislation, including the biennial Water Resources Development Act; and
- annual budget review, approval and submission.

The Assistant Secretary of the Army for Civil Works is the steward of these areas, which fall directly in the jurisdiction of the Environment Committee. Thus, it is only fitting that the two committees share consideration of the nominee for this key position.

I look forward to learning more about Mr. Parker and his background and qualifications.

Thank you, Mr. Chairman.

STATEMENT OF HON. TRENT LOTT, U.S. SENATOR FROM MISSISSIPPI

Senator LOTT. Thank you, Mr. Chairman, Senator Warner. It is a pleasure to be back before this distinguished committee. I had the pleasure of serving on this committee for 6½ years, and enjoyed it, and miss it until this very day. I appreciate the job that you do and the opportunity to appear before you today on behalf of my good friend and our former colleague from Mississippi, Congressman Mike Parker, who has been nominated to be Assistant Secretary of the Army for Civil Works. I am very pleased with this nomination, and very proud to appear on his behalf, Mr. Chairman.

Did you say the nominees will introduce their families?

Chairman LEVIN. We will give them that opportunity.

Senator LOTT. I will just have to note Congressman Parker's wife and daughter and one son are here, and he has one son that has met with great success in life. He is a golfer, and he is trying to work with the former Congressman to improve his capabilities to make some money later on in life, perhaps as a golfer. [Laughter.]

Chairman LEVIN. How hopeless is it? [Laughter.]

Senator LOTT. There is some real concern that it is hopeless. [Laughter.]

I promised my friend here that this would not be a roast, Mr. Chairman, but I am tempted for it to be so, in life, some of your best friends are the ones you pick on the most, and Congressman Parker and I have had a lot of fun together representing the State of Mississippi in years gone by, and we even used to do an occasional TV show together, and at one point—before he tells this story on me I am going to tell it on him. He grew a mustache, and it seemed to have an adverse effect on the rest of his hair. I noted that on a live television program, to which, without a crack and a smile, he said—well, he explained why he was doing that, and he did say that at least he did not have the temerity to wear a toupee like I did. [Laughter.]

It went downhill from there and degenerated into a poorly rated show, and it was eventually canceled. [Laughter.]

But that is the kind of relationship we have had. I just want to say that I am really pleased to be here on his behalf. He certainly has the background to do this job. He has good education credentials. He did serve in Congress, representing the Fourth Congressional District. He served on all the important committees in the House, including the Budget Committee, the Appropriations Committee, Transportation, Education, and Workforce and Veterans Affairs, and he was a very active legislator.

He would get engaged to try to find a way to build consensus. I must confess that in order to build that consensus he went to great extremes, including sitting on both sides of the aisle, first as a Democrat and then as a Republican, and so he clearly has been and can be bipartisan, and I mean that in the finest sense of the word.

But he showed that he was an active legislator. He was engaged in issues when he was in Congress and in his private life that give him the background that he needs to do this job, and he has been in business. He has been a successful businessman. He owned a funeral home, a life insurance company and a funeral insurance company. He has also been involved with GFT Farms, Incorporated, and Wilkes Resources Incorporated.

He has been involved with wildlife, nature and land management, and when he was in Congress, of course, serving on Appropriations, including the Energy and Water Appropriations Subcommittee, he was involved with civil works with the Army Corps of Engineer projects, and I think he is just a superior choice for this position.

His wife, Rosemary, and their kids are just as fine as you would ever hope for, and so I hope that he will receive expeditious consideration, and I want you to know with full confidence that he will handle this job very carefully. He will make sure that he understands the concerns of Congress, the House and the Senate, on both sides of the aisle. He will make sure the job is done ethically, efficiently, and effectively, and I am delighted to be here on his behalf. Mr. Chairman and Senator Warner, I commend him to you and to the Environment and Public Works Committee that I believe will also be involved in this confirmation.

Thank you for this opportunity.

Chairman LEVIN. Thank you, Senator Lott, for that wonderful introduction. I know how much Congressman Parker welcomes it, and we do, too. It is important to us.

Senator Cochran.

STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Senator COCHRAN. Thank you, Mr. Chairman. I am very happy to be here to endorse this nomination and to urge the committee to report favorably on the nomination to the full Senate. I have known Mike Parker since he began a campaign for Congress in the district that I used to represent in Mississippi when I was in the House of Representatives, the Fourth Congressional District of our State that is in the southwest corner of Mississippi.

It included parts of the largest county in our State, Hinds County, where the capital city of Jackson is located, and the old river counties on the Mississippi River, very historic farm country. Cattle and dairy farm businesses, as well as colleges and universities are located in this district. It is really a microcosm, I think, of the entire State, and Mike represented it. He was elected in 1988, and he represented that area of our State with distinction.

He was always conscious of his responsibilities. He took them seriously. He used his personal experiences as a businessman and as a farmer to bring to the legislative process an insight and understanding that was very valuable to the legislative process. He was always very thoughtful in the way he approached his job.

I think you can consider him, too, as a conservationist. He has been involved personally with land management. He understands timber management. He understands the importance of preserving soil and water resources, and he has demonstrated that in his personal businesses as well as his public life as well. I am hopeful that this committee will appreciate, as I do and Senator Lott does, the value that he can bring to this job as Assistant Secretary of the Army, because of his experience and his talent and his intelligence and his good judgment.

Chairman LEVIN. Senator Cochran, thank you very much for your words, very significant, very relevant to this nomination, to our consideration. We are very appreciative of them.

Senator LOTT. Mr. Chairman, could I also just recognize, and I know he probably would, too, but we do have another one of our colleagues here, Congressman Chip Pickering from an adjoining district that served in the House with Congressman Parker, and he wanted to be here to show his support. Here he is, right here.

Senator WARNER. Why don't we invite him up. He ought to be recognized and be a part of the record.

Chairman LEVIN. We will take that wave as an indication of strong support.

Senator WARNER. We thank our colleagues for coming. Those are two powerful statements. There is little left for the committee to judge here.

Chairman LEVIN. Thank you both.

Senator Cleland.

STATEMENT OF SENATOR MAX CLELAND

Senator CLELAND. Thank you very much, Mr. Chairman. I would just like to thank you for this hearing. I am sorry I will not be able to stay for the duration, but I look forward to working with all of the nominees. I just want to take this opportunity to introduce Dr. Mario Fiori, who has been nominated by the administration to be Assistant Secretary of the Army for Installations and Environment.

Before I begin, I just want to recognize that Michael Parker, nominated to be Assistant Secretary of the Army for Civil Works, enjoys the support of the Georgia Ports Authority. I look forward to working with him and hope that his early show is not canceled. We hope this is just the beginning of his show, and we look forward to working with him. It is my hope to talk with him in the near future about Georgia's ports and Savannah and Brunswick.

Mr. Chairman, my real purpose is to be here to introduce to the committee today Dr. Mario Fiori. Dr. Fiori is one of my constituents who currently resides in Hinesville, Georgia, but he was born in Frankfurt, Germany, and raised in Brooklyn, two foreign countries. [Laughter.]

Also a 1963 graduate of the U.S. Naval Academy, after a year on a diesel submarine, he began his graduate degree at the Massachusetts Institute of Technology. While there, he completed his master's degree in mechanical engineering, a nuclear degree, and earned a Ph.D. in nuclear engineering.

Upon finishing his education, he continued his Navy career in various positions. He served as department head aboard the U.S.S. *Pargo*, and later as executive officer on the missile submarine U.S.S. *George Washington Carver*.

In 1979, he became commanding officer of the nuclear attack submarine U.S.S. *Spadefish*. From 1983 to 1985, he served as Special Assistant to President Reagan's science advisor, Dr. George Keyworth.

In 1985, he served as commander of Submarine Squadron 4 based in Charleston, South Carolina. He later became Commander of the Naval Underwater Systems Center in Newport, Rhode Island, where he served until his retirement in 1989. Following up on this extremely distinguished naval career, Dr. Fiori was then appointed by the Secretary of Energy to serve as a representative to the Defense Nuclear Facility's Safety Board. He was later assigned by the Secretary of Energy to become manager of the Savannah River operations, where he continued Government service.

In 1997, he left the Department of Energy to become founder and president of Accomplice Associates in Georgia.

Dr. Fiori is married and has three daughters. His daughter Cristina is here today, accompanying her father.

Mr. Chairman, I look forward to a continuation of this hearing and the early confirmation of Dr. Fiori's nomination. He is an incredibly qualified individual.

Thank you, Mr. Chairman.

Chairman LEVIN. Senator Cleland, thank you.

Dr. Fiori, you cannot do better than getting an introduction from Senator Cleland. That is as good as it gets.

Senator WARNER. Or have a wonderful daughter who worked on this committee and traveled a long distance to join us today. Thank you.

Chairman LEVIN. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. I am privileged to say a few words about my constituent, General Johnson. He has 41 years of service to our Nation in the United States military and other Government service. That is extraordinary. A combat veteran, he has 423 missions as a forward air controller in Vietnam. I observed that type of action in a previous conflict, and I know the risks involved in that type of flying. It is not exactly high altitude flying.

He became one of the U.S. Air Force's most accomplished senior leaders, serving as Deputy Commander in Chief of the U.S. Central Command, Director of the Joint Staff under Admiral William Crowe—a remarkable responsibility, under a very able individual. As Commander in Chief, United States Transportation Command and Military Airlift Commands he served as Transcom Commander during a critical period in our history, Operation Desert Shield and Desert Storm. He led one of the most rapid, concentrated, and highly successful movements of troops, equipment, and supplies in American military history. Logistics played a major role in the successes we had in those operations.

Subsequent to his retirement from the Air Force, he served as a member of the 1993 Base Realignment and Closure Commission. Therefore we welcome you today. BRAC is a subject you can slightly distance yourself from for a while, until you get across the river. We join you and your family in thanking you for continuing your willingness to return to public service.

I was trying to search my mind. I believe you are perhaps the first four-star that has returned to a military department, which is a bit of history in itself. I was talking to some of my Army colleagues here. I remember so well when General Goodpaster stepped down, with a very distinguished career like yours, to go back to West Point, where he laid aside his four stars, and my recollection is he took on two. I am going to have that checked out.

We talked about that yesterday, and I think it is a reflection on your humility and love of this country that you are willing to now undertake another tour of duty in the Department of Defense. I am confident you will do well, and I wish you and your family well.

Mr. JOHNSON. Thank you very much.

Senator WARNER. Mr. Chairman, I think we can now proceed to the panel with questions.

Chairman LEVIN. Thank you, Senator Warner.

Mr. Parker has already been introduced, and is well-known to members of this committee for the 10 years of service which has been referred to in the House of Representatives. Dr. Fiori has also been introduced, as we have been informed served in the Navy for nearly 30 years, most recently served as manager for the Department of Energy's Savannah River Site. Mr. Johnson, as we have just been informed, is an Air Force veteran, served with great distinction, served on the Base Closure Commission in 1993, and Senator Warner was right that you have distanced yourself for a few years from base closures, but it will not last long.

Mr. Gibbs previously served as corporate comptroller for Northrop Grumman, and most recently as Executive Director of Cost Accounting Standards at the Office of Management and Budget, OMB. We welcome all four of you here today. You have all responded to the committee's prehearing policy questions to our standard questionnaire. These responses will be made a part of the record.

We are reviewing the paperwork required for each of you, and we will make certain that it is in accordance with the committee's requirements. We will now ask you the standard questions which are asked of every nominee who comes before this committee.

You have agreed already to appear as a witness before congressional committees when called. You have already agreed to ensure that briefings, testimony and other communications are provided to Congress, and we will now ask you the following questions.

First, have you adhered to applicable laws and regulations governing conflict of interest?

Mr. PARKER. Yes, sir.

Dr. FIORI. Yes, sir.

Mr. JOHNSON. Yes, sir.

Mr. GIBBS. Yes, sir.

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

Mr. PARKER. No, sir.

Dr. FIORI. No, sir.

Mr. JOHNSON. No, sir.

Mr. GIBBS. No, sir.

Chairman LEVIN. Will you ensure the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings?

Mr. PARKER. Yes, sir.

Dr. FIORI. Yes, sir.

Mr. JOHNSON. Yes, sir.

Mr. GIBBS. Yes, sir.

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

Mr. PARKER. Yes, sir.

Dr. FIORI. Yes, sir.

Mr. JOHNSON. Yes, sir.

Mr. GIBBS. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. PARKER. Yes, sir.

Dr. FIORI. Yes, sir.

Mr. JOHNSON. Yes, sir.

Mr. GIBBS. Yes, sir.

Chairman LEVIN. All right. Let me now call upon each of you for any opening remarks you would like to make, and why don't you use this occasion also to introduce any family members that are with you?

STATEMENT OF PAUL MICHAEL PARKER, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Mr. PARKER. Thank you, Mr. Chairman, distinguished members of the committee. It is a privilege to introduce my family. My wife of 31 years is Rosemary, sitting over here, and next to her is a young man that is 2 years older than my son, and is our next-door neighbor back home in Mississippi, Eli Ferguson, and my son Thomas, who is 16 and is getting smarter every day, and my daughter, Marisa, who is a junior in college, at Millsaps College in Jackson, Mississippi.

I also want to thank Senator Lott and Senator Cochran, and also Congressman Pickering for coming by. For full disclosure, Chip is my cousin, and so you have to watch what he says about me.

It is a great honor and privilege to appear before this committee as the nominee to be the Assistant Secretary of the Army for Civil Works. I am very grateful to the President, the Secretary of Defense and the Secretary of the Army for the trust and confidence that they have placed in me. If confirmed, I pledge that I will work as hard as I possibly can to serve the soldiers, civilians, and families that make the United States Army the most powerful and professional army in the world.

The Corps of Engineers has a proud history stretching back almost to the beginning of the country. Over the years, the Corps has evolved to emphasize its major responsibilities of today, conservation and development of the Nation's water resources, which includes flood control, navigation, shore protection, and related purposes. All of these tasks are important, all are complex and demanding, and all require significant resources.

With competing demands for the limited dollars, fulfilling these requirements becomes more and more difficult. However, the dedicated and able staff of military and civilian employees who make up the Corps of Engineers has risen to the challenge, and continues to carry out its responsibilities to the people of this country in these important areas.

In the 10 years during which I had the honor of representing the Fourth District of Mississippi in the United States House of Representatives, I applied my commitment to finding practical, realistic solutions to problems and issues of importance to my constituents. Having served on various House committees that deal with the range of issues I can expect to face as the Assistant Secretary, I know both the civil works and the military program aspects of the Corps of Engineers.

Should I be confirmed, I look forward to serving with the Army during this landmark era of change and transformation. I look forward to serving with the Army team of active, Reserve, and National Guard soldiers who distinguish themselves every day by their dedication and hard work. I am prepared to undertake the important responsibilities of this post, and am enthusiastic about the opportunities it presents to me to continue to serve this great country.

Mr. Chairman, if confirmed, I look forward to a strong working relationship with you and this committee. I would be pleased to answer any questions at this time. Thank you.

Chairman LEVIN. Thank you, Mr. Parker.

Dr. Fiori.

STATEMENT OF DR. MARIO P. FIORI, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS AND ENVIRONMENT

Dr. FIORI. Chairman Levin, it is an honor and a privilege to appear before this committee. I am very grateful to President Bush for the confidence and trust he has shown in me by nominating me for the position of Assistant Secretary of the Army for Installations and Environment.

I also appreciate the efforts of Secretary Rumsfeld and Secretary of the Army Tom White to bring me in as one of their team. I certainly very much appreciate and sincerely thank Senator Thurmond and Senator Cleland for their very kind words and introductions.

I am particularly pleased to have the opportunity to serve in the Pentagon once again. My two previous tours were shortened by events beyond my control. Back in 1973, after only 6 months in the Pentagon, my then boss, Rear Admiral Harry Train, sent me to a civilian agency, the Federal Energy Office, to assist in efforts to control fuel shortages resulting from the Arab oil embargo. Then in 1983, after 4 days in the Pentagon, the Chief of Naval Operations, Admiral Watkins, detailed me to work in the White House as Military Assistant to the President's Science Advisor, Dr. Keyworth. I hope, if confirmed, that this tour will last the full term.

During my naval assignments, and also while in the Department of Energy, my highest priority was to take care of people, nurture their exceptional talents, improve their quality of life, and make their service both exciting and rewarding.

Now, I consider myself truly fortunate to be in a position to make a similar contribution to the support of the Army family. If confirmed, I will dedicate myself to improve the living and working conditions of our soldiers, civilians, and families. Also, I will work very hard to enhance our reputation as an agency that will attack our environmental legacy problems efficiently and effectively, and at the same time ensure that mistakes of the past are not repeated in the future.

If confirmed, I will work closely with the members of this committee and our sister Services, other Government agencies, and interested non-Government organizations to ensure that the Army's installation and environmental programs meet the needs and goals of the Army of the 21st century.

Mr. Chairman, I would be remiss if I did not acknowledge the strong support of my family, who have made innumerable adjustments to their lives in order to support my military and Government career. I regret that Susan, my wife and advisor of 33 years, could not be here today, but I am delighted that Cristina, our oldest daughter, is here with me. Cristina, of course, is also very pleased to visit all of her contemporaries and friends on the Senate Armed Service Committee staff on which she served for 2 years between 1996 and 1998.

If confirmed, Mr. Chairman, I will serve the Army with energy, enthusiasm, and loyally (perhaps with a slight lapse during the Army-Navy game.) I am eager to get started, and thank this com-

mittee and staff for their significant efforts in scheduling this hearing so quickly. I thank you for your time and attention, and look forward to your questions.

Chairman LEVIN. Thank you. We welcome you and your daughter. Cris, welcome back. We are delighted to see you again.

Mr. Johnson.

STATEMENT OF H.T. JOHNSON, NOMINEE TO BE ASSISTANT SECRETARY OF THE NAVY FOR INSTALLATIONS AND ENVIRONMENT

Mr. JOHNSON. I would like to introduce a woman who has been my best friend and partner throughout my entire life, Linda Johnson.

Mr. Chairman, Senator Warner, distinguished members of the committee, it is a distinct honor and privilege to appear before you again, this time as the nominee to be the Assistant Secretary of the Navy for Installations and Environment. I thank President Bush for the nomination, Secretary Rumsfeld and Secretary England for their strong support to again serve our Nation, this time with the Department of the Navy.

While serving in the military I had the opportunity to work with the members and the staff of this committee, and have seen firsthand your unwavering support to making sure our Nation has the strongest military in the world. I am very proud, as a citizen, for the outstanding work that all of you do. Should I be confirmed, I look forward to working with Secretary England, the members and staff of this committee, and other Members of Congress, to provide the Department of the Navy, the sailors, marines, and civilians, with the tools necessary to ensure the continued maritime dominance of our naval forces.

As Senator Inhofe mentioned, one of the important parts of that is live fire training, and I commit to you to work that issue very hard if confirmed.

In closing, Mr. Chairman, if I may be permitted, I would like to thank the mentors and associates in the public and private sector who have given their strong support and encouragement over the years. Should I be confirmed, I will focus my entire talents and energies on serving the Department of the Navy and our great Nation. I thank you for hearing us today, and this concludes my remarks.

Chairman LEVIN. Thank you. We welcome you and welcome your wife, both.

Mr. Gibbs.

STATEMENT OF NELSON F. GIBBS, NOMINEE TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS AND ENVIRONMENT

Mr. GIBBS. Thank you. Before I start my remarks, I would like to introduce Priscilla Gibbs, my wife of more years than she allows me to recount publicly any longer. I want to thank you, Mr. Chairman and Senator Warner, for the opportunity to appear here today. It is, indeed, an honor to appear before this committee seeking confirmation of my nomination to be the Assistant Secretary of the Air Force for Installations and Environment and Logistics.

I want to thank President Bush, Secretary Rumsfeld, and Secretary Roche for the trust that they have shown in me as the nominee for this position, and I want to thank you, Mr. Chairman, and the other members of this committee who have taken time out of your busy schedules to hold this hearing today, and to those, the many that have helped me throughout my entire career, and for the continuing support of my family. I would like to take this opportunity to give a public thank you to all of them.

Mr. Chairman, if confirmed, I will work closely with you and this committee to ensure that the resources allocated by Congress to programs under my jurisdiction are used wisely and with fiscal integrity. Our Air Force men and women who put themselves in harm's way deserve no less than my full attention.

My goals are three: installations that are model places to work and to live, a responsive logistics system, and a program of fiscally sound environmental stewardship. I promise my best effort to carry out the mandates of the office for which I have been nominated. I know the issues I will face directly impact readiness and quality of life and, if confirmed, I accept that challenge.

Again, Mr. Chairman, it is indeed an honor to appear before this committee, and I will be pleased to accept any questions from the committee. Thank you.

Chairman LEVIN. Thank you very much, Mr. Gibbs. We would all echo your sentiments about the role of your families in getting to where you have been able to come, and the role that they are going to play in your lives from here on out. The demands are great in these jobs, and their commitment to your service is just as essential as your own commitment to that service, and we commend and thank them for that commitment.

Mr. Parker, let me start with you, relative to the Army Corps of Engineers and the question of whether or not there should be peer review. Currently, the Corps does not have a system in place to assure that independent peer review by experts from outside of the agency takes place for studies which support major projects before such projects are approved. You have indicated that you believe such independent peer review would have value. Would you institute such independent peer review if you are confirmed?

Mr. PARKER. Mr. Chairman, it would have great value, but certain questions have to be answered. Number 1 would be the cost, and what types of projects, what the level of funding would be before a peer review would be required. You also would have to have in place some type of structure where the peer review would not delay the projects. So the answer to your question is yes, I would support a peer review of some type.

I believe that it could be done on certain types of projects, but it would take a tremendous amount of work on the part of all the interested parties to come up with the concept of how it would be instituted. If confirmed, I will be working with not only the Corps, but also with the House and the Senate and all the interested parties involved to come up with some concepts to see what we can do to make that work.

The reason it is so important is because the Corps has had a lot of bad publicity in the last couple of years. It is necessary that not only Members of Congress but the American people know that

when the Corps says something they can depend upon it, and that they can rely on the facts that are given by the Corps and know they are valid. A peer review would serve that purpose, and I think it is something that needs to be explored. If confirmed, I would look forward to working with you and other Members of the House and Senate to make that a reality.

Chairman LEVIN. Would you let us know after you are confirmed, after a reasonable period of time in the office, the status of your consideration and deliberation on that issue so we can keep track of how you are doing?

Mr. PARKER. Yes, I will, and let me point out that I do not know all the information as far as where the Corps is now looking at that. But if confirmed I will let you know. Also, I want to make sure the committee understands that a decision will not be made until consultation is made with the House and Senate to make sure we all understand where we are going with this, because it would be a major change as far as policy.

Chairman LEVIN. Thank you. The General Accounting Office has found some problems with the Army Corps of Engineers program for mitigation of wetlands loss. Last month, the National Academy of Sciences released a report in which it concluded the program was falling short of its stated goal, which was no net wetlands loss, and I know you have not had a chance to review those reports yet, but do you generally support the goal of no net wetlands loss?

Mr. PARKER. I totally support that.

Chairman LEVIN. Let me ask our other three nominees this question. Each of you, relative to base realignment and closure, or the BRAC process, the President's February budget blueprint says that with 23 percent in estimated excess infrastructure it is clear that new rounds of base closures will be necessary to shape the military more efficiently. I would ask each of you, do you believe that the Defense Department has excess infrastructure and that we need more base closings to address the problem? Why don't I start with you, Dr. Fiori.

Dr. FIORI. Sir, I definitely believe we have excess infrastructure, and to run an organization or business we should eliminate as many of the mortgages as we can. As for the process of eliminating these extra properties or facilities, I come to the table with no preconceived notions about it. I know that there are difficult decisions, and it must be done in an open and fair process, and with that I would dedicate our abilities to accomplish the closures in a satisfactory manner that would satisfy the committee and also help us reach our goals for the 21st century.

Chairman LEVIN. Mr. Johnson.

Mr. JOHNSON. Sir, from all indications, we do have excess infrastructure, and we need to do something about that. I know from personal experience from the 1993 BRAC that the system is fair and equitable and certainly can be refined, but it is a very good system for handling the excess. If confirmed, I will work the issues very hard with no previous suggestions on how to do it, but will have an open mind.

Chairman LEVIN. Mr. Gibbs.

Mr. GIBBS. Yes, I also concur with my two colleagues that there appears to be excess facilitization in the military services, and if

confirmed it will be very high on my agenda to ensure that whatever process is chosen by the President and Congress to pursue the rationalization is carried out in a fair and equitable manner.

Chairman LEVIN. Thank you. Mr. Gibbs, do you believe as a general proposition that the Air Force should clean up property due to base realignment, property which has been closed due to that realignment? Do you believe that it should clean up that property to a level which is consistent with the local reuse plan developed by a community, assuming that it is feasible and cost-effective to do that?

Mr. GIBBS. Yes, sir. I believe that the Air Force needs to comply with the environmental laws and regulations of the land.

Chairman LEVIN. But where the local community has a local reuse plan, do you believe that the property should be cleaned up pursuant to that plan, provided it is cost-effective, and provided it is feasible to do that?

Mr. GIBBS. Yes, sir, I certainly do, sir.

Chairman LEVIN. My time is up. Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

Mr. Parker, I think we are as a Nation indeed fortunate that you are willing to step up and take on this very difficult task. I think most Members of Congress have at one time or another a need to receive consultation from the person in your position with regard to their projects back home. You bring to this office a knowledge of Congress which will help you and those of us here in Congress to achieve a fair and unbiased analysis of the programs.

You are going to have to make tough decisions. As I have come to know you, and as your two former colleagues have stated, you can handle it, and so I wish you well. I am also the senior Republican on the Environment Committee, and I will communicate today with the chairman of that committee so that hopefully we can expedite your hearing and move you through the Senate as expeditiously as we can.

Now a question about this Nation-wide permits issue. The Corps has established 41 Nation-wide permits, in addition to the regional and local permits for specific activities. There are indications that additional Nation-wide permits may be appropriate and necessary. The Corps, however, has been under considerable pressure to restrict access to Nation-wide permits. If confirmed, how would you begin to address the Corps' ongoing efforts to define the use of Nation-wide permits. I am a great supporter of the concept of preserving the current wetlands, and no loss, and I think it is a good one. I think this issue impacts on it.

Mr. PARKER. I think it does also, and I personally support the continuation of Nation-wide permitting, and also regional, the purpose of which is to speed up the process and also cut down paperwork when those things are identified, and it is an ongoing process. It is not something that is just done, and you sit back and say, well, we have done the process and it is over.

I think the Corps has an ongoing process to look at ways that the system can be utilized properly and be able to protect the environment and at the same time not put undue regulatory burdens on the public. It is a matter that will be of constant discussion be-

cause the permitting process is dynamic, it is not a passive thing, and so there will always have to be discussion from here on out.

We are not talking about just this administration, but from here on out, whoever is head of the Corps is going to have to be discussing Nation-wide permitting and regional permitting as things change, and as technology changes, in order to keep the process moving forward.

Senator WARNER. I like your phrase, it is dynamic. That is a good approach to this issue. It is highly sensitive.

The Assistant Secretary of the Army for Civil Works is historically responsible for oversight of our national cemeteries. Included is the guidelines for the burial, and again are subjects that involve tremendous sensitivity occasionally with our constituents.

Arlington, where I have more than a passing interest—my father is buried there—is reaching capacity, and soon there will be before you, I hope, an option by which we could increase the acreage at Arlington. I want to make certain that the local community is going to join us in this endeavor to do so, but I think some expansion of the cemetery to accommodate World War II, Korea and Vietnam veterans is in the national interest, so let us work together on that. I just want you to know you have a partner, certainly when it comes to Arlington, and indeed it is a magnificent asset for our Nation.

Now, gentlemen, I want to go into the area that involves facilities. Through the years on this committee we have seen a growing risk to our force structure overseas. I think this Secretary of Defense, as have his predecessors, put the correct emphasis on protecting our forward-deployed forces.

But I have commended the President many times and will continue to do so for his speech at the Citadel, where he drew the attention of America to the phrase, homeland defense, and that is a reality. It is a sad one, but we have a problem here at home now with regard to our military installations, indeed, Government-wide, but I have always felt that the military is particularly vulnerable.

I am going to ask you to represent to this committee that you will commit to work amongst yourselves. It should be a uniform challenge in the Department of Defense to make sure that our bases and installations and the families and others who work thereon, whether they are uniformed or civilian, are accorded that level of force protection that is required to repel, discourage, and deter any attack on these installations. We will start with you, Mr. Gibbs, if you have some views on that.

Mr. GIBBS. Certainly, Senator. The protection of our resources is paramount, both from an installations point of view and from a personnel point of view, and if confirmed I will assure you that I will make that a high priority that it is carried out effectively.

Mr. JOHNSON. I agree, sir, the protection of our facilities and our installations is very important. Perhaps the most important is the people, and that also involves the local communities, so I commit to you to work the entire spectrum of homeland defense.

Senator WARNER. Dr. Fiori.

Dr. FIORI. I certainly commit myself to working this issue, sir. We have to work not only to protect our military assets and our facilities and our people and their welfare and health, with our

communities, who are so much integrated with our military facilities in many, many fashions. We have to work with them to ensure the maximum safety that we can for our people, and I will certainly work very hard to make that happen.

Senator WARNER. On the subject of a future round of BRAC decisions, as late as last evening I met with senior officials at the Department of Defense and suggested, if it indeed is their intent to have legislation this year, that it be sent forward as quickly as possible, and it might, as I told the chairman, come this week. I say that because the House in all likelihood will not incorporate that into its markup, Mr. Chairman. I do not know if you are aware of that, and therefore significant responsibility would fall on the Senate for initiating such that it could become a conference item.

In the past, I have supported these BRAC rounds, and in fact I was coauthor with Senator Dixon years ago of the statute. Regrettably in the last administration, and I am speaking just for myself, I felt there were some errors made which violated the spirit of trying not to let political influence make the decisions.

So I would hope that each of you would commit to the committee two things: one, to keep a watchful eye out to preclude any political decisions that might influence, or, make it impossible for the Department of Defense to eliminate in a fair and careful way such infrastructure as it deems no longer necessary for our national security—assuming we do get legislation through.

Second, as this procedure is followed by the military departments, that you be ever mindful of the impact of these closures on the local communities. I have had an opportunity to travel through all of our 50 States and spent a lot of time on military installations. It is not just an economic connection between the community and the installation. It goes back for generations.

The communities embrace the men and women who come periodically and stay for only 2 or 3 years, and then go on to other assignments, but they embrace them as a family, and this is a very difficult decision for these communities to accept if, in fact, a BRAC commission decides that this particular installation in their community which they have loved and cared for so well for many years is no longer needed.

So take into consideration those two things, and I will start with you, Dr. Fiori, one, the politics, two, the communities.

Dr. FIORI. I will absolutely commit to you, sir, that I will keep a watchful eye to prevent political decisions, or effects of the decisions of the BRAC. I think it should be an open and fair process, whatever the follow-on to the BRAC might be.

As far as being with the community, having been in the military for many years, I always remember how kind and helpful the communities have been in the years I was in, and I have in the past worked quite a bit to helping communities. That is, as they downsize Government facilities, and working with the community, if it can be done in a fair and equitable manner, that is what I will dedicate myself to once we know what facilities have to be shut down.

Mr. JOHNSON. I would redouble the comments of my colleague. Certainly, the communities are very, very important, and it is important to make sure that the process is fair. I was a little naive,

perhaps, in 1993, but I saw that as an open and fair process and did not feel political pressures. I was hosted very well at these communities that you speak of, sir, and I could feel the pain, and I have also seen it from the other side, and I appreciate your support, and I commend to you that we will be open, fair, and also work with the communities.

Senator WARNER. I thank you very much for that, and I did not suggest that it was the BRAC commission, but the problem came subsequent to the actions of the BRAC commission.

Mr. Gibbs.

Mr. GIBBS. Yes, Senator, I certainly will do all that I can, if confirmed, to ensure that the process for right-sizing, if you will, the military installations and establishments is—the political influence is reduced to the minimum amount possible. Having had some experience in the right-sizing of the defense industry during the 1990s, and having had two closed facilities, I have seen first-hand the impact that it has on communities. It is essential that it be done in all fairness to the communities involved, and it will be if I am confirmed by you.

Senator WARNER. Mr. Chairman, I am very satisfied with our hearings today. I thought we had an excellent round, and again I commend the President and the Secretary and each of you who come forward to volunteer your services for continuation in public office. I wish you well, and you are going to have my support.

Thank you.

Chairman LEVIN. Senator Warner, thank you. While Senator Warner and I may not agree as to whether or not there was a political factor that intruded in the last round, we do agree that there needs to be an additional round of base closings. That is what is important, because this is a question that we are going to face in the Senate.

Senator McCain and I have already introduced a BRAC bill. The administration's version, as I understand it, coming to us perhaps this week, and we welcome that.

There is no way we are going to be able to adopt an additional round or rounds of base closings and realignments without the full support of the Pentagon and the administration. It just will not happen.

A political factor that was debated last time, frankly, was not a relevant concern in the last vote, because the last vote had nothing to do with the last administration running around the base closing. It had to do with the next administration, whichever it might be, and yet it was defeated also. It was defeated for the reason that Senator Warner gave, I think, which is the fear that local communities understandably have, and the closeness that local communities have to our bases.

We have been through it in Michigan many times. I know first-hand the pain, and I know that fear. I also know that it can be overcome. That if, after closings, we really work with the local communities well, that some of those fears can, in fact, be overcome, that the reuses can be very economically productive, indeed, to the local community. They do not have to represent the feared loss. They can be a plus instead of a minus. In many cases where the

fear was the most severe, it turned out that the benefit turned out to be the greatest.

So we just simply have to be efficient with the use of our resources. We are going to look to you, the three of you particularly that have addressed this issue this morning, to give us the best advice you can on why it is we will be saving money if there is another BRAC, and what those savings are. We need the three of you to look immediately upon confirmation at the history of base closings.

Mr. Johnson, you have been personally involved in one, but we need all three of you to look at the history, to tell us what savings, in fact, there have been, or cost avoidances, as it is sometimes called, because there is some skepticism here on the Hill as to whether or not our defense agencies have shown savings.

Now, common sense tells us if you have excess infrastructure, you close it. That is the business common sense that I think most of us have. You cannot afford to keep something going if it is not serving a full purpose, an efficient purpose, but I have to tell you, there is a great deal of skepticism about the numbers involved here as to whether or not the reported savings are, in fact, accurate.

So I would encourage and urge each of you, when you get to your offices, to weigh in on that issue, because our colleagues do need the assurance that, in fact, this is not just a theoretical savings that we are talking about, but that history has shown that in fact the reported savings have been fairly, indeed, assessed.

Senator WARNER. If I might further comment. We have a rather challenging schedule before the committee as far as our markup, and a decision has to be made by the committee as to whether or not we will have a hearing before our markup and if not, whether this action should be reviewed by the committee and then brought in as a floor amendment. I think you and Senator McCain could come back to the committee with a recommendation. I want to try to be supportive in this matter.

Chairman LEVIN. We appreciate that, and I think as you have suggested we will try to work a hearing in if we possibly can in the schedule that we have. There has been a great deal of debate on this subject, and a great number of votes over the years. Nonetheless, if we can plan a hearing I think it would be valuable.

Senator WARNER. But that issue of the savings to the Defense Department is an integral question, if not the pivotal one, that has to be answered, in my judgment, in a favorable way, before you would get sufficient votes on both sides of the aisle.

Chairman LEVIN. Thank you again, Senator Warner. Thank you for your support of this issue.

Senator Carnahan.

Senator CARNAHAN. Thank you, Mr. Chairman. I want to welcome this distinguished panel here this morning, and I look forward to working with you on issues that affect the Department of Defense.

I would like to direct my comments specifically to the nominee for Assistant Secretary for Civil Works. Congressman Parker will have considerable influence over an issue that greatly affects Missouri's agriculture, recreation, environment, and economy, and that is the Missouri River. As many of you will recall, 8 years ago Mis-

sourians faced one of the worst floods in memory. This year, we saw communities up and down the river battling against a flood once again.

Meanwhile, the U.S. Fish & Wildlife Service has proposed to shift the flow of the Missouri River so more water passes through our State in the spring and less in the summer. If this so-called spring rise proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding, a shutdown of the barge industry and hundreds of millions of dollars of economic loss. It is up to one agency, the Army Corps of Engineers, to decide whether or not to implement the Fish & Wildlife Service's plan.

The Corps could propose an alternative plan, one that would protect endangered species and yet not pose such a threat to farmers and families and businesses in Missouri. Just recently, Senators Kit Bond, Tom Harkin, Chuck Grassley and I added language to the Energy and Water Development Appropriations bill that would give the Corps more leeway in choosing a plan to manage the Missouri River.

Should this language survive the House-Senate conference, which we fully expect it to, the Corps of Engineers should no longer feel obligated to adopt the Fish and Wildlife Service's recommendation for spring rise. Certainly, we want and fully expect the Corps to assist in recovery of endangered species along the Missouri River, but we believe the Corps can do this without implementing a spring rise or a summer low flow on the river.

Congressman Parker, I would welcome your comments on this issue before asking you a couple of questions.

Mr. PARKER. Senator Carnahan, first of all let me thank you for sending some questions over to the Corps. When I walked into the hearing they handed me the status and so if you would permit me, let me just read their statement to you on what is the current status.

The master manual revision has been on hold for a little more than a year, during which the Army Corps of Engineers has been involved in a consultation process with the Fish & Wildlife Service under the terms of the Endangered Species Act. By the end of the summer, the Corps will produce a revised draft environmental impact statement on the master manual revision.

At this point, no preferred alternative has been selected by the Corps, nor will a single alternative be identified as a recommended alternative in the revised draft environmental impact statement. A Corps recommendation for the operation of the Missouri River system will not be developed before the end of the National Environmental Policy Act process.

Now, in saying that, I do not understand all the details about the situation. A lot of that information has not been shared with me, but I can assure you that the Missouri Master Water Control Manual will not be revised without the personal oversight of the Assistant Secretary of the Army for Civil Works, if I am confirmed, and in that process I will be dealing directly with your office on that, and with you.

Senator CARNAHAN. Well, that takes care of most of my questions, but I will just follow up with this one, because I am concerned about a report that the process is currently being driven by

Corps officials out in the field. Can you assure me that upon taking office this process will receive your attention and the attention of high-level Corps officials?

Mr. PARKER. I can assure you of that, if confirmed.

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

Chairman LEVIN. Thank you, Senator Carnahan.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman. I want to thank you for having this hearing. I want to add my welcome to the distinguished panel, and also your families that are here gathered. I know how important the families are to your future, and to what you will be doing for our country. I have some questions here.

My first one is to Mr. Gibbs. In dealing with privatization of services and outsourcing, how do you plan to ensure that the goal of cost-savings is actually achieved? What are your views in requiring contractors to account for their performance?

Mr. GIBBS. Well, certainly I support the concept, Senator, of having the most effective and most cost-efficient manning of our installations and facilities, privatization being one of those, the public-private competition done under A–76. Certainly I think it is incumbent upon the agencies that do go into that to report back periodically as best they can as to how the actual outcomes compare to those estimated at the time the process is undertaken and a decision is made.

I do not have any specific plans at this point to develop a reporting process, but I can assure you that, if I am confirmed, there will be one.

Senator AKAKA. Thank you.

Mr. Johnson, in your position as Assistant Secretary for Installations and Environment for the Department of the Navy, what role will you have in addressing the training needs of the Navy and Marine Corps with respect to the situation on Vieques, and what are your thoughts regarding finding an alternative training site to replace the training facility in Vieques?

Mr. JOHNSON. I am sure, if you confirm me, one of my largest tasks will be to find the opportunity for sailors and marines to train and, as Senator Inhofe mentioned, in a live fire situation. I believe that, as we go forward, we have to find good ranges, but we also have to have a good balance between the military needs and the environmental and other encroachment needs, so I will work that very, very hard for the proper balance.

Senator AKAKA. Do you have a place in mind, an alternative?

Mr. JOHNSON. No, sir. I have not been involved in any discussions on Vieques. I have read a lot, but I have not been involved, and do not know the status, sir.

Senator AKAKA. I took note of your assessment that encroachment is a serious problem, and it is, and it is a serious problem that is having a negative impact on training. What are your thoughts regarding the relationship between communities and the military in addressing the issue of encroachment?

Mr. JOHNSON. In everything that we do, we have to involve the communities. As proud as I am of our Armed Forces, first we are citizens of our country and our community, so we have to work

very closely with the community. Normally we can find a balance with the community, and we will work on that.

Senator AKAKA. I think you know that in Hawaii we are working with the community on Koamokoa. It is a training site with live fire, and I must commend the Army there, General Dubik, who has been dealing with this and has, I thought, worked very well with the community, and you are correct, you have to work with the community in dealing with this.

Dr. Fiori, I took note of your support for increasing the contract threshold under the Davis-Bacon Act. What assurances can you provide to mitigate the negative impact this would have on Federal workers and local economies, and what steps would the Department take to avoid problems experienced by States that have repealed prevailing wage laws, which include cost overruns and expensive change orders, to correct mistakes and poor workmanship?

Dr. FIORI. Senator, the Davis-Bacon laws and requirements have been very successfully addressed in activities that I have participated in in the past, whereby we were able to meet those requirements, and also perhaps not prevent cost overruns and other contractual problems by working together with the appropriate unions, the appropriate people.

I think we can be very successful working with Davis-Bacon. The question I was asked is, should we increase the limits, and I think I answered that in a positive fashion, but until I get confirmed and really study the problem in depth, I doubt that I could be much more proficient in my answer, based upon my past experiences.

Senator AKAKA. My time is up.

Chairman LEVIN. Please finish. I have no more questions, so when you are done, we are done.

Senator AKAKA. Thank you, Mr. Chairman.

I am pleased to see, Dr. Fiori, your willingness to work with both the military and civilian workforce to accomplish your mission. I also took note of your assessment that the establishment of policy and programs to address the legacy of unexploded ordnance and munitions need to be a top priority. What types of procedures and techniques do you believe should be developed to characterize the properties to gain public and regulatory agency acceptance for the proposed cleanup plans?

Dr. FIORI. The UXO, the unexploded ordnance, is certainly a major issue, and one of the three, actually one of my four top priorities. I think we can address it in many ways, and the most important way is to prioritize the difficulty of the different facilities, because there have been all sorts of predictions on how many years and how much money it will take to clean everything up, and I am accepting that as factual for the moment at least, and with that in mind we have to look at those areas that need immediate cleanup, those areas that affect the local communities, or our military capabilities the most.

We need to do additional research and development when it is appropriate. I would say the different explosives have different problems, and I am not an explosives expert, and I do intend to be much more involved in the whole issue of unexploded ordnance. I think we can develop a priority listing and go after the highest priority things. How do you go after the highest priority things? You

look at what your R&D base is, and in many cases you are going to find solutions. So we have to be very smart in looking at the entire research and development community.

I am not aware at the moment how much work we have done with the national laboratories on high explosives, and I would be very willing and anxious to inquire much more about how we work with the national labs. It is a very difficult problem. We also have to work with the community, because in some cases, as was testified recently, it could affect people's property and their safety where they are living, and we have programs in place to make that a very high priority.

So with that, I would share with you, Senator, that I look forward to studying this issue a lot more and trying to come up with an intelligent solution that can serve the Army and also our communities.

Senator AKAKA. Thank you for your responses.

Mr. Chairman, I do not want to leave Mr. Parker out. I want to say, Mr. Parker, that I feel the Corps of Engineers has served the Pacific very well, and I hope we can continue to do that.

As you pointed out, there are some problems, but that is what we are here for, to try to correct them as best we can. They have done well and helped the communities out in the Pacific as well, all the way down to Asia, and I hope we can continue to do that.

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

Chairman LEVIN. Thank you, Senator Akaka. We will leave the record open for the usual period of 48 hours. We will continue to review the various paperwork which has been presented to us, to get answers to questions which have been asked relative to that paperwork, and to try to get these nominations before the full committee for markup and consideration as soon as possible, and then before the Senate as quickly as possible, and we will stand adjourned.

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

[Prepared questions submitted to John P. Stenbit by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 27, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Sincerely,

JOHN P. STENBIT.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I whole-heartedly support full implementation of the Goldwater-Nichols and Special Operations reforms.

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

Answer. I am not yet fully familiar with the Department's efforts to implement these reforms. However, if confirmed, I will review the extent to which these reforms have been implemented and assess appropriate actions I can take to promote further implementation.

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

Answer. It is my understanding that these reforms have significantly improved the organization of the Department of Defense, focused our joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense and provided for more efficient and effective use of defense resources in responding to national security challenges.

The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I agree with these goals.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

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

Answer. My understanding is that the Department is continuing to examine ways to better support the goals of the reform in light of our ever-changing environment. If confirmed, I will fully support the intent of the reforms and advocate legislative proposals and policies that will enhance the Department's ability to respond to national security challenges of the 21st century.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. If confirmed, my principal duty will be to advise the Secretary of Defense on space and information superiority. I will exercise policy, guidance, planning, resource management, and program oversight of mission areas.

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

Answer. I have over 30 years of practical and managerial engineering experience in the defense industry and with the DOD. As an industry executive I was ultimately responsible for fulfilling corporate obligations on a myriad of defense contracts ensuring successful program delivery to the government and a reasonable profit for our employees and shareholders. I saw and experienced both the best and worst in DOD program management and execution. If confirmed, I will consider and recommend any changes that might improve the organizational process.

I received both my undergraduate and master's degree in electrical engineering from CalTech and was later fortunate enough to study and teach for 2 years as a Fulbright and Aerospace Corporation Fellow at the Technische Hogeschool in the Netherlands.

In addition to the 4 years that I served in the Pentagon as a DOD employee I have also served on Defense Science Boards, Air Force and Navy Study Boards, Science Advisory Groups for Naval Intelligence and the Defense Communications Agency (now DISA), S & T Panel Chairman for the Director of Central Intelligence, and Chairman of an Advisory Committee for the Federal Aviation Administration Administrator.

I believe that my education, government and industry experience, and successful, executive level defense industry career have prepared me to face the exciting challenges and opportunities resident in the position of ASD C^3I.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. I am unaware of any specific actions that I should take to further prepare myself for the position as ASD C^3I.

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

Answer. The ASD C^3I is principal adviser to the Secretary of Defense for space and information superiority. As DOD's Chief Information Officer, the ASD C^3I is also responsible for oversight of all DOD information systems and information management activities.

Question. Are these roles—advocate, operator and overseer—in conflict?

Answer. I am aware of the debate regarding the ASD C^3I and the DOD CIO being dual-hatted. If confirmed, I will solicit views on both sides, analyze the pros and cons, and develop my position based largely on what is in the best interest of the Department.

Question. Do you believe the CIO function should be separated from the ASD C^3I position?

Answer. It is my understanding that there are cogent arguments for and against separation. This issue merits a more in-depth study and assessment of the benefits and impacts. If confirmed, I will examine the pros and cons and offer a recommendation to the Secretary of Defense on a way ahead.

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

The Secretary of Defense

Answer. If confirmed, I will function as DOD Chief Information Officer (CIO) and as the principal staff assistant and advisor to the Secretary of Defense for all space and information superiority matters. In particular I will be responsible for providing policy, guidance and oversight for functions including:

- Command, control, communications, intelligence, surveillance, and reconnaissance sensors;
- Information technology, management, operations, assurance, and superiority;
- Electronic commerce and business process reform;
- Intelligence and counterintelligence;
- Personnel, industrial, and classification security;
- Frequency-spectrum management;
- Space systems; and
- Critical infrastructure protection.

Question. The Deputy Secretary of Defense

Answer. If confirmed, my relationship with the Deputy Secretary of Defense will be the same as that described above in relation to the Secretary of Defense.

Question. The Under Secretaries of Defense

Answer. If confirmed, my relationship with the Under Secretaries of Defense and other senior officials of the Department will be based on the role of each principal official within the Department of Defense with respect to my functions as described above in the relationship to the Secretary of Defense. With respect to acquisition of information superiority and space systems, I will report to the Deputy Secretary of Defense through the Under Secretary of Defense for Acquisition, Technology and Logistics.

Question. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict

Answer. If confirmed, my relationship with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict will be similar to that described below in relation to the other Assistant Secretaries of Defense. In particular, I will coordinate the Psychological Operations aspect of Information Operations.

Question. The other Assistant Secretaries of Defense

Answer. If confirmed, my relationship with the Assistant Secretaries of Defense and other senior officials of the Department will be based on the role of each principal official within the Department of Defense with respect to my functions as described above in the relationship to the Secretary of Defense.

Question. The General Counsel of the Department of Defense

Answer. If confirmed, my relationship with the General Counsel will be based on my role as principal staff assistant to the Secretary of Defense for space and information superiority matters and as DOD CIO.

Question. The Chairman of the Joint Chiefs of Staff

Answer. If confirmed, I will continue to coordinate and exchange information with the Chairman of the Joint Chiefs of Staff on space and information superiority matters to ensure all policy and guidance issues under my cognizance are supportive of the Commanders in Chief and Military Services.

Question. The Commander in Chief United States Special Operations Command

Answer. If confirmed, my relationship with the Commander in Chief United States Special Operations Command will be based on my role as the CIO and as principal staff assistant to the Secretary of Defense for space and information superiority functions. I will coordinate and exchange information with the Commander in Chief United States Special Operations Command and Assistant Secretary of Defense for Special Operations and Low Intensity Conflict on matters of mutual interest to ensure policy and guidance matters under my cognizance are supportive of the CINC's roles and missions.

Question. The regional combatant CINCs

Answer. If confirmed, my relationship with the regional combatant CINCs will be based on my role as principal staff assistant to the Secretary of Defense for space and information superiority functions and as CIO, and I will coordinate and exchange information with the CINCs on matters of mutual interest to ensure management policy and guidance are supportive of the CINCs' roles and missions.

Question. The Director of the Defense Intelligence Agency

Answer. If confirmed as the Secretary of Defense's principal staff assistant for space and information superiority functions, I will exercise authority, direction and control over the, Defense Intelligence Agency. Accordingly, I will work with the Director of Central Intelligence to ensure that their space and information superiority programs follow DOD guidance in the areas of architecture, interoperability, security, acquisition and related areas.

Question. The Director of the National Imagery and Mapping Agency

Answer. If confirmed as the Secretary of Defense's principal staff assistant for space and information superiority functions, I will exercise oversight of the National Imagery and Mapping Agency. Accordingly, I will work with the Director of Central Intelligence to ensure that their space and information superiority programs follow DOD guidance in the areas of architecture, interoperability, security, acquisition and related areas.

Question. The Director of the National Security Agency

Answer. If confirmed as the Secretary of Defense's principal assistant for space and information superiority functions, I will exercise oversight of the National Security Agency. Accordingly, I will work with the Director of Central Intelligence to ensure that their space and information superiority programs follow DOD guidance in the areas of architecture, interoperability, security, acquisition and related areas.

Question. The Under Secretary of the Air Force.

Answer. If confirmed, I will coordinate and exchange information with the Under Secretary of the Air Force on space and information superiority matters particularly relating to space matters, appropriate to ensure all policy and guidance issues under my cognizance are supportive of the Commanders in Chief and Military Services.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. If confirmed, one of my major challenges will be to help the Department achieve space and information superiority. Information needs to be seen as a strategic asset rather than a supporting element.

I believe that key challenges include: promoting secure, reliable, interoperable solutions that break down stovepipes and enable joint and coalition operations, transforming business practices to accelerate acquisition and development to keep pace with commercial world, changing the mind set throughout DOD to examine and incorporate transformational concepts, ensuring intelligence capabilities keep pace with the emerging threats, paying more attention to people and protecting critical cyber and physical infrastructures, information, and advanced technologies.

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

Answer. If confirmed, I will ensure that ASD C^3I is properly organized to address these challenges. In coordination with my counterparts elsewhere in the Department, I will develop a strategy for addressing each of these areas and implement it through policy, planning guidance, and effective oversight.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. If confirmed, I will look to address the following:

- Need to reform business practices for the information age;
- Be able to acquire key IT on commercial time scales;

- Need to leverage the limited numbers of acquisition professionals within C^3I;
- Need to fix outdated IT infrastructure within OSD.

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

Answer. If confirmed, my focus will be on creating management mechanisms and metrics to transform the military in space, intelligence, information operations and assurance, C^3 and IT.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. If confirmed, my priorities will be to implement actions to achieve space and information superiority.

INFORMATION SUPERIORITY

Question. Many have described the major responsibility of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) as "information superiority."

Describe your vision of information superiority for DOD, including any major impediments to information superiority facing the Department.

Answer. To me, information superiority means the right information, to the right place and the right people, at the right time, assured and protected while denying our adversaries the same.

INFORMATION OPERATIONS

Question. Joint Vision 2020 and most defense experts advocate "information superiority" as a critical element of success in 21st century conflict. Disrupting the information systems of adversaries, while protecting our own systems from disruption (i.e., information operations) may well be a major element of warfare in the future.

Describe your vision for the role of information operations in the conduct of military operations.

Answer. It is my understanding that as discussed in Joint Vision 2020 and the Quadrennial Defense Review, the vision is to evolve Information Operations from a supportive capability to a "core" capability and a mission area not unlike air, land, sea, and fully integrated into the full spectrum of military operations. I believe we should continue to evolve our capabilities, enabling us to shape the information environment and provide pre-conflict management courses of action. If conflicts arise, we will ensure that IO capabilities will integrate with our traditional kinetic force capabilities.

Question. What is your assessment of the unity of the efforts across the Department, the Defense Agencies and the respective military services in this area?

Answer. If confirmed, I will review this topic aggressively. I feel that there are well meaning, dedicated professionals working for the best interests of their organizations or programs. As IO continues to evolve within DOD, I believe we should look for refinements in how the Department organizes to plan and execute IO.

INFORMATION ASSURANCE

Question. The vulnerability of Department of Defense information systems has been repeatedly demonstrated. The protection of our critical information infrastructure has become a high priority. Training and retention of personnel in this developing profession of computer security and infrastructure protection has been challenging.

Are you satisfied with the current level of effort to protect critical Department of Defense information infrastructures?

Answer. I believe that the Department has made significant progress over the past few years to protect its information infrastructure, however, protection of defense information infrastructure is an ongoing effort that will never reach a final conclusion. Not only can we not rest on our laurels, but also we need to find new ways to do business to respond more rapidly. If confirmed, this will be a focus area.

Question. Have sufficient resources been allocated for this task in the President's budget request for defense?

Answer. For Information Assurance, it is my understanding that there are sufficient resources allocated for protection of our information infrastructure. That does not mean that an increase in resources would not improve the situation—clearly it

would. But resource needs for this task must be balanced against other critical requirements.

Question. What are your views on the professional development and retention of the highly skilled personnel required to assure the security of our Department of Defense information systems?

Answer. I believe that in DOD, as in most organizations, development and retention of skilled people is a critical task and one of the most challenging. It is my understanding that the DOD has been making strides to identify and improve the management of these critical personnel, but there is a lot of work to be done, especially in the development and retention arenas. We can't employ technical solutions without the trained personnel to implement them and operate the networks correctly.

Question. In Section 922 of the Fiscal Year 2001 Floyd D. Spence National Defense Authorization Act, an Information Security Scholarship Program was authorized. The purpose of this program is "to encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements."

What is the status of implementation of this program?

Answer. It is my understanding that this upcoming Academic Year 2001–2002 will serve as a pilot year in which the Department will prototype programs at schools that have been designated by DOD as Centers of Academic Excellence in Information Assurance Education. These will provide scholarships with internships for non-DOD students at these institutions, as well as scholarships for current DOD civilian employees and military members, in exchange for a period of obligated service with the Department as provided for by the statute. These prototype approaches will be evaluated for cost effectiveness and management efficiencies, and lessons learned will be incorporated into program planning for future years. A request for proposal has been released to the 23 institutions designated as Centers of Academic Excellence and DOD is awaiting their response.

RESPONSIBILITIES IN SPACE

Question. In the past, the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) has been assigned the lead within the Office of the Secretary of Defense for military space matters. With the realignment of responsibilities identified by the Secretary of Defense in implementing the recommendations of the Space Commission, it is not clear exactly what role the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) will have in oversight of military space matters.

Please describe the role you will fill in overseeing military space matters if you are confirmed.

Answer. If confirmed, it is my understanding that my role would be to ensure appropriate senior-level policy, guidance, oversight, and advocacy for space. I will work closely with the heads of DOD components in carrying out my responsibilities.

Question. Please describe the most significant challenges facing the Department of Defense and the intelligence community in providing space support to the warfighter.

Answer. With respect to challenges facing the United States, the DOD is increasingly dependent on its civil, commercial, and defense and intelligence space assets. With that dependence comes vulnerability to hostile acts. The Nation needs a capability to deter attack on space assets, and systems to defend satellites in orbit, the ground stations that control them, and the electronic links between them.

The U.S. and other nations that make use of space face real threats to the operations of their satellites. We know that other nations have jammed telecommunications, that Russian entities market devices that can jam GPS signals, and that foreign satellites manufacturers market so-called "micro satellites" to other foreign countries that can be used for offensive actions against satellites. In light of U.S. dependence on vulnerable space assets, it would be contrary to U.S. security interests not to develop, test, and deploy the means of deterring attack on and defending space systems.

In addition, U.S. space capabilities must be modernized to support our 21st century needs. Space is critical to strengthening our intelligence, to serve both our short-term and our long-term national security needs. If confirmed, I will personally make establishing a strong spirit of cooperation between the Department of Defense and the rest of the intelligence community, under the leadership of the DCI, one of my top priorities. I believe we must strengthen our intelligence and our space ca-

pabilities, along with the ability to protect those assets against various forms of attack.

FUNDING CHALLENGES

Question. During testimony before the Senate Armed Service Committee, the previous incumbent in the position for which you have been nominated indicated that the Department of Defense faced significant funding shortfalls in the area of information assurance.

What is your opinion of the status of the Department's information assurance program?

Answer. It is my understanding that the program is in relatively good shape, but there is always room for improvement—especially in a field where technology is changing rapidly, the threat is enabled by this same technology, and the operational concepts are still maturing. I believe there are improvements that have to be made with how we manage and retain our people, how fast we develop and deploy information assurance technology, and how we operationalize that technology.

Question. If you believe that there are shortfalls, and assuming you are confirmed, will you seek increases in funding in this area as part of future budget preparations?

Answer. It is my understanding that this issue is being addressed as part of the Quadrennial Defense Review. I believe that additional resources for information assurance must, of course, be balanced against other critical Department requirements.

SMART CARDS

Question. In November 1999 the Deputy Secretary of Defense directed all Department of Defense (DOD) components to implement the use of a standard smart card containing integrated circuit chips, magnetic stripes and bar codes for use as the Department-wide common access card and as a Public Key Infrastructure authentication device, and assigned responsibility for this program to the DOD Chief Information Officer. To date the Department has not fully implemented the deployment of this technology.

If confirmed, what steps would you plan to take to provide central direction to fully implement the use of smart card technology within DOD?

Answer. It is my understanding that the Department is embarked on an aggressive and accelerated program to implement smart card technology as a common access card. Smart card technology can be used in many areas to do the business of the Department smarter and faster while providing security for our classified information and the proprietary property of our business partners. I feel that the application of smart card technology will contribute to the Department's efforts to transform business processes, enhance missions, increase security, reduce costs, and improve quality of life.

Understandably, implementation of such cutting-edge technology in a large, worldwide organization takes time and has many challenges. Nonetheless, if confirmed, I would support the implementation of this technology in the Department. To this end, I would direct my attention to the implementation plan of the program to ensure the Department is leveraging the many smart card technologies.

Question. Do you believe that the Navy, which has served as the lead agency for development of this technology, should be designated as the executive agent for smart cards within DOD?

Answer. My understanding is that the Navy is working diligently as the lead for the development of the smart card technology in the Department. This and continued significant progress in this program would certainly be important factors in any consideration of a designee for executive agency. If confirmed, I will work quickly to consider this decision.

NAVY/MARINE CORPS INTRANET PROGRAM

Question. The committee understands that there may be differences of opinion within the Department about the pace at which the Navy/Marine Corps Intranet (NMCI) program is proceeding. At least some of these differences appear to focus on the extent of testing that must be conducted to ensure that the program is ready to proceed to broader implementation.

What are your views on the appropriate level or duration of testing the Department should conduct on the NMCI program?

Answer. I believe that systems such as NMCI must demonstrate that the capabilities satisfy user requirements and that interoperability with military systems are fully demonstrated. It is my understanding that the ASD C^3I staff is currently

working with Director Operational Test and Evaluation and other OSD offices to develop a final test strategy that is consistent with a reasonable fielding rate for NMCI.

INTELLIGENCE PROGRAMS

Question. With the development of increasingly advanced information technologies, and the evolving role of intelligence in support of military forces and operations, the current intelligence categories—NFIP, JMIP, and TIARA—appear to be increasingly blurred.

In your view, should these categories be reevaluated?

Answer. I agree. There is a blurring of these categories. I feel that it may be useful to revamp our intelligence categories to more effectively focus on the customer and mission capabilities.

Question. Do you believe that the current management and budgeting oversight of these programs between the Secretary of Defense and the Director of Central Intelligence is adequate?

Answer. I believe the existing legislation is adequate. Nonetheless, if confirmed, I would like to study this issue in more detail before I make any recommendations for change.

Question. If not, what changes would you recommend?

Answer. N/A.

Question. In your view, do the Office of the Secretary of Defense and the Joint Staff have sufficient influence over major programmatic and architecture decisions within the National Foreign Intelligence Program?

Answer. I have no knowledge of the effectiveness of this influence, but it is certainly critical that it be effective. If confirmed, I'll work to enhance communication and improve the quality of the budget dialog to reach consensus with the DCI in this important area. I look forward to engaging on these issues if confirmed.

OVERSIGHT OF MODERNIZATION OF INTELLIGENCE PROGRAMS

Question. There have been continuing questions about whether the National Security Agency (NSA) will be able to modernize signals intelligence mission capabilities to respond to new intelligence challenges.

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 directed the Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), the Director of Central Intelligence's Senior Acquisition Executive and the Director of NSA to establish a disciplined acquisition strategy with strong oversight mechanisms for NSA's modernization program. In part, this direction resulted from concerns about NSA's capability to implement better acquisition management techniques and conduct rigorous, enterprise-wide systems engineering.

In addition, recent conflicts have illustrated continuing deficiencies in the area of map production, analysis, and dissemination. Unfortunately, there have also been questions about the ability of the National Imagery and Mapping Agency (NIMA) to manage and implement a major modernization and transformation of its capabilities.

What is your view of the appropriate oversight role that the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) should play in management of major acquisition programs at NSA and NIMA?

Answer. I believe that the ASD C^3I oversight role is to ensure that appropriate acquisition processes are in place and executed to ensure the successful delivery of the NSA and NIMA programs so critical to our Nations security. For NSA and NIMA acquisition programs, the ASD C^3I staff has worked extensively with the DCI's Senior Acquisition Executive. If confirmed, I will actively work with my DCI counterpart to build on the progress made to date.

COMMERCIAL VS. MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. In recent years, growing demands for the use of the frequency spectrum for defense and civilian communication needs have increased the competition for this finite resource.

If confirmed, what would be your role in spectrum management issues within the Department of Defense?

Answer. If confirmed, my responsibility in spectrum management is to ensure DOD has assured access to the necessary spectrum it needs to conduct operations and warfighter training to effectively execute those operational missions.

Question. If confirmed, would you represent the Department of Defense (DOD) in interagency and international negotiations regarding spectrum management issues?

Answer. Yes.

Question. What steps would you recommend the Department of Defense take to improve its spectrum management policies?

Answer. If confirmed, I would make one of my highest priorities the review of current policies and processes, and the development of a strategy to make full use of emerging spectrum-efficient technologies.

Question. If confirmed, what actions would you take to review the Department's total spectrum requirements and ensure that new systems are designed to ensure efficient spectrum utilization by the Department of Defense?

Answer. If confirmed, I expect to update requirements projections and to identify solutions that include new spectrum-efficient technologies.

Question. What do you see as the proper balance between defense and other uses of the frequency spectrum, and what is your view of the current process by which those needs are balanced?

Answer. Although I am not familiar with the details, I understand the current process for spectrum allocation provides equal opportunity to both the private sector and our government to request and debate frequency spectrum based upon requirements. If confirmed, I will continue to support this process.

Question. What are your views of proposals to reallocate spectrum in the 1755–1850 frequency band from DOD and other Federal users to make this band available for third-generation internet (3G) use?

Answer. Although I am not completely familiar with all the details of this issue, it is important to protect the military capabilities that need the 1755–1850 MHz band. If additional spectrum is needed, I would encourage exploring all alternative bands and I will, if confirmed, work with concerned parties to help us reach the best decision for the Nation on this matter.

Question. If confirmed, what actions would you take if the study currently being conducted within the Department of Defense determines that there will be a significant cost and operational impact if the military services surrender the 1755–1850 MHZ band of frequencies?

Answer. If I understand correctly, studies have already indicated the defense of our Nation is at risk by vacating this spectrum. If confirmed, I will work with other branches to help determine the best decision for the Nation on this matter.

Question. Do you believe that potential solutions exist that would allow DOD to shift to other frequency bands, assuming sufficient funding were available to compensate DOD for its relocation costs?

Answer. I understand this is a matter that is still under study. If confirmed, I will work with the spectrum regulators to determine if potential solutions exist that would allow DOD to shift to other frequency bands.

INFORMATION MANAGEMENT

Question. In 1995, GAO designated the Department of Defense effort to streamline business operations and deploy more efficient standard information systems as a "high-risk" area, indicating that it was especially vulnerable to waste and mismanagement. Since 1995, GAO has continually reported that the Department of Defense has lacked effective management and oversight controls of the information technology (IT) investments. The areas of concern include controls and processes to:

(1) ensure that the costs and risks of multimillion-dollar projects are justified;

(2) monitor progress and performance; and

(3) stop projects shown to be cost ineffective or technically flawed.

A significant change in the Department of Defense IT management and oversight process occurred in July 1998 when the Department of Defense disestablished the Major Automated Information Review Council which was the primary body for overseeing major automated information systems and other IT investments.

What is the status of efforts to improve the Department of Defense IT oversight process?

Answer. I understand the implementation of the Paperwork Reduction and Clinger-Cohen Acts provides a strong statutory foundation for IT oversight. I support the progress the Department has made in building on that foundation by developing information and oversight controls in areas such as capital planning and investment, acquisition regulation revisions, major acquisition programs, and mission critical systems tracking.

The Department of Defense reported on December 1, 1998 to the Defense Committees that the Department recognizes that its current IT management process has the following shortfalls:

(1) minimal linkage between IT investments and functional process changes;

(2) individual systems narrowly focused on specific functions and organizations rather than mission; and

(3) fragmented systems and infrastructure, resulting in a lack of fully integrated and interoperable capabilities.

Question. Please comment on each of these problems and explain what the Department of Defense is doing to correct them.

Answer. The Clinger-Cohen Act calls for the need to improve management processes, including the selection and management of IT resources. It is my understanding that DOD is developing an investment portfolio process to improve investment oversight for families of systems. This process would establish direct links between IT investment decisions and DOD mission priorities—not only those of individual organizations—ensuring functional outcomes as well as compliance with the Clinger-Cohen Act and related reform legislation. Portfolio management and oversight would also promote synchronized development of individual systems and their supporting infrastructures.

By the same token, I feel that the Global Information Grid (GIG) policy and implementation should significantly improve the interoperability and integration of DOD's IT communications and computing infrastructure. In essence, GIG is the globally interconnected, end-to-end set of information capabilities, associated processes and personnel for collecting, processing, storing, disseminating and managing information on demand to warfighters, policy makers and support personnel. This overarching model will provide at once, a blueprint and an overlay for the development, implementation and integration of dependent and sub-architectures. By using or building to this model, the Department and its components will be able to overcome much of the fragmentation and narrowly focused IT solutions.

Question. The Clinger-Cohen Act of 1996 introduced requirements emphasizing the need for the Department of Defense to significantly improve management processes, including how it selects and manages IT resources. For instance, a key goal of the Clinger-Cohen Act is that the Department of Defense should have institutionalized processes and information in place to ensure that IT projects are being implemented at acceptable costs, within reasonable time frames, and are contributing to tangible, observable improvements in mission performance.

What is the status of the Department's efforts to implement the Clinger-Cohen Act?

Answer. As I understand it from a brief review, the Department's approach to implementing the act has been one that builds on past successes and seizes the opportunities the act offers to reinvent and reinvigorate how information is delivered to warfighters and those who support them. Specifically, it is my understanding that the Department:

- Established a governance structure that fosters a more collaborative approach to policy-making and IT budgeting.
- Uses the Planning, Programming and Budget System in conjunction with the requirements and acquisition processes, to ensure that the correct information investments are selected. Changes have been made in the budget process to ensure full participation of the DOD CIO in the decision making process.
- Included procedures for implementing the Clinger-Cohen Act and related legislation in the most recent version of its acquisition regulations.
- Made significant progress on actions to manage its worldwide information infrastructure as a coherent GIG, including the development of an IT architecture with operational, systems and technical views that can be applied to IT investment decisions.
- Has a Defense-wide Information Assurance Program to build and sustain a secure information infrastructure.
- Is engaged in a number of initiatives to improve the processes for recruiting, hiring, retaining and training information technology professionals.

AUTOMATION AND MANAGEMENT REFORM

Question. GAO and others have criticized various DOD's business units (such as finance, accounting, personnel, inventory, transportation) for failing to change their business processes to take advantage of new commercial information technology products.

If confirmed as DOD's Chief Information Officer, what would you do to ensure that DOD changes the way it does business before it spends new money on automation?

Answer. I understand that the DOD CIO is responsible for promoting improvements to DOD work processes and supportive information resources. IT and process reforms are critically interrelated and represent a major focus for the DOD CIO. If confirmed, I intend to make "business process improvement" a key factor in determining whether to support IT investments. In addition, for reforms to be durable, a clear relationship to the basic business of the Department must be established in the context of a sound enterprise architecture.

DEFENSE INFORMATION SYSTEMS AGENCY

Question. Over the past several years, a number of concerns have been expressed about the growth in the "tooth-to-tail" ratio and the resource drain that the defense agencies impose on the military services. The Defense Information Systems Agency is often used as an example of how defense agencies continue to grow and continue to absorb resources that should otherwise be dedicated to weapons procurement.

If confirmed, what actions would you take to examine the defense agencies under your jurisdiction to ensure that they are providing the most effective support in the most efficient manner?

Answer. I believe the Defense Information Systems Agency is an example of an entity that has a critical role in this era of information superiority and "the network as a weapons system." The oversight responsibility for defense agencies and activities is a serious charge. If confirmed, I intend to review, scrub, and set serious goals, while applying the best management principles.

JOINT COMMAND AND CONTROL

Question. A recurring theme within the on-going strategic review process is that U.S. Armed Forces lack an agile, deployable joint command and control system. After-action analyses of all major U.S. military operations in the past decade similarly conclude that communications and information technology systems of our respective military services are not fully interoperable.

In your view, what are the major impediments to the development of an interoperable, deployable command and control system for our military forces?

Answer. In my opinion, there are several major impediments:

1. Services develop their own Command and Control (C^2) systems and there is no process or central engineering authority in place
2. There are insufficient joint Tactics, Techniques, and Procedures
3. In addition to these above, the greatest impediment to operating closely with coalition forces is restrictions on national information sharing policies.

If confirmed, I would address these issues and work with Department leaders to resolve them.

Question. What role should ASD C^3I play in ensuring the development of reliable and agile command and control systems?

Answer. If confirmed, my role would be to issue policy, planning guidance, and to integrate and oversee service Command and Control acquisition. I firmly believe that OSD, working closely with Congress, the Services, agencies, and industry can achieve huge progress in this challenging and critical area of support for our warfighters. If confirmed, I will make this effort a primary goal during my tenure and hold myself personally accountable to achieve measurable progress that I will report annually to Congress.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

1. Senator KENNEDY. The Federally Funded Research and Development Centers (FFRDCs) are unique organizations that assist the U.S. Government with scientific research and analysis, systems development, and systems acquisition. They bring together the expertise and outlook of government, industry, and academia to solve complex technical problems that can't be solved by any one group alone. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C^3I) sponsors a C^3I FFRDC that is run by MITRE Corporation.

The MITRE C^3I FFRDC is a vital part of the Electronic Systems Command (ESC), the Air Force's Center of Excellence for Command, Control, Intelligence, Surveillance, and Reconnaissance (C^2ISR). ESC is located at Hanscom Air Force Base. Like all of the FFRDCs, MITRE has demonstrated the value of focused and unbiased research and development in meeting our defense and governmental technology needs. ESC has recognized the exceptional value and contributions of MITRE by naming them the Chief Engineer for ESC. In addition to software integration and interoperability, MITRE has become a leader in the field of information security and information superiority.

Mr. Stenbit, what is your opinion of the contributions of the FFRDCs to our Nation and the Department of Defense?

Mr. STENBIT. The Federally Funded Research and Development Corporations are the Department of Defense's primary source of objective expertise for meeting emerging national security priorities and procuring key defense programs. As our strategic partners, they are essential elements of the Department's competency to accomplish the Secretary of Defense's direction for the services, intelligence agencies and acquisition communities to transform military operations to achieve joint capabilities. The FFRDCs bring special talent to bear in high interest areas, acting as the "honest broker" with the depth and breadth of knowledge and experience built through long-term involvement with our systems, substantial domain knowledge and thorough understanding of today's technological opportunities.

In the case of the C^3I FFRDC, for which I am the Primary Sponsor, MITRE Corporation is mission critical to the principal DOD organizations pursuing the SECDEF's priority to "modernize U.S. command, control, communications, intelligence and space capabilities." The C^3I FFRDC has played a critical role in modernizing U.S. C^4ISR capabilities to provide commanders with the right information at the right time—securely—to dominate the battlefield. The C^3I FFRDC brings special talent to bear in the high interest areas of missile defense, exploitation of space, acquisition reform, as well as in the development of the C^3I infrastructure. With their in-depth, unbiased understanding of the advanced IT available in the commercial marketplace, the C^3I FFRDC provides critical modern C^2 architecture and general systems engineering and integration of joint C^4ISR capabilities. More pointedly, the C^3I FFRDC is particularly well positioned to support the Secretary of Defense's objective of working across the DOD and intelligence communities to realize both efficiencies and synergies.

In addition to the profound contributions to the Air Force and the Electronic Systems Command, MITRE is helping the Army to develop its vision of network centric operations and the Navy in enhancing its capability for joint battle management. The C^3I FFRDC is supporting the National Imagery and Mapping Agency, National Security Agency and the National Reconnaissance Office, as well as the services, in laying out architectures and acquisition strategies that integrate and exploit resources and improve dissemination and operational utility. The C^3I FFRDC is providing expertise to many of our organizations in assessing and countering new world threats such as cyber terrorism, which can undermine critical infrastructure and endanger information assurance. The C^3I FFRDC is assisting with the evolution of communications, surveillance and reconnaissance functions in space, contributing its technical capabilities to solving problems in areas ranging from frequency spectrum conflicts to radar detection to information processing and management. The C^3I FFRDC is working with Joint Chiefs of Staff and the Combatant Commanders on improving interoperability and integrating existing systems for interdependent joint and multinational operations.

2. Senator KENNEDY. Mr. Stenbit, does the Department of Defense plan to continue, or possibly expand, their investment in the C^3I FFRDC?

Mr. STENBIT. The ASDC^3I fully supports the continued use of the MITRE C^3I FFRDC as a vital part of the Electronic Systems Command (ESC). However, we are constrained with respect to expansion by the number of staff years of technical sup-

port (STE) authorized by Congress annually. Requests from C^3I FFRDC customers throughout DOD on both the Air Force and Army programs continually exceed the authorized limits. Therefore, careful prioritization and focus on critical national and DOD information superiority goals is a key controlling factor in making STE allocations.

3. Senator KENNEDY. Mr. Stenbit, the federally Funded Research and Development Centers (FFRDCs) are unique organizations that assist the US government with scientific research and analysis, systems development, and systems acquisition. They bring together the expertise and outlook of government, industry, and academia to solve complex technical problems that can't be solved by any one group alone. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C^3I) sponsors a C^3I FFRDC that is run by MITRE Corporation.

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The President's Commission on Critical Infrastructure Protection noted that our Nation is increasingly vulnerable to cyber attacks from both foreign and domestic sources.

What role do you see for the FFRDC organizations, such as the MITRE Corporation, in protecting our Nation's critical infrastructure from cyber attack?

Mr. STENBIT. FFRDCs, including the MITRE Corporation, provide the Department of Defense (DOD) a unique support capability. They provide a depth of specialized research talent that would otherwise not be available to DOD. The operational readiness of the Department, and the successful execution of the spectrum of its national security missions, depend on the reliability of physical infrastructure products and services including fuels, transportation, electricity, and water. Because of the inextricable interdependencies between information and physical infrastructures, FFRDC talent is needed to address physical, cyber, and human (to include "insider"), threats to all Defense-related critical infrastructures.

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

4. Senator BYRD. Mr. Stenbit, intelligence systems will come under your purview as Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C^3I). Measurement and Signature Intelligence (MASINT) is one system in which I am very interested. What is your view of the importance of MASINT to the U.S. intelligence community?

Mr. STENBIT. Measurement and Signature Intelligence (MASINT) continues to be a vitally important component of the U.S. intelligence community and has the potential to assist with tracking some of the most difficult and challenging intelligence problems facing the United States in the 21st century. The design and development of future U.S. ballistic missile defensive systems will rely heavily on MASINT derived data to complement multi-int data in an all source analysis process. MASINT has the capability to help overcome some of the foreign denial and deception techniques employed against U.S. collection and to gather critical intelligence against hard targets. MASINT systems are unique in their capability to collect against key aspects of foreign nuclear, chemical, and biological capabilities. Decisions made by our national leadership and tactical decisions made by our operating forces will rely heavily on data and analyses provided by MASINT and fused with other information and data.

5. Senator BYRD. Mr. Stenbit, what role can MASINT play in developing a comprehensive homeland security strategy, as a means of protecting the U.S. against terrorism and weapons of mass destruction? Is an effective MASINT architecture necessary to defend the Nation against such activities?

Mr. STENBIT. The primary contributions MASINT can make to homeland defense and counter terrorism are in the identification and analysis of foreign weapon systems, reducing technological surprise, and developing U.S. countermeasures. MASINT provides unique insight on State and non-State actors who are engaged in the development of weapons of mass destruction (nuclear, chemical and biologi-

cal). MASINT-derived analyses assess the technological progress of potential adversaries having the capability of initiating global crises, and provides timely and accurate intelligence to the counter/non-proliferation community, national policymakers, and warfighters.

The development of U.S. national strategies that deal with stopping the proliferation of the technologies used in WMD, weapon delivery systems (e.g. ballistic missiles), and fully operational WMD rely in part on MASINT. Therefore, I support efforts within the intelligence community that prioritize and maximize the intelligence resources required for current and future MASINT systems, and incorporate them into the overall intelligence architecture.

6. Senator BYRD. Mr. Stenbit, do you believe that additional funding resources for MASINT could be used to improve our national security?

Mr. STENBIT. MASINT is a key contributor, along with the other intelligence disciplines, in assessing the intent and capabilities of potential U.S. adversaries. Over the last decade the demand for MASINT data and analysis has significantly increased. This demand is for data against geographically dispersed targets, targets more difficult to collect against, and data required in near-real time. Furthermore, the collection environment is complicated by denial and deception techniques. Current funding profiles are capable of sustaining existing systems; but, some systems are reaching their end of life, and some require replacement with more capability.

To meet anticipated national and operating forces' requirements additional investments would be required to modernize and deploy new MASINT capabilities. The intelligence community is thoroughly examining MASINT requirements, current system capabilities, system life cycles, R&D investments, and is developing strategies to address the prioritization of competing requirements. shortfalls, gaps in providing certain data, and alternative solutions. The demand for more MASINT data and analysis will require a corresponding increase in resources for processing and exploitation (analysis).

7. Senator BYRD. Mr. Stenbit, we have discussed a proposal to better manage MASINT data resources. Do you support the concept that better coordination of MASINT data resources would be a benefit for our national security? Would you consider the establishment of a centralized coordination center?

Mr. STENBIT. The ability to deliver MASINT-derived intelligence in a timely user-friendly and usable format to the widest possible community of analysts and consumers is something I strongly support. The best approach, and what the associated cost estimates are, is a topic that the DOD Central MASINT Organization and the Director of DIA are currently working. I eagerly await their findings.

8. Senator BYRD. Mr. Stenbit, biometrics is the use of a person's physical traits, such as fingerprints, or patterns of the iris of the eyes, or veins in the arm, to provide access to secure computers, facilities, or other equipment. What is your view of the importance of biometrics to the Department of Defense and to the information assurance needs of the Nation?

Mr. STENBIT. Biometrics has the potential to provide increased security to DOD networks through positive identification of users prior to network access. In addition to assisting in protecting networks from outsiders, biometrics can play an important role in mitigating the insider threat through positive identification of individual network users in trusted environments. Currently the Department of Defense is exploring the use of biometrics and has implemented over 50 "Quick Look" projects that test the feasibility of biometric devices. These "Quick Look" projects explore the use of biometric devices for facility access, shipboard security and, computer access control. One of these "Quick Look" projects is in the C^3I Directorate, Information Assurance. This quick look is testing the feasibility of using an Iris Scanner to allow access to a sensitive area. Additionally, the Department has created the Biometric Management Office to further the study of biometrics within the department and to foster partnerships between Government, industry and academia for the future of the biometric program.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

9. Senator WARNER. Mr. Stenbit, despite efforts of the Department of Defense to establish standards of interoperability for the command and control systems essential for joint operations, virtually every significant military operation in the last two decades has been plagued by communications, intelligence, operations and logistics systems of the various services that cannot efficiently interact.

How do you propose to make substantive progress in this area that has, heretofore, proved so elusive to your predecessors?

Mr. STENBIT. We have learned that standards are necessary but not sufficient for achieving interoperability for information. The DOD defines information interoperability as the exchange and use of information in any form electronically that allows us to operate effectively together whether on the warfighting or business sides of the department. Information interoperability is one of the critical enablers for effective joint, interagency, and multinational operations. Joint Vision 2020 describes this operational environment as composed of doctrine, organization, materiel, training, leadership, personnel, and facilities (DOMTLPF). Further we have learned that interoperability must be balanced with information assurance. Both interoperability and information assurance are essential enablers to network centric warfare, our analogy to the role of the Internet in commercial and personal worlds.

The Department in compliance with Clinger-Cohen Act (CCA) of 1996 uses the terminology of Information Technology (IT) and National Security Systems (NSS) to cover any system which gathers, processes, or presents information in any electronic form to include what is considered an integral part of weapons or weapon systems. In compliance with CCA, the DOD is using integrated information technology architectures to describe how we do "business", the systems that assist in the business process, and the standards that underpin the systems. We call this an integrated architecture composed of three interrelated views: operational, systems, and technical. These are living documents, which will evolve as business practices and technology changes. We now have integrated architectures for each of the combatant commanders (i.e. CINCs), as well as many of the functional or mission areas (e.g. Airborne SIGINT, Health Affairs) of the department. To provide the overarching context for all of these integrated architectural efforts and as the initial effort toward an organizing construct leading to network centric operations, I as the DOD Chief Information Officer approved on August the first in a series a Joint Task Force Global Information Grid integrated architecture. The standards piece of integrated architectures (i.e. the Technical View) uses the Joint Technical Architecture, the codified listing IT and NSS standards that apply across the DOD now beginning the development of Version 5.0, to assure a common base. The JTA contains approximately 85 percent non-government standards in conformance with congressional direction to use voluntary consensus-based standards. Interestingly, the DOD is recognized as setting the best practices for the development and use of integrated architectures and related documents.

As the DOD Chief Information Officer, using the authorities provided by CCA and Title 10, I am providing the leadership in revamping the interoperability process of the DOD, as well as how interoperability is handled within our requirement generation, acquisition, and budgetary processes. I am also using my Title 10 authorities to develop a DOD strategy to synchronize and rationalize the department's involvement in the development of IT and NSS standards. Notwithstanding my statutory authorities, the pragmatics of achieving the network centric interoperability (and information assurance) underpinning Joint Vision 2020 requires the teaming of USD(AT&L), VCJCS, CINC Joint Forces Command, the DOD Comptroller, and the Director of Operational Test & Evaluation. Lastly, we are continuing to make other improvements such as a small fund to be used to make the down payment on interoperability (to include information assurance) DOTMLPF remedy sets for field capabilities as well as improved facilities and processes for verifying interoperability.

I believe that through the use of teamed leadership and integrated architectures, as well as changes in organization, funding, and verification, we will make progress on interoperability that has proven so elusive to my predecessors.

10. Senator WARNER. Mr. Stenbit, communications systems are critical to the men and women that serve in our Armed Forces. The Joint Staff has mandated specific telecommunications certification standards and I understand that tough standards have been part of military procurement contracts for telecommunications equipment as well. It is important that we maintain the highest standards.

What will you do to ensure these tough telecommunications certification requirements are implemented on all manufacturers on a uniform basis?

Mr. STENBIT. We take very seriously our responsibility to ensure the Department acquires only telecommunications equipment and systems that meet our requirements for interoperability and security. Our certification process guards us against acquisitions that might jeopardize the vital ability of our forces to share information seamlessly and securely. Our Joint Interoperability Test Command (JITC) implements that process in testing and certifying system performance. The process includes utilizing common test requirements for all testing such as the DOD's Generic Switching Center Requirements (GSCR) and commercial standards such as the

Bellcore Local Access and Transport Area (LATA) Switching System Generic Requirements (LSSGR). These specifications are typically included in the governments Request for Proposal, so the prospective vendors know up front what we expect.

Results of the JITC testing and certification are provided to vendors and acquisition activities to allow corrections to be made in system performance prior to acquisition, and to enable prudent acquisition decisions. Those same results are used by the Defense Information Systems Agency in granting approvals for equipment and systems to interconnect with our global networks. Our standards are applied equally to all vendors and commands, and our testing process is open. Vendors are made aware that they are welcome on-site throughout the testing process. This not only ensures openness of the process, but it also enables a far freer exchange of technical information so necessary in the testing of today's complex telecommunications systems. I intend to vigorously enforce this policy of openness.

As a final step to ensure fairness and objectivity, we have instituted a process where any test certification issue that can not be resolved by JITC is forwarded to an interoperability test panel that is chaired by the Joint Staff. This independent group reviews test results that are used to make final or interim fielding decisions.

11. Senator WARNER. Mr. Stenbit, how will you ensure vendors are held accountable for meeting these vigorous procurement requirements?

Mr. STENBIT. We currently utilize a standard process for the test and certification of switches to be installed in the DOD system. The test and certification process is documented in DOD policy Directives and Instructions for all acquisition organizations to use in the execution of the procurement and test process. As a further step to ensure adherence to the test requirements, many of the recent contracts stipulated that switches had to pass these standard interoperability tests before the government paid the full contract amount for the switches. By tying testing and certification to full payment the DOD can ensure that these vital requirements are met. We will not compromise our standards of interoperability or security. The risks are too great to our fighting men and women. We will continue to report our certification testing results openly and honestly, and our reports will continue to be available to all acquisition activities for their use in determining what systems do and don't meet Department standards.

12. Senator WARNER. Mr. Stenbit, at this point in the process, what role do you anticipate playing in the QDR?

Mr. STENBIT. Although arriving towards the end of the review, I am fully engaged in the discussions. Space and information superiority are key contributors towards the Department's transformation efforts. My main role will be to lead the implementation of the C^3I action items resulting from the QDR. I will keep a close eye on how we lay the transformation base and then support the transformation efforts to achieve information dominance.

13. Senator WARNER. Mr. Stenbit, are you confident that the intelligence community has had the opportunity to make appropriate contributions to the QDR process?

Mr. STENBIT. Yes. From the start, we invited the DCI's staff to participate in the Space, Information and Intelligence (SII) Integrated Project Team (IPT) efforts. They have participated and helped shape the SII input into the QDR; we have briefed members of the Community Management Staff, and have also stayed abreast of the DCI's Quadrennial Intelligence Community Review and NSPD 5 efforts.

14. Senator WARNER. Mr. Stenbit, the U.S. Commission on Space (Rumsfeld Commission) recommended the establishment of an Under Secretary of Defense for Space and Intelligence. Shortly after taking office, Secretary Rumsfeld indicated he would implement most of the recommendations of the Space Commission, but declined to elevate your prospective position to an Under Secretary, indicating he wanted to evaluate the functions of ASD(C^3I).

In your view, are your responsibilities in military space policy clear?

Mr. STENBIT. Yes, my space policy responsibilities, pending completion of the review of the ASD(C^3I)'s responsibilities and functions, are currently to develop, coordinate, and oversee the implementation of policies regarding space and space-related activities and, in coordination with the Under Secretary of Defense for Policy, ensure that space policy decisions are closely integrated with overall national security policy considerations.

15. Senator WARNER. Mr. Stenbit, the U.S. Commission on Space (Rumsfeld Commission) recommended the establishment of an Under Secretary of Defense for Space and Intelligence. Shortly after taking office, Secretary Rumsfeld indicated he

would implement most of the recommendations of the Space Commission, but declined to elevate your prospective position to an Under Secretary, indicated he wanted to evaluate the functions of ASD, C^3I.

What is the status of this review of the functions of ASD, C^3I, and when do you anticipate it will be completed?

Mr. STENBIT. The review is ongoing. With my confirmation, I am now directly engaged in the process and expect to bring the review to a conclusion in the near future.

16. Senator WARNER. Mr. Stenbit, there has been much discussion of the potential benefits of augmenting our space reconnaissance efforts with commercially available imagery. In theory, use of these commercial assets would free up national systems for the most important missions. To date, however, the investment in commercial imagery has remained relatively modest, in relation to the overall cost of space reconnaissance.

What role do you see for commercial imagery in our overall space reconnaissance effort? Has the investment in commercial imagery, to date, been satisfactory?

Mr. STENBIT. The National Commission for the Review of the National Reconnaissance Office, the Independent Commission on the National Imagery and Mapping Agency, and the Commission to Assess United States National Security Space Management and Organization recommended that the U.S. Government take a fresh look at its strategy for using the U.S. commercial remote sensing industry to satisfy some of its geospatial and imagery information requirements. The Secretary of Defense and the Director of Central Intelligence agree that an effective U.S. Government commercial imagery strategy is necessary and have initiated a thorough review of the strategy being developed by the Directors of the National Reconnaissance Office and the National Imagery and Mapping Agency. This review will be conducted with the advice of an outside panel and will include the government's future use of commercial imagery, how we acquire it, and how we should incorporate it into our intelligence products. The funding required to implement the strategy is part of this assessment.

17. Senator WARNER. Mr. Stenbit, despite efforts of the Department of Defense to establish standards of interoperability for the command and control systems essential for joint operations, virtually every significant military operation in the last two decades has been plagued by communications, intelligence, operations, and logistics systems of the various services that cannot efficiently interact.

How do you propose to make substantive progress in this area that has, heretofore, proved to elusive to your predecessors?

Mr. STENBIT. We have learned that standards are necessary but not sufficient for achieving interoperability for information. The DOD defines information interoperability as the exchange and use of information in any form electronically that allows us to operate effectively together whether on the warfighting or business sides of the department. Information interoperability is one of the critical enablers for effective joint, interagency, and multinational operations. Joint Vision 2020 describes this operational environment as composed of doctrine, organization, materiel, training, leadership, personnel, and facilities (DOTMLPF). Further we have learned that interoperability must be balanced with information assurance. Both interoperability and information assurance are essential enablers to network centric warfare, our analogy to the role of the Internet in commercial and personal worlds.

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I believe that through the use of teamed leadership and integrated architectures, as well as changes in organization, funding, and verification, we will make progress on interoperability that has proven so elusive to my predecessors.

18. Senator WARNER. Mr. Stenbit, what actions will you take to examine the defense agencies under your jurisdiction to ensure that they are providing the most effective support in the most efficient manner?

Mr. STENBIT. The oversight responsibility for defense agencies and activities is a primary responsibility for me. I intend to conduct regular defense agency reviews to monitor progress in order to ensure the most effective use of funding and resources.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

19. Senator ALLARD. Mr. Stenbit, the "Tail to Tooth Commission" Report, a 3-year study led by Senator Rudman, recommended that outsourcing DOD's long haul communication infrastructure could result in $30 billion in savings, while satisfying requirements for security and interoperability.

a. What is your position on the commission's recommendations?

b. How would you propose going about achieving these vitally important savings?

Mr. STENBIT. The $30 billion figure in the report was the dollar figure that the commission ascribed to the total cost of intelligence, space, and other command and control programs per year. I am unable to find a $30 billion figure related to outsourcing long haul communication infrastructure. DISA, as our primary long haul provider, spends less than $1 billion per year on this. Even if we included intelligence assets, that number does not seem feasible.

With regard to the assumption that DISA is replicating what already exists in industry, this is definitely not the case. Commercial providers have been and will be employed to meet the vast majority of DOD wide area network communications needs. It is how they are employed to provide DOD secure and interoperable solutions of best value that matters. The context in which decisions should be made is a mission context that ensures our forces can communicate with each other in a secure way and reach back from deployed locations, where commercial infrastructure is unavailable, to the sustaining base that supports them. Further, this enterprise view of our global requirements, infrastructure, and systems is also the most economical way to satisfy requirements. Without this view, we will continue the wasteful cycle of stovepipe individual organizational implementations followed by a wave of mandated consolidations. This cycle is a recipe for high total costs, the inability of forces to communicate, and gaps and lapses in security.

The right way to partner with industry is to leverage industry to the maximum extent possible but within the context of the military mission and the enterprise view, as depicted in our Global Information Grid architecture. The Defense Information Systems Network (DISN) is a good example of this. The DISN supports military missions and our deployed forces worldwide. It is designed and operated with the assumption that communications and the computing connected to communications will be a high priority target, both physically and electronically, of any adversary. Let me assure you that even in times of peace, this is the case. Therefore, we engineer the DISN specifically for security and robustness and require that our vendors provide critical military features. These relate to such areas as personnel and phys-

ical security, mix of routes and media diversity, and precedence and preemption capabilities. The recent performance problems experienced by business customers with one major vendor as a result of the Baltimore tunnel fire points to the types of problems you can have when you don't engineer with these types of considerations in mind. It is not whether the DISN is outsourced, because over 90 percent of its costs are for commercial products and services. It is how it is outsourced that matters.

To have the reliability and trust needed when lives and national security are at stake, DOD provides an augmentation of capabilities above what is normal commercial practice. These capabilities include robust NSA-approved encryption and an active network and computer defense capability through our network operations and security centers, with their associated sensor and reporting systems. They also include computer emergency response teams and mandatory accreditation and certification procedures for the networks and systems attached to them. Further, the DISN can extend voice, data and video services communications to deployed forces rapidly through the tie-in to military satellite capabilities from various strategic locations. If you are on the DISN, you have guaranteed interoperability. The capabilities of the DISN stand in fairly stark contrast to buying communications services from a general service, where security and configuration management practices are unknown, the customer base could consist of active adversaries, and the ability to locate and respond to information attack are limited, or do not have extensions to remote locations where our forces are in harms way. The lessons of the past are replete with examples of mission failure and loss of life where we did not attend to these concerns. The mix of employing industry strengths, while never forgetting our military mission, is the right way ahead.

Information technology is strategic to almost all businesses and modern organizations. The loss of in-house expertise, the turnover of infrastructure without the ability to recapitalize, the failure to adequately define baselines or requirements, and the absence of expertise in outsourcing negotiations can and has frequently spelled real trouble. This is especially difficult when de facto private monopolies emerge without the customer having a viable exit strategy. Several major corporations are now engaged in lawsuits with outsourcing vendors as a result of these very issues. Much research on outsourcing promotes the use of selective outsourcing, with the ability to maintain competitive suppliers, vice total outsourcing as a much lower risk and higher payoff strategy. Indeed, that has been our experience. For example, by a combination of consolidation, modernization, and selective outsourcing, DOD has been able to reduce its mainframe computer processing costs from over one billion dollars annually to $331M, while successfully completing Y2K and accomplishing a dramatically increased processing workload. Further, we have integrated the computing with our networks and provided robust security for both.

We are going to scrub every process we have, employ technology to positive advantage, and use the competitive marketplace effectively to maintain a mission edge and reduce cost.

20. Senator ALLARD. Mr. Stenbit, on DOD's long haul policy, has the Secretary's Strategic Review reached a conclusion on DOD policy to contract out for such services versus DISA providing the DISN Enhanced Program (DEP) network and competing against industry?

Mr. STENBIT. The revised DOD network policy, which resulted from a broad review of alternatives for the Global Information Grid (GIG) supports increased use of commercial sources for Defense networking. In the case of DISN, commercial services and capabilities, such as DEP, have been integrated to provide effective and assured wide area networking. In particular the DEP provides a degree of mandated diverse routing, and accommodates the requirements for security, the visibility of it to the Computer Network Operations Joint Task Force, and the economics of scale provided to all DOD by bundling requirements. The DEP is part of the Defense Information Systems Network (DISN), and the benchmarking studies conducted by a third party last year show DISN costs to be in general below pure commercial service rates. The DEP is a good example of DOD partnering with industry to meet military needs while obtaining significant economies. It is able to handle classified and unclassified voice, data, and video traffic consistent with critical national security missions, while at the same time exploiting best business practices.

21. Senator ALLARD. Mr. Stenbit, many experts have stated that DISA's mission should be "standards and policy." DISA, on the other hand, has the clear intention to become a "telephone company," including voiding existing contracts with domestic carriers and providing the service with in-house resources. What is your position?

Mr. STENBIT. DISA has a significant and critical mission within DOD that goes well beyond standards and policy. The Defense Information Systems Agency (DISA)

is the Combat Support Agency responsible for planning, developing, and operating key Joint command, control, communications, and computing (C^4) systems that serve the needs of the National Command Authorities. the Services, CINCs, Agencies, and deployed forces under all conditions of peace and war. DISA enables information and decision superiority by providing and operating high quality information-based products and services that form the core of DOD's Global Information Grid (GIG). No other component or Agency has this joint mission. DISA's contributions include:

(1) Planning, building, and operating the Global Command and Control System, the Defense Information System Network, the Defense Message System, and the Global Combat Support System. DISA also operates the six major data processing centers for the combat support functions within the department. These systems and capabilities constitute the core DOD enterprise level systems for C^4.

(2) Providing the DOD capstone Computer Emergency Response capability and leadership for many DOD information assurance activities. DISA's Vice Director is dual-hatted as the Commander of the Computer Network Operations Joint Task Force, a SPACECOM activity.

(3) Managing the end-to-end integration of components of the GIG and providing technical support to the compatibility, integration, and interoperability activities of the entire GIG (to do this, DISA provides direct hands-on support in the areas of engineering, standards, interoperability testing and certification, spectrum management, planning, modeling and simulation).

(4) Providing direct operational support to the Joint Staff, CINCs, and deployed forces in peace and in all crisis, conflict, humanitarian, and wartime roles through DISA's worldwide field commands and offices and flyaway assets.

(5) Providing key IT products and services in support of the electronic commerce, business and public affairs activities of the department and the sharing of scientific and technical information throughout the department.

(6) Providing operational support to the National Command Authority, including White House Communications and National Security/Emergency Preparedness missions.

It is not in DISA's charter to act as a phone company. In fact GSA commercial service offerings or other commercial service providers meet the majority of the Departments long distance and local telephone requirements. For example, for long distance telephone service the DOD is GSA's largest customer on the FTS 2001 contracts (with MCI Worldcom and Sprint) with over $90 million of the DOD budget spent annually on the FTS contracts alone. In addition, last year the DOD moved from an Army contract to GSA's WITS commercial services (with Verizon) to meet the department's local telephone service for the national capitol region. Again the DOD is the largest customer on this contract with approximately 150,000 DOD customers. While most of the DOD's administrative telephone services is provided from commercial carriers, DISA's focus is on satisfying command and control and critical combat support telecommunications requirements for voice, data, and video capabilities and for integrating and extending these services to deployed forces.

In summary, DISA is not a telephone company although it does have a mission to provide secure, interoperable. and global communications from the deployed force back to the sustaining base. It uses many commercial providers, while adding military value added features that relate to security, robustness, and global extension to do this. DISA was especially active and effective at getting communications in place to support the Kosovo operations. Within the US, DISA uses domestic providers but obtains the economics of scale provided by bundling DOD requirements. It is not building networks as a competitor to industry, but it is managing the conditions under which DOD obtains communications support and ensuring that the sum of capabilities provide a joint coherent mission oriented capability.

22. Senator ALLARD. Mr. Stenbit, do you plan to revisit the prior administration's OSD/JCS DISN long haul policy?

Mr. STENBIT. Critical policies impacting the evolution and management of Information Technology, including the long haul policies, have been revamped under the GIG initiative. The genesis of our policies were the types of interoperability and communication problems that occurred when there was not effective joint communications and command and control. These types of problems have reappeared whenever we did not pay attention to the integration of our forces or their ability to reach back for support: Cuban Missile Crisis, Pueblo, Grenada, Desert Shield and Desert Storm, and in the Balkans.

The underlying assumption with the current long haul policy is that an enterprise-wide telecommunication network to meet the majority of the DOD's military requirements is the best approach. At the level of the transport layer, I intend to

further review and adjust policy as necessary to ensure a cost effective basis for Wide and Metropolitan Area Networks. This assumption is consistent with provisions of the Clinger-Cohen Act, and the GIG architecture. While the details of how the policy is implemented may be adjusted, the basic premise is to have an integrated and secure network across the DOD.

23. Senator ALLARD. Mr. Stenbit, there are industry claims that DISA is competing against an NMCI commercial provider, possibly in violation of A–76, which prohibits the government from competing against the private sector. Will you investigate those allegations and report back to the committee in a timely manner?

Mr. STENBIT. I will of course investigate any allegations. However, as I have pointed out, from the information I have, it is not a question of in-house versus commercial provider but a question of how industry is partnered with to provide service, the degree to which the military mission is recognized in the acquisition, particularly with regard to security, and the degree to which DOD achieves economies of scale and essential levels of interoperability and how we take best advantage of low density/high demand assets, particularly overseas.

A key factor in this discussion is the unique requirements for security and robustness that the military must have to meet the needs of the warfighter. These requirements were based on experience and were validated by the Joint Staff. The DISN is not in competition with industry but works with industry to meet these requirements.

24. Senator ALLARD. Mr. Stenbit, what is your position on the prior administration's NMCI Memorandum of Agreement among OSD, USN, and DISA regarding NMCI? Does it make good business sense for DISA to try to replicate what industry has already developed, given DOD's limited financial and information technology resources?

Mr. STENBIT. I support both the letter and the spirit of the NMCI Memorandum of Agreement (MOA).

Under its terms, DISA has first right of refusal to provide wide-area telecommunications services for the NMCI. If DISA cannot provide the service then the USN may pursue those services through another source. It is my understanding that in crafting the MOA, the parties sought to ensure that DOD enterprise interoperability, security, and economy are maintained, and that the USN would receive the best service possible.

As discussed in previous answers, DISN does not replicate what industry already offers, because no commercially available service provides the interoperability and security services available under DISN. DISN does depend heavily on industry components and services to develop and provide DISN offerings. DISA has contracted with firms who specialize in wide-area telecommunications services and has added services and procedures that promote security and interoperability for the warfighter. DISA's partnership with industry has resulted in an environment where joint systems are interoperable, with known and rigorous security, global extension, diverse routing, and dynamically shared bandwidth. The best approach is to develop a strategy that best fits the needs of the deployed force, rather than obtaining and evolving them one function or one uniformed service at a time.

[The nomination reference of John P. Stenbit follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 12, 2001.

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

John P. Stenbit of Virginia, to be an Assistant Secretary of Defense, vice Arthur L. Money.

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

BIOGRAPHICAL SKETCH OF JOHN P. STENBIT

John P. Stenbit has had a long and distinguished career with TRW, Inc., first joining them in 1968. In January 2000, he was named Executive Vice President, Special Assignment, for TRW Aerospace and Information Systems. Prior to that position, he had served since early 1998 as Executive Vice President and General Manager of TRW's telecommunications business, where he helped identify a number of significant opportunities for TRW in the burgeoning commercial telecommunications market.

In 1994, Mr. Stenbit was named Executive Vice President and General Manager of TRW Systems Integration Group, which he had led since 1990 as Vice President and General Manager. Under his leadership, the group broadened its business base from primarily defense to include industry contractors, international customers, and government agencies. The group performed systems engineering services and systems integration and developed and installed systems for strategic and tactical command and control, information processing, and security. Mr. Stenbit was Vice President and General Manager of TRW Command Support Division from 1984 to 1990. Previously, he was Director of Requirements and Group Development for TRW Defense Systems Group.

Mr. Stenbit was with the Department of Defense for 4 years, 2 of which were spent as Principal Deputy Director of Telecommunications and Command and Control Systems. Earlier, he served as Staff Specialist for Worldwide Military Command and Control Systems in the Office of the Secretary of Defense.

Mr. Stenbit joined TRW in 1968 and was responsible for the planning and analysis of advanced satellite surveillance systems. Before joining the company, he was with the Aerospace Corporation, where he worked on command and control systems for missiles and satellites and on satellite data compression and pattern recognition. During this time and under an Aerospace Corporation fellowship, he studied and taught for 2 years as a Fulbright Fellow at the Technische Hogeschool, Eindhoven, Netherlands, concentrating on coding theory and data compression.

Mr. Stenbit is a member of the Board of Directors for AETC, an analysis company. In 1999 he was inducted in the National Academy of Engineering. Previously, Mr. Stenbit served as chairman of the Science and Technology Advisory Panel to the director of Central Intelligence and was a member of the Science Advisory Group to the directors of Naval Intelligence and the Defense Communications Agency. He also chaired the Research, Engineering and Development Advisory Committee for the administrator of the Federal Aviation Administration. Mr. Stenbit received a Bachelor's and a Master's degree in Electrical Engineering from the California Institute of Technology. He is a member of Tau Beta Pi, the engineering honorary society.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
John Paul Stenbit; Nickname Pre 1970: Skip.

2. **Position to which nominated:**
ASD(C^3I).

3. **Date of nomination:**
July 12, 2001.

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

5. **Date and place of birth:**
June 1, 1940; Oakland, CA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Albertine (Heederik) Stenbit.

7. **Names and ages of children:**
Elisabeth Johnson, 33; Dr. Antine Stenbit, 31.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Palo Alto High School, Palo Alto, CA, 1954–57, Graduated 6/57.
California Institute of Technology, Pasadena, CA, 1957–62, BS, 6/61; MS, 6/62.
Techniscite Hoge School, Eindhoven, Netherlands, 1962–63, 1965–67, No Degree.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
TRW, Inc., Fairfax, VA, 1977–April 30, 2001; Exec/VP General Manager, Systems Integration Group, 1990–98; Exec/VP Telecommunications, 1998–99; Exec/VP Special Assignments, 1999–2001; Retired May 1, 2001.
AETC, Inc. La Jolla, CA, 1999–Present, Member of Board ofDirectors and Consultant.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Civil Servant in OSD, 1973–77.
Chair, Science & Technology Advisory Panel to DCI.
Chair, Research & Development Advisory Panel to FAA Administrator.
Defense Science Board.
National Research Council
Scientific Advisory Group, Director, Naval Intelligence.
Scientific Advisory Group, Director, Defense Communications Agency.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Member, Board of Directors, AETC, Inc.
Limited Partner, Vast Oaks Properties.
Active Partner, Wayfarers Investment Club.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Board of Directors, Arts Council of Fairfax County.
Member, National Academy of Engineering.
Member, Naval Studies Board.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
None.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.

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

Representative Tom Davis, $100.

TRW PAC, $150.

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

Fulbright Fellow.

Aerospace Corp. Fellow.

Member, National Academy of Engineering, TAU BETA PI.

Secretary of Defense Award for Outstanding Public Service.

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

None.

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

None.

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

Yes.

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

SIGNATURE AND DATE

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

JOHN PAUL STENBIT.

This 13th day of July, 2001.

[The nomination of John P. Stenbit was reported to the Senate by Chairman Levin on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

[Prepared questions submitted to Dr. Ronald M. Sega by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 27, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

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

Yours truly,

RONALD M. SEGA.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. If confirmed, I will fully support the intent of the reforms and advocate policies that will facilitate accomplishment of joint operations, streamline acquisition management and oversight, and enhance the Department's ability to respond to our 21st century national security challenges.

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

Answer. I think the Department has done a creditable job in implementing defense reforms. However, without periodic Department policy reviews, these reforms can lose their effectiveness and, if confirmed, I will conduct such a review in my area to ensure we are in keeping with today's environment.

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

Answer. I agree with Mr. Aldridge that the most important aspects of the Goldwater-Nichols Department of Defense Reorganization Act is strengthening civilian control; improving military advice; placing a clear responsibility on the combatant commanders for the accomplishment of their missions; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I agree with the goals.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate?

Answer. If confirmed as Director of Defense Research and Engineering (DDR&E), I will work with the Under Secretary of Defense (Acquisition, Technology and Logistics) and other senior DOD leaders to review the extent to which the reforms have been implemented and the extent to which they have achieved their stated goals. As Secretary Rumsfeld has noted, we would consult with Congress on any changes that might be appropriate.

Question. If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. It would be premature to offer any thoughts on the question at this time.

DUTIES

Question. What is your understanding of the duties and functions of the Director of Defense Research and Engineering?

Answer. If confirmed, I understand my duties and functions to include those stated in DOD 5134.3 issued on August 31, 1994, to be "the principal staff assistant and advisor to the Under Secretary of Defense for Acquisition and Technology (USD(AT&L)) for DOD scientific and technical matters, basic and applied research, and advanced technology development." I would report directly to the USD(AT&L), with the responsibilities like a chief technology officer for the Department to focus on developing capabilities for the warfighter. I would be working with the Director, Ballistic Missile Defense Office (BMDO) and the Assistant to the Secretary of Defense for Nuclear, Chemical, & Biological (ATSD(NCB)), who report to the USD(AT&L) as well as organizations outside of USD(AT&L), such as Assistant Secretary of Defense for Command, Control, Communication, and Intelligence (ASD(C^3I)), to provide support in matters related to technology. I also understand

that, if confirmed, the results of ongoing reviews may require adjustments in the DDR&E responsibilities.

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

Answer. If confirmed, I will bring a background and experience in research, technology and program management, military and civil air and space operations, and strategy planning from roles as a Professor, Laboratory Technical Director, Pilot, Dean of a College of Engineering and Applied Science, Astronaut and Military Officer to the position of the DDR&E. My background includes basic and applied research, and advanced technology development, working with the Army, Navy, Air Force, Defense Advanced Research Projects Agency (DARPA), Defense Nuclear Agency (DNA), and industry. Management and leadership experience is found in several organizations with activities spanning technical system integration to setting strategic goals. I have also been an operator of systems from line aircraft and spacecraft to experimental vehicles. Additional details of my experience with the University of Colorado, University of Houston, Frank J. Seiler Research Laboratory, NASA, U.S. Air Force and the U.S. Air Force Reserves are in the biography provided to the Senate Armed Services Committee.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Director of Defense Research and Engineering?

Answer. If confirmed, I need to review and refine the strategic direction of the Department's S&T plan to ensure the Department seeks innovative solutions. To do this, I would develop a strategic plan by first reviewing warfighter needs, and then assessing the capability of the Department's S&T plan to meet these needs. From there, I would have to align the technical programs to best meet the areas not being addressed. Finally, I would have to set priorities with clear goals and objectives to maximize the output of the S&T program. I plan to listen to subject matter experts, people in the field, warfighters, and consistently communicate with the Military Departments, Joint Staff, and Congress. Of course, quality people to carry out the mission are our most important asset and I will, if confirmed, work to sustain and hire good people to build a great team.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense will assign to you? Unlike some of your predecessors, do you expect to have regular meetings with the Secretary of Defense on issues such the level of S&T funding, missile defense technology, defense industrial base, and export controls?

Answer. In my meeting with Secretary Rumsfeld, it was clear that he supported a strong S&T program. If confirmed, I understand that I would normally accompany or represent the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), Mr. Pete Aldridge, in meetings with the Secretary on matters relating to technology.

Question. If confirmed, how will you work with the following:

The Under Secretaries of Defense

Answer. If confirmed, one of the Under Secretaries of Defense, Mr. Aldridge, would be my reporting official, and I would support him to the best of my ability. With respect to the three remaining Under Secretaries of Defense, I will work with Mr. Aldridge to gain their support for all S&T initiatives and policies.

Question. The Assistant Secretaries of Defense

Answer. If confirmed, I will work to gain their support for all S&T initiatives and policies Mr. Aldridge and I are seeking to implement through personal contact and routine staffing coordination.

Question. The Deputy Under Secretary of Defense for Science and Technology

Answer. If confirmed, the Deputy Under Secretary of Defense for Science and Technology will work for me and be my principal deputy.

Question. The Service and Agency officials responsible for science and technology funding and program management

Answer. If confirmed, I will work most closely with these high level DOD officials. I am aware of a formal group called the Defense Science and Technology Advisory Group (DSTAG) that meets regularly. If confirmed, I intend to continue to hold DSTAG meetings on a regular basis.

Question. The Intelligence Community

Answer. If confirmed, I intend to work closely with the Assistant Secretary of Defense for C^3I concerning the role the DOD S&T program can play in supporting the intelligence and space community, as well as to gain insight and leverage other intelligence agency technology development programs.

Question. The Joint Chiefs of Staff

Answer. The Joint Chiefs of Staff (JCS) represents the warfighting community, which is the customer of the Department's S&T program. If confirmed, I will foster

close formal and informal communication with the JCS to understand warfighter requirements and priorities. For example, if confirmed, I would work with the Deputy Director for Resources and Requirements, Joint Staff, (J–8) as a member of the Defense Science and Technology Advisory Group (DSTAG).

Question. The regional combatant CINCs

Answer. If confirmed, I will strive to understand the CINCs requirements both formally, through interface with the Joint Chiefs of Staff, and informally, through the CINCs S&T representatives.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Director of Defense Research and Engineering?

Answer. If confirmed, I see that there are many challenges and these challenges will run the full spectrum of my responsibilities. These challenges are consistent with challenges which drive the goals of the USD(AT&L). These USD(AT&L) goals are:

- Achieve Credibility and Efficiency in the Acquisition and Logistics Support Process;
- Revitalize the Quality and Morale of the Acquisition Workforce;
- Improve the Health of the Defense Industrial Base;
- Rationalize the Weapon Systems and Infrastructure With the New Defense Strategy; and
- Initiate High Leverage Technologies to Create the Weapon Systems and Strategies of the Future.

I believe that the challenges facing the DDR&E are largely the same. The first is to achieve credibility and efficiency of the technology development process, leading to efficient technology transition. The second is to retain and recruit high quality scientists and engineers. Third is continue to foster partnerships, both within and outside of government. Finally, consistent with Mr. Aldridge's fifth goal, the DDR&E will be firmly involved in developing high leverage technologies to create weapons systems of the future. To accomplish this last goal, if confirmed, I will need to address budget stability for DOD science and technology, and maintain DARPA at the leading edge of technology.

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

Answer. If confirmed, I intend to develop a plan to address the challenges by setting specific S&T related goals and objectives responding to each USD(AT&L) goals as briefly outlined in the previous answer.

Question. What do you consider to be the most serious problems in the performance of the functions of the Director of Defense Research and Engineering?

Answer. I consider people, budget, and technical direction to be the most serious problems to address in performing the functions of the DDR&E. Additionally, I believe it is very important to align the technology program with the strategic goals of this Department, the goals of the USD(AT&L), and if confirmed, I would intend to establish goals for DDR&E. The DDR&E challenges are largely the same as the USD(AT&L), so the goals should be very consistent.

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

Answer. Similar to my answer above, if confirmed, I would base a management action on objectives and metrics derived from the USD(AT&L) goals. These objectives would also reflect the Department's S&T challenges. If confirmed, I will begin working on these upon my assumption of duties. Without fully understanding the magnitude of the task, it is too early to set any time lines.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Director of Defense Research and Engineering?

Answer. If confirmed, the broad priorities areas I would establish as DDR&E are budget, workforce, technology transition and partnerships. To support an innovative, capabilities driven science and technology program, it is critical to have funding stability, and sufficient resources, to allow the Department to develop technologically superior weapons. Stability is especially important so researchers can work on problems over a period of time, instead of having to start and stop projects. Additionally, the Department needs to continue to emphasize recruiting and retaining a quality workforce to address the technology challenges confronting the Department of Defense. Along with budget and people, there is an added priority to ensure

technology is ready to be delivered to enhance operational capability of our military. Finally, if confirmed, I intend to strengthen our partnerships with other government agencies (NASA, Department of Energy, Department of Commerce, etc), industry, and universities, as well as with other nations. This is a priority because the DOD should leverage what is available, and then develop the technology to provide our military a superior capability. I believe that there already is an emphasis on each of these areas within the Department and it should be maintained.

INVESTMENT IN SCIENCE AND TECHNOLOGY

Question. Although the S&T budget has steadily increased over the past several years, it is at the lowest share of Total Obligation Authority (TOA) in nearly a decade.

Do you think that this level of funding is adequate given current Departmental priorities?

Answer. I believe that establishing the level of Department-wide S&T investment must be set in the overall context of Department priorities. It is my understanding that Secretary Rumsfeld has established a goal to increase the overall level of the investment to 3.0 percent of the overall DOD Total Obligation Authority. Mr. Aldridge has also publicly supported this goal. While the 3.0 percent figure is a goal, this priority must be carefully weighed against other Department needs for maintaining and equipping the force. If confirmed, I see my job as one that must continue to advocate the value of S&T investment to the Department as a whole, and to demonstrate the value of technology.

Question. Secretary Rumsfeld stated publicly in his June 28, 2001, testimony that the Department's investment goal for Science and Technology is 3 percent of the entire defense budget.

Is this an adequate and realistic goal for Science and Technology, and, if you agree, when do you foresee that this goal will be achieved?

Answer. I believe that the Secretary's goal is both adequate and realistic. Using the benchmark of high technology industry, the 3.0 percent figure seems to be about right to enable technology development. Mr. Aldridge has indicated that he supports the S&T investment getting to the 3.0 percent level as soon as possible, and wants to achieve this level as early as next year. I believe there is a real momentum within this administration to increase the priority of science and technology, and if confirmed, I will encourage it to continue.

Question. If confirmed, would you recommend that the services set a similar percent of the service budgets as a goal? If so, in what time frame would you recommend that this be achieved?

Answer. If confirmed, I would not recommend setting specific percentage investment goals for individual Services. The stated Department-wide goal of increasing Defense-wide investment to 3.0 percent of the DOD Total Obligation Authority is overarching, and includes the total investment of the Services and Agencies, such as the Defense Advanced Research Projects Agency (DARPA), the Defense Threat Reduction Agency (DTRA) and others. The actual allocations of this investment should be one that best responds to meeting desired capabilities that result from on-going studies such as the Quadrennial Defense Review.

Question. Are there any S&T areas that you feel are currently underfunded by the Department?

Answer. I don't know if there are specific S&T areas that are underfunded at present. If confirmed, one of my first tasks will be a detailed review of the S&T investment in specific areas to meet emerging threats and desired capabilities articulated in on-going studies. For instance, as mentioned previously, the on-going Quadrennial Defense Review should refine the capabilities the Department seeks to develop. Once these important studies are completed, the Department must review its current and planned S&T investment and determine which areas need more or less funding. The administration has articulated a goal of developing revolutionary or leap-ahead capabilities. The S&T program should respond to these desired capabilities. One of the key functions of the DDR&E is to work with the warfighters and present technology options for future capabilities. By iterating the technological possibility with the warfighters, I believe we will get a clearer definition of the adequacy of funding in specific areas.

Question. Will the funding levels in these areas affect our ability to meet the threats of the future?

Answer. As the Department refines the desired capabilities of the future, the level of S&T investment will affect how the Nation can meet future threats. There will be capabilities that can be developed more quickly, while other areas will require

more fundamental scientific discovery. However, in general, those areas that are most important to the defense of the Nation will get the highest investment priority.

Question. What are the weaknesses of the current Defense S&T strategic planning process? If confirmed, how would you work to ensure that these plans are utilized during the budget planning and programming process?

Answer. I believe the S&T strategic planning process needs to be linked with the planning processes of the Department. I am aware of The Joint Warfighting Science and Technology Plan, which is a document updated annually to describe how the Department S&T program will deliver near-term capabilities to the warfighter. The warfighter and technology communities within the Department cooperatively develop this plan. This seems to be an example of an effective near-term process. If confirmed, I will review the total planning process, and will emphasize near-term and strategic planning throughout the S&T community.

Question. Are you satisfied with the level of communication and coordination among the technical, policy and warfighting communities in the formulation of the S&T budget planning, prioritization, and management process?

Answer. It is too early to answer this question. Good communication and coordination is critical, and if confirmed, will be a high priority for me. This includes communication between the stakeholders in the Pentagon, as well as communication with other government agencies and Congress. Communication and coordination between the S&T and acquisition communities is also critical to enable effective technology transition. However, it is too early to answer the question regarding my satisfaction with the level of communication between stakeholders.

COORDINATION WITH S&T IN OTHER AGENCIES

Question. The Department of Defense currently executes approximately half of the total Federal science and technology portfolio. Its S&T budget is remaining relatively flat, while those of other agencies, namely the National Institutes of Health, are greatly increasing. Additionally, many scientific advances made in programs managed by civilian agencies are increasingly applicable to military needs.

Do you feel the mechanisms of coordination between Federal civilian agencies and DOD are adequate to ensure that the military can best leverage the advances of agencies such as NSF, NASA, and NIH?

Answer. Coordination between Federal agencies and DOD is extremely important, but I am unable at this time to assess whether the mechanisms are adequate. If confirmed, I will examine the existing mechanisms of coordination and recommend improvements, if warranted.

Question. Do you feel the mechanisms of coordination between Federal civilian agencies and DOD are adequate to ensure that we avoid duplication and overlap and that we get the best results with limited resources?

Answer. Coordination between Federal agencies and DOD is extremely important, but I am unable at this time to assess whether the mechanisms are adequate. If confirmed, I will examine the existing mechanisms of coordination and recommend improvements, if warranted.

Question. If not, and assuming you are confirmed, how will you work with other Federal agencies and the Office of Science and Technology Policy to improve this coordination?

Answer. N/A.

Question. With the increasing importance of the interdependency between the sciences what actions would you take, if confirmed, to ensure an appropriate balance among investments in the various scientific disciplines in order to achieve military objectives?

Answer. If confirmed, one of my initial priorities is to review and refine the S&T strategic plan to influence and balance investments in various scientific areas. Some specific actions that I would explore include greater encouragement of multidisciplinary teams attacking problems or exploring opportunities in basic and applied research. I would seek advice from the National Academies, the Defense Science Board, and other established groups to provide valuable input to the Department's scientific program.

DEFENSE LABORATORIES AND TEST FACILITIES

Question. Congress, the Defense Science Board, and other entities have expressed concern regarding the condition of defense laboratories and test facilities. Implementation of management and personnel reforms and the establishment of innovative cooperative technology development programs have been slow and limited.

What is your opinion of the condition and size of the defense laboratory system?

Answer. I am aware that the Department has conducted a number of internal studies regarding technical personnel and laboratory infrastructure, but I have not seen them. My work in the academic arena has given me first hand insight into the technical workforce problems we are facing as a Nation in government, industry and university communities. The situation in the Department of Defense was outlined on July 12 by Mr. Aldridge who stated before the HASC, "Another non-technical challenge and important priority is maintaining a strong S&T workforce. The number of scientists and engineers we have is down 15,300 from the 1990 level of 43,800. This workforce is also aging with the average age of the laboratory technology at about 45 years and a significant portion of the workforce able to retire in the next 3 years. There have been numerous studies to look at these and related issues, and new efforts are now underway to address." If confirmed, the defense laboratory system will be given high priority during my tenure. For example, a separate office for laboratory oversight would be an option under DDR&E.

Question. If confirmed, how will you work to ensure that the defense labs communicate and facilitate the needs of the acquisition and warfighting communities?

Answer. I believe that the defense-wide S&T planning and review process should be linked to the DOD strategic planning process involving the Commanders in Chief (CINCs), the Joint Staff, the Military Departments, and the S&T community. If confirmed, I intend to challenge my staff and the S&T executives to continually assess, update, and modernize our processes to achieve an active working environment with the acquisition and warfighting communities.

Question. If confirmed, what new regulatory reforms dealing with personnel will you propose to ensure that the finest technical talent is resident at these facilities?

Answer. If confirmed, I will assess the various personnel initiatives currently being worked in the Department and be open to innovative approaches. It is my understanding that the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the USD(AT&L) are in the process of implementing provisions previously approved by Congress. If confirmed, I will strive to ensure that options for hiring highly skilled scientific and technical staff remain a Departmental priority. I will also review existing legislative proposals, and recommend options for additional reforms as appropriate.

TECHNOLOGY TRANSITION

Question. A number of programs have been established to try to speed the transition of technologies and other innovations from science and technology programs into the hands of warfighters.

If confirmed, what new ideas will you propose to assist in technology transition efforts?

Answer. I believe enhancing technology transition is one of the more important functions of the DDR&E. If confirmed, I will continue to push for efficient technology transition to rapidly provide new capabilities for the warfighter. For example, as an Air Force Reserve officer, I was involved with the TENCAP (Tactical Exploitation of National Capabilities) program, designed to bring capabilities of national intelligence systems to operational warfighters. In this role, I saw first-hand the value of transitioning previously unavailable technologies to the warfighter. I understand that there are existing DOD programs, such as the Advanced Concept Technology Demonstration (ACTD) Program that can provide technology quickly to the warfighter for validation, thus streamlining acquisition. I also believe that the establishment of a current year source of funds could provide a mechanism to speed transition of rapidly maturing technology to system capabilities for warfighter use. If confirmed, I would support an approach of continual involvement of the technology, acquisition, and warfighting communities to give the Department a more efficient technology transition process.

Question. What is the role of the Office of Director of Defense Research and Engineering in facilitating communication between technical communities to speed technology transition?

Answer. If confirmed, I believe my role will be as an active participant in establishing strong communication among the Military Services, Defense Agencies, academia, industry, and other government agencies to share best practices and build new initiatives and metrics to ensure mature technologies are ready for insertion into weapon systems.

OTHER SCIENCE AND TECHNOLOGY ISSUES

Question. What is your assessment of the value of cooperative research and development programs with international partners?

Answer. I believe that cooperative R&D programs have the potential to be very valuable. These cooperative programs can reduce duplication and improve interoperability. At the same time we would need to ensure that our national security interests are protected and that these programs support competitiveness. If confirmed, I would support international programs meeting appropriate criteria.

Question. What are the obstacles to more effective international cooperation and, if confirmed, how would you address those obstacles?

Answer. While I understand the importance of effective international cooperation, this is an area I will, if confirmed, need to investigate further. Issues such as export control procedures and intellectual property rights are factors that will need to be understood and addressed.

Question. How will increased international technology cooperation affect our domestic defense industrial base?

Answer. I am not an expert in this area. From one perspective, international cooperation could assist our industrial base in the development of joint technical ventures and increase our suppliers' potential business base. If confirmed, I will explore this area with Government and industry leaders.

Question. What are the biggest challenges in R&D related to theater and national missile defense systems?

Answer. The lead for the development of near-term missile defense systems is the Ballistic Missile Defense Organization (BMDO). For the long-term program, I understand that R&D efforts would be coordinated throughout the S&T community to provide technology options for future system designs. If confirmed, I will encourage innovative technology approaches to enable future capabilities to include missile defense.

Question. If confirmed, what role do you expect to play in addressing these challenges?

Answer. DDR&E will play a support role to BMDO as required for the near-term missile defense programs. R&D challenges for the future missile defense systems include: discrimination, command and control, directed energy, propulsion, software, etc.

Question. If confirmed, how will you strengthen the ability of Service and Agency officials to oversee and adequately test these and other rapidly expanding and technically complex programs?

Answer. I will begin by saying that, if confirmed, under the current organization of USD(AT&L), neither formal operational or developmental test and evaluation are under the responsibility of the DDR&E. However, with any technology demonstration, continual design test and evaluation should be part of the technology development process. If confirmed, I will strive to ensure the science and technology community is responsive to the formal test and evaluation communities, and explore appropriate organizational placement of test and evaluation as part of the overall system development process.

Question. The domestic defense industrial base, particularly the industrial research and development base, continues to be an issue of concern.

What is your vision of the future of the private sector defense R&D enterprise?

Answer. I believe the Nation needs a strong private sector defense R&D enterprise. The past decade has seen major changes in the defense industrial base caused by downsizing and consolidation, and, at the same time, the Department of Defense has downsized. I believe the Department needs to continue to treat the defense industrial sector as a partner in delivering capabilities for the warfighter. If confirmed, I will review the current government-industry cooperative arrangements and explore potential innovative arrangements to provide optimum future capabilities.

Question. If confirmed, how will your work to ensure that the private sector technology and research base is adequate to meet our national needs for technical innovation and engineering expertise in militarily critical technologies?

Answer. I believe the issue of ensuring that the private sector technology and research base is adequate is a national level issue, and one that, if confirmed, will receive significant attention from my office. I also believe there is no simple solution to ensuring an adequate technology and research base. Sustained investment is important, and certainly industry operates to make a profit. If confirmed, I will strive to establish and maintain an information exchange with leaders of industry as one step toward addressing this enabler for future military capabilities.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

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

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Director of Defense Research and Engineering?

Answer. Yes.

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

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOSEPH I. LIEBERMAN

NATIONAL NANOTECHNOLOGY INITIATIVE

1. Senator LIEBERMAN. Dr. Sega, despite DOD's participation in an interagency working group and Subcommittee of the National Science and Technology Council as part of the planning process for the National Nanotechnology Initiative (NNI), I am concerned that the Department is not honoring its commitments to this initiative for fiscal year 2002. I am particularly concerned that, due to significant cuts in the University Research Initiative line in the OSD budget, DOD will not be able to fund the second year of multi-year awards from fiscal year 2001.

How do you plan to ensure DOD is able to honor both its multi-year awards and its fiscal year 2003 and beyond commitments to multi-agency research initiatives such as the National Nanotechnology Initiative?

Dr. SEGA. The DOD's fiscal year 2002 budget request and fiscal year 2003–2006 plans for the University Research Initiative include the funding needed for the multi-year awards begun in fiscal year 2001 under the National Nanotechnology Initiative (NNI). Although no commitments for specific NNI funding levels in fiscal year 2002 or later years have been made, it is my belief that the Department will continue to strongly support initiatives in research areas important to national defense, including nanoscience and nanotechnology.

2. Senator LIEBERMAN. Dr. Sega, what are your plans for future DOD participation in interagency coordination activities for the National Nanotechnology Initiative?

Dr. SEGA. DOD will continue to participate in the coordination activities for interagency initiatives in nanoscience and nanotechnology. Our current plans are to continue these activities and provide the support stated in the Memorandum of Understanding amongst the participating agencies, which established the National Nanotechnology Coordination Office.

S&T LEADERSHIP

3. Senator LIEBERMAN. Dr. Sega, particularly given the trends toward modernization and transformation, and the fact that emerging threats are driving us to consider new defenses, it is my opinion that we need very strong leadership in S&T both in the Services and in OSD.

How do you plan to ensure the voice of the S&T leadership is prevalent in the highest levels of DOD? Will you hold formal briefings to the Secretary or the Joint Chiefs on both S&T and T&E programs?

Dr. SEGA. I am the principal staff assistant and advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) for DOD scientific and technical matters, basic and applied research, and advanced technology development. I report directly to the USD(AT&L) and act as the Department's chief technology officer to focus efforts on developing improved capabilities for the warfighter. I will provide formal briefings to the Secretary or the Joint Chiefs of Staff, with the concurrence of the USD(AT&L), when requested or as advocacy for programs with the potential for high payoff. As stated in my Confirmation Hearing, Mr. Aldridge, the USD(AT&L), has told me I will either accompany or represent him in meetings with the Secretary that involve science and technology.

4. Senator LIEBERMAN. Dr. Sega, given the significant potential of Network Centric Warfare to exploit the power of information and information technology to achieve battlefield dominance, how do you plan to:

a. Carry out a joint experimentation program to develop new operational concepts which take full advantage of the advances in network-centric capabilities?

Dr. SEGA. As you may be aware, DOD has in place a number of activities that deal with experimentation of new ideas and joint matters. These include Joint Warfighting Experiments, joint test and evaluation to develop training tactics and procedures, advanced concept technology demonstrations (ACTDs), and so on. An example of these is the ACTD called Coalition Aerial Surveillance and Reconnaissance (CEASAR), which provides interoperability of ground moving target indicator assets of the U.S. and seven of our allies, and will be demonstrated via NATO military exercises. Another example is the Network-Centric Collaborative Targeting (NCCT) ACTD. NCCT includes numerous sensor types and is developing and applying network-centric techniques, collaborative concepts, and front-end processing to multi-Service intelligence, surveillance, and reconnaissance assets to provide target-quality information on time-critical targets. From the results of this and other similar demonstrations and experiments, the Department will gain residual capabilities and valuable experience that will help us move towards the overarching vision of Network-Centric Warfare. The Deputy Under Secretary of Defense (Advanced Systems and Concepts) reports to me. I will ensure the ACTD program supports the fulfillment of this vision.

4b. Senator LIEBERMAN. Ensure that OSD and the services place the requisite priority on development of the associated technologies?

Dr. SEGA. One of the initiatives I will undertake is to increase the emphasis on our defense technology base. I also plan to monitor the progress we make on our tech base activity via the various tools that will be available to me. One of these tools is the Department's science and technology (S&T) Reliance process, which includes the conduct of Technology Area Review and Assessments. These assessments involve panels composed of members from the DOD, academia, and industry. They are chartered to review various technology areas, such as information systems technology. Recommendations from these panels are presented to senior Defense officials, including the top Service S&T representatives. They in turn take appropriate action (i.e., enforce adjustments to investments) to ensure the Services and Agencies place the requisite priority on the development of associated technologies that support the concept of network-centric warfare. In addition to defense-unique technology, we need to leverage the commercial sector technology. The commercial sector offers great opportunities in information and communication technologies, which are in the heart of network-centric warfare. We can take advantage of these sectors to get better results faster and at less cost.

5. Senator LIEBERMAN. Dr. Sega, although DARPA has long been recognized as a major leader in developing revolutionary military technologies, there has been some concern lately that, due to the lack of an effective transition mechanism, many of these promising technologies are not fully leveraged in the services. How do you intend to address these concerns?

Dr. SEGA. The Department is making progress in the area of transitioning promising revolutionary technologies to the Services. DARPA has established a Memorandum of Agreement (MOA) with the Army to develop technology for Future Combat Systems. Another MOA has been established with the Air Force to develop technology for Unmanned Combat Air Vehicles. Each of the three Military Departments actually provide contracting services and technical oversight for a sizable portion of DARPA's S&T investment, and gain in-depth understanding of technology that is available for leveraging. The Department has also established a Technology Advisory Committee to recommend and advise on unique military technologies for "war winning" capabilities. An annual report will outline new opportunities for the DOD S&T program, including DARPA. The report will also track the number of technologies moving to higher technology readiness levels. Finally, the Under Secretary of Defense for Acquisition, Technology, and Logistics has instituted a process to track specific high priority metrics in areas of special interest. One of these metrics will actually track the number of technologies maturing and transitioning from DARPA to the Services.

DARPA

6. Senator LIEBERMAN. Dr. Sega, in a recent report evaluating DARPA's investment strategy, the Defense Science Board expressed concern that DARPA has shifted much of its portfolio from a focus on revolutionary technologies to a focus on short-term procurement. The DSB called on DARPA to modify their current investment strategy and refocus on mid- and longer-term programs, in an effort to build on their original strengths of funding the types of high-risk, high-payoff programs that have led to our current military technological dominance.

How do you intend to work with the DARPA Director to make sure the agency considers the DSB study recommendations in planning future investments?

Dr. SEGA. As the Director of Defense Research and Engineering, I am responsible for the overall direction, quality, and content of the DOD S&T program. The Director of DARPA reports directly to me. We are currently reviewing the integrated strategic planning and assessment process that supports the S&T program and DARPA is a major player in that process. Our strategic planning process seeks to achieve a balanced DOD S&T program investment that supports the development of advanced emerging operational concepts and systems in the evolutionary acquisition process, as well as investments in technologies and systems that can provide significant improvements in military capability. In the mid–1990s, DARPA was asked to help develop and adapt technologies to help address near-term military capability shortfalls that became apparent during the Gulf War especially in Command, Control, Communications and Computer; and Intelligence, Surveillance, and Reconnaissance. DARPA is increasing its focus on technologies that support the development of long-term, high-risk, and high-payoff military capabilities.

DOD LABORATORIES AND CIVILIAN PERSONNEL PROVISIONS

7. Senator LIEBERMAN. Dr. Sega, in the past several years, we have been particularly concerned about personnel and management issues in DARPA and the Service Laboratories. We have worked hard to provide legislative relief in the form of several innovative provisions aimed specifically at improving the ability to recruit and retain high-quality personnel. These provisions include both the Pilot Program for Revitalizing DOD Laboratories and Civilian Personnel Provisions (fiscal year 1999, Section 246; fiscal year 2000, Section 245), and a provision to expand the experimental civilian personnel program (fiscal year 2001, Sections 1113 and 1114).

How do you intend to implement these provisions and are there other ideas you have regarding strategies to revitalize the laboratories?

Dr. SEGA. Revitalization of the defense labs and their workforce is a priority discussion and action area for us. Section 246 pilot labs and centers have been designated and appropriate authorities granted to explore innovative ways of improving partnering and efficiency. Section 245 pilot labs and centers have been designated and on June 21, 2001 we issued instruction to the DOD Components initiating the Department's efforts to achieve "expedited hiring" authority and to begin the process of exploring innovative ways of improving the workforce and efficiency in the DOD. I feel these authorities will enable selected DOD laboratories and test and evaluation centers to develop a revitalized workforce with the appropriate mix of skills and experience and to effectively compete in hiring the finest scientific talent. Additionally, I will continue to work with the Department and the Services to find additional ways to expedite hiring for our Defense Laboratories.

I believe Section 1113 will help in the recruitment and appointment of eminent experts in science and engineering. DARPA is aggressively seeking new employees using the special hiring authority under Sections 1102 and 1113. On May 18, 2001, the Deputy Secretary of Defense delegated Section 1113 authority to the Under Secretary of Defense for Personnel and Readiness. In turn, the USD (P&R) re-delegated this authority to the Secretaries of the Military Departments on July 17, 2001. In order to maintain a corporate perspective, the re-delegation to the Service Secretaries contained a provision that requires them to develop a single allocation plan for 40 positions and present it to Director Defense Research & Engineering (DDR&E) for coordination. I will work with the Services to ensure we utilize this authority and I will maintain oversight of this program.

On April 26, 2001, the Secretary delegated authority for implementing Section 1114 to the Under Secretary of Defense for Personnel and Readiness with the coordination of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Department is examining potential initiatives and options that innovatively utilize the Section 1114 authority. As an example, we have instituted procedural changes to the processing of Federal Register announcements, which has already served to expedite personnel demonstration initiatives.

Throughout the implementation process of these legislated authorities, we will continue to work with Congress to identify additional areas which may support laboratory revitalization.

8. Senator LIEBERMAN. Dr. Sega, with cooperation from Congress, do you feel that you can make noteworthy progress toward revitalizing the labs through incremental improvements such as the ones previously mentioned, or do you foresee the need for a major reform of the civil service?

Dr. SEGA. As we go forward, I am confident that we will make progress in lab revitalization. I do not foresee, at present, a need for a major civil service reform to accomplish the revitalization. But, I will be attentive to this issue and will seek assistance if current Civil Service law becomes an insurmountable barrier to defense lab revitalization.

DOD'S HIGHEST PRIORITY RESEARCH AREAS

9. Senator LIEBERMAN. Dr. Sega, in the Fiscal Year 2000 National Defense Authorization Act, Section 241, Congress requested a report on Emerging Operational Concepts and Technological Objectives for Research and Development. I hoped this report would elucidate DOD's priorities and serve as a roadmap in establishing current research investment strategy.

Either reflecting the results of this report or from your own perspective, could you briefly summarize DOD's highest priority research areas?

Dr. SEGA. The Section 241 report on Emerging Operational Concepts was based on the framework of Joint Vision 2020; however, this administration has asked the Department to examine leap-ahead technologies in the context of the ongoing Quadrennial Defense Review (QDR). As part of the preparation for the QDR, the Office of the Deputy Under Secretary of Defense (Science & Technology) and the Science and Technology (S&T) Executives from the Services and the Defense Agencies developed a set of 12 S&T Strategic Initiatives this past spring. They are: Counters to Asymmetrical Threats; Time Critical, Standoff, and Concealed Target Defeat; Chembio Defense Modeling and Stand-Off Detection; Cruise and Ballistic Missile Defense; Military Operations in Urban Terrain; Network Centric Warfare; Fuller Dominance of Space; Unmanned Systems for Land, Air, Space, Sea, and Underwater; Nanoscience and Advanced Materials; Directed Energy; Advanced Power; and Human Dimension and Psychological Factors. Adjustment of these Strategic Initiatives and associated S&T investment in the highest priority areas may be made following the results of the Quadrennial Defense Review (QDR).

S&T FUNDING

10. Senator LIEBERMAN. Dr. Sega, I am concerned that, as a whole, DOD is not investing in S&T at a level which will allow our Nation to maintain technological superiority. A recent Defense Science Board study recommended, based upon trends in industrial research investment, that the Department of Defense should be investing at least 3 percent of its total budget in S&T. The S&T request for fiscal year 2002, at $8.8 billion, is both less than the request for fiscal year 2001, and less than that which would track the DSB recommendations ($10 billion).

How will you make the case for increased S&T funding, to meet or exceed these recommendations, in fiscal year 2003?

Dr. SEGA. It is the Department's objective to grow the S&T budget to be 3 percent of the total DOD top-line budget as soon as possible. However, we also need to ensure that the funding levels of the various components in the Department's total budget are balanced based on our assessment of the most urgent requirements at any given time. The fiscal year 2002 S&T request for $8.8 billion is a 17.3 percent increase over the fiscal year 2001 S&T request for $7.S billion, and moves the Department toward the 3 percent goal.

QUESTION SUBMITTED BY SENATOR JOHN WARNER

DEFENSE LABORATORIES

11. Senator WARNER. Dr. Sega, this committee continues to be concerned about the loss of scientific talent in our Nation's defense laboratories. As you are aware, the labs have experienced a tremendous drop in personnel over the past 10 years and the next 5 years we are faced with an additional 50 percent retirement eligibility.

How will you ensure that these national treasures are revitalized and can provide our military with the best scientific talent available?

Dr. SEGA. Revitalization of the defense labs and their workforce is a priority discussion and action area for both the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) and myself and we are paying close attention to this matter. There are a number of personnel initiatives currently being worked in the Department and I will ensure they remain a high priority within Director Defense Research & Engineering (DDR&E). Additionally, I will work very closely with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) in developing and initiating activities to take advantage of legislative authorities for hiring and retaining a highly skilled scientific and technical workforce. To help laboratory directors better compete for highly skilled scientific and technical personnel, DDR&E is working hand in hand with USD(P&R) to implement the provisions in Section 245 of the NDAA for Fiscal Year 2000 that gives the laboratory directors "expedited hiring authority". This initiative should provide additional flexibility to the defense laboratories' personnel system and make it easier for the laboratory directors to recruit highly qualified scientific and technical individuals in a timely manner. I will ensure this plan remains on track.

Another legislative authorization that will aid in the recruitment and appointment of eminent experts in science and engineering is Section 1113 of the NDAA for Fiscal Year 2001. This reform provides another means to enable the laboratory directors to attract technical talent. The Military Departments, in coordination with DDR&E, are currently planning implementation procedures to enable the laboratories to appoint up to 120 eminent experts in science and engineering to temporary employment positions without regard to existing civil service laws concerning appointment and compensation. I will work with the Services to ensure we utilize this authority and I will maintain oversight of this program.

The Department will work with the Office of Personal Management and the Office of Management and Budget to define additional authorities that would benefit the laboratory directors. This will be an ongoing process, and I am committed to working with Congress for the purpose of defense laboratory revitalization. Ultimately, DOD is only one of several Federal agencies, which will benefit from enhancing science, mathematics and engineering at the national level.

[The nomination reference of Dr. Ronald M. Sega follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 12, 2001.

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

Dr. Ronald M. Sega, of Colorado, to be Director of Defense Research and Engineering, vice Hans Mark, resigned.

[The biographical sketch of Dr. Ronald M. Sega, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. RONALD M. SEGA

Ronald M. Sega assumed his current position as Dean, College of Engineering and Applied Science, University of Colorado at Colorado Springs in 1996. He has had an extensive career in academia, research, and government service. Dr. Sega began his academic career as a faculty member in the Department of Physics at the U.S. Air Force Academy. As an Assistant Professor, he taught physics courses, designed and constructed a Microwave/Infrared Advance Laboratory, and conducted research in applied electromagnetic field theory. This led to his appointment as an Assistant Professor in the Department of Electrical and Computer Engineering at the University of Colorado at Colorado Springs in 1982. In addition to teaching and research activities, he also served as the Technical Director of the Laser and Aerospace Mechanics Directorate at the F.J. Seiler Research Laboratory at the U.S. Air Force Academy and at the University of Houston as the Assistant Director of Flight Programs and Program Manager for the Wake Shield Facility. Dr. Sega has authored

or co-authored over 100 technical publications and was promoted to Professor in 1990.

In 1990, Dr. Sega joined NASA, becoming an astronaut in July 1991. He served as a mission specialist on two Space Shuttle Flights, STS–60 in 1994, the first joint U.S./Russian Space Shuttle Mission and the first flight of the Wake Shield Facility, and STS–76 in 1996, the third docking mission to the Russian space station Mir where he was the Payload Commander. He was also the Co-Principal Investigator for the Wake Shield Facility and the Director of Operations for NASA activities at the Gagarin Cosmonaut Training Center in 1994–1995.

Dr. Sega is also an officer in the Air Force Reserve, recently promoted to the rank of Major General. A Command Pilot in the Air Force with over 4,000 hours, he has served as an Instructor Pilot and in various operational assignments. Since 1987 he has held many positions in the Air Force Reserves in support of planning and operational activities of the Air Force Space Command. Currently, he is assigned as the Mobilization Assistant to the Commander, Headquarters Air Force Space Command (AFSPC), Peterson Air Force Base, Colorado.

He graduated from the U.S. Air Force Academy in 1974 with a B.S. Degree in Math and Physics, from Ohio State University in 1975 with an M.S. Degree in Physics, and from the University of Colorado in 1982 with a Ph.D. in Electrical Engineering.

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

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

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

PART A—BIOGRAPHICAL INFORMATION

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

1. **Name:** (Include any former names used.)
Ronald Michael Sega.

2. **Position to which nominated:**
Director of Defense, Research and Engineering.

3. **Date of nomination:**
July 12, 2001.

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

5. **Date and place of birth:**
December 4, 1952; Cleveland, Ohio.

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

Married to Ann Elizabeth Flemke.

7. **Names and ages of children:**

N/A.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Nordonia High School, 1965–1970, Diploma (1970).

U.S. Air Force Academy, 1970–1974, Bachelor of Science in Math and Physics (1974).

Ohio State University, 1974–1975, Master of Science in Physics (1975).

Squadron Officers School, 1977–1979, Correspondence Program (1979).

University of Colorado, 1979–1982, Ph.D. in Electrical Engineering (1982).

Air Command and Staff College, 1982–1985, Seminar Program (1985).

Air War College, 1988–1991, Seminar Program (1991).

Harvard University, 1997, Management Institute.

Harvard University, John F. Kennedy School of Government, 2001, Executive Program in Global Security.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Civilian Positions Held:	
1996–Present	Dean, College of Engineering and Applied Science, University of Colorado at Colorado Springs (UCCS), Colorado Springs, CO 80933–7150.
1990–Present	Professor, Department of Electrical and Computer Engineering, University of Colorado at Colorado Springs (UCCS), Colorado Springs, CO 80933–7150.
1990–1996	Astronaut.
1994–1995	Director of Operations, Russia (Star City).
1990–1991	Astronaut Candidate, National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, Houston, TX 77058.
1990–1996	Adjunct Professor of Physics, University of Houston, Houston, TX 77004.
Military Assignments (Air Force Reserves):	
Oct 1989–Aug 1991	Individual Mobilization Augmentee to the Director, Force Enhancement, Headquarters, Air Force Space Command, Peterson Air Force Base, CO.
Aug 1991–July 1993	Individual Mobilization Augmentee to the Director of Space Applications, Headquarters, Air Force Space Command, Peterson Air Force Base, CO.
Jul 1993–Nov 1996	Individual Mobilization Augmentee to the Director of Plans, Headquarters, Air Force Space Command, Peterson Air Force Base, CO.
Nov 1996–Mar 1998	Mobilization Assistant to the Director of Operations, Headquarters, Air Force Space Command, Peterson Air Force Base, CO.
Mar 1998–Feb 2000	Mobilization Assistant to the Commander, Space Warfare Center, Schriever Air Force Base, CO.
Feb 2000–present	Mobilization Assistant to the Commander, Headquarters Air Force Space Command (AFSPC), Peterson Air Force Base, CO.

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

2000–present	Service Academy Review Board for Senator Ben Nighthorse Campbell.
2000	International Space Station Operations Architecture Study (Study for NASA through Computer Sciences Corporation).
1999–present	Senator Allard's Round Tables on Space/High Technology.
	Colorado Space Strategy Initiative—Oversight Committee.
1998–1999	Manufacturers Steering Group, Chamber of Commerce.
1996–present	NASA Commercialization Advisory Committee.
1997–present	NASA Space Station Utilization Advisory Committee.

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

1996–present	Dean, College of Engineering and Applied Science, University of Colorado at Colorado Springs.
2000–present	Board of Directors—INROADS Colorado.
	Trustee—Aerospace Education Foundation.
2000	International Space Station Operations Architecture Study, (Study for NASA through Computer Sciences Corporation).
1998–present	Board of Directors (Ex-Officio)—Greater Colorado Springs, Economic Development Corporation.
	Board of Directors—Colorado Springs Challenger Learning Center.

	Chair, Board of Directors—Pikes Peak Observatory.
	Board of Directors—Pikes Peak YMCA Southeast and Armed Services Y.

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

1996–present	Dean, College of Engineering and Applied Science,University of Colorado at Colorado Springs.
2000–present	Board of Directors—INROADS Colorado.
	Trustee—Aerospace Education Foundation.
1999–present	U.S. Air Force Academy Association of Graduates.
	Colorado Space Strategy Initiative—Oversight Committee.
1998–present	Board of Directors (Ex-Officio)—Greater Colorado Springs Economic Development Corporation.
	Board of Directors—Colorado Springs Challenger Learning Center.
	Chair, Board of Directors—Pikes Peak Observatory.
	Board of Directors—Pikes Peak YMCA Southeast and Armed Services Y.
1996–present	NASA Commercialization Advisory Committee.
1997–present	NASA Space Station Utilization Advisory Committee.
	Space Technology Hall of Fame Selection Committee.
1991–present	American Institute of Aeronautics and Astronautics (AIAA).
1979–1999	American Physical Society (APS).
1994–present	Association of Space Explorers (ASE).
1984–present	Eta Kappa Nu.
1980–present	Institute of Electrical and Electronics Engineers (IEEE).
1983–present	Reserve Officer Association.

13. **Political affiliations and activities:**

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

None.

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

None.

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

None.

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

Major Military Awards and Decorations:

Legion of Merit.
Defense Meritorious Service Medal.
Meritorious Service Medal with one oak leaf cluster.
Air Force Commendation Medal with one oak leaf cluster.
Air Force Achievement Medal.
Air Force Outstanding Unit Award.
Air Force Organizational Excellence Award with one oak leaf cluster.

Other Awards/Achievements:

Aerospace Education Foundation—Elected Trustee, 2000.
Educator of the Year 1998–1999, INROADS, Colorado.
Honorary Doctorate, Bridgewater State College, 1998.
NASA Outstanding Leadership Medal (Payload Commander, STS–76), 1997.
American Astronautical Society Flight Achievement Award, 1996.
NASA Acquisition Improvement Award (X–33), 1996.
NASA Space Flight Medal (STS–76), 1996.
Institute of Electrical and Electronics Engineers—Elected Senior Member, 1996.
Group Achievement Award (NASA—Crew Exchange Working Group with Russia), 1995.
Superior Achievement Award (NASA—Director of Operations, Russia), 1995.
Group Achievement Award (Microgravity Measurement Device Development Team), 1994.
NASA Space Flight Medal (STS–60), 1994.
Ohio Veterans Hall of Fame, 1994.
Honorary Doctorate—Clarkson University, 1993.
Fellow, Institute for the Advancement of Engineering, 1992.
Associate Fellow, American Institute of Aeronautics and Astronautics (AIAA), 1992.
Selected as an Astronaut, 1991.
Reserve Officer (IMA) of the Year—U.S. Air Force, 1988.

Reserve Officer (IMA) of the Year—Air Force Space Command, 1988.
Sustained Superior Service Award—Frank J. Seiler Research Laboratory, 1988.
Academic Hall of Fame—Nordonia High School, Macedonia, Ohio, 1988.
Outstanding Faculty Award—Department of Electrical Engineering, University of Colorado at Colorado Springs, 1985.
Air Force Research Fellow—Air Force Office of Scientific Research, 1985.
Regional Finalist—White House Fellowship, 1984.
Officer of the Year in the Physics Department, U.S. Air Force Academy, 1980.
Top Graduate of Pilot Instructor Training Course, 1976.
Distinguished Graduate, U.S. Air Force Academy, 1974.

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

Publications and Technical Reports

1. J.R. Clifford, R.M. Sega, G.D. Foos and A.A. Throckmorton, "SEM Examination of the Au-Al Intermetallic on IC lead Bonds," Scanning Electron Microscopy/1974, ITT Research Institute, Chicago, IL, 1977.

2. J.F. Morgan, R.M. Sega, R.J. Schraeder, H.R. Switer and S.L. Blatt, "^{3}He-and ^{4}He-Induced L-subshell Ionization of Gold: Coulomb Deflection Effects," Physical Review A, Volume 16, Number 5, November 1977.

3. D.J. Redman, R.M. Sega and R. Joseph, "Alpha Particle-Induced Soft Errors in Microelectronic Devices, Part One," Military Electronics/Countermeasures, March 1980.

4. D.J. Redman, R.M. Sega and R. Joseph, "Alpha Particle-Induced Soft Errors, Part Two," Military Electronics/Countermeasures, April 1980.

5. R.M. Sega and V.M. Martin, "Determination of Electromagnetic Wave Absorption and Reflection Through Thermography," The Infrared Observer, Number 2180, June 1980.

6. R.W. Burton, R.M. Sega and V.M. Martin, "Experimental Determination of Electromagnetic Pulse (EMP) Absorption on Complex Shapes," Proceedings of the Nuclear Electromagnetic Pulse Meeting (NEM 1980), Anaheim, CA, August 1980.

7. V.M. Martin, R.M. Sega, C.V. Stewart and R.W. Burton, "Application of Infrared Thermography in the Analysis of Induced Surface Currents due to Incident Electromagnetic (EM) Radiation on Complex Shapes," Infrared Systems, SPIE Volume 256, September 1980.

8. R.M. Sega and R.W. Burton, "Experimental Determination of Electromagnetic Energy Absorption on Complex Shapes," Proceedings of the National Radio Science Meeting (URSI), Boulder, CO, January 1981.

9. R.M. Sega and V.M. Martin, "Experimental Determination of Electromagnetic Energy Absorption on Complex Shapes; A Progress Report," Proceedings of the 1981 International Union of Radio Science (URSI), Los Angeles, CA, June 1981.

10. R.M. Sega, V.M. Martin, D.B. Warmuth and R.W. Burton, "An Infrared Application to the Detection of Induced Surface Currents," Modern Utilization of Infrared Technology VII, SPIE Volume 304, August 1981.

11. R.M. Sega and R.W. Burton, "Correlation of Known Surface Current Values With Measurements Utilizing Infrared Techniques," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1982.

12. R.M. Sega, C.V. Stewart and R.W. Burton, "Induced Surface Currents Obtained Through Infrared Techniques Correlated with Known Values for Simple Shapes," Proceedings of the IEEE Region 5 Conference, Colorado Springs, CO, May 1982.

13. R.M. Sega, V.M. Martin and R.W. Burton, "Microwave Induced Surface Current Measurement via Infrared Detection," 1982 IEEE International Symposium Digest - Antennas and Propagation, Albuquerque, NM, May 1982.

14 R.M. Sega, "Infrared Detection of Microwave Induced Surface Currents on Flat Plates," Technical Report RADC-TR-82-308, December 1982.

15. R.M. Sega and R.W. Burton, "Surface Current Analysis on Flat Plates," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1983.

16. V.M. Martin, R.M. Sega and S.K. Angell, "Fiber Optic Microwave Power Probe: A Preliminary Report," Fiber Optic and Laser Sensors, SPIE Volume 412, April 1983.

17. K.W. Harper, R.W. Burton, J.P. Jackson and R.M. Sega, "Infrared Detection of Electromagnetic Field Magnitudes at the Surface of Irradiated Dielectrics," 1983 IEEE International Symposium Digest - Antennas and Propagation, Houston, TX, May 1983.

18. J.P. Jackson, D.A. Kelley, R.M. Sega and R.W. Burton, "Determination of Microwave Induced Resonant Patterns in Symmetrical Targets by Infrared Detection of Joule Heating," Proceedings of the 1983 International Union of Radio Science (URSI) Meeting, Houston, TX, May 1983.

19. V.M. Martin, S.K. Angell and R.M. Sega, "A Fiber Optic Microwave Power Probe," 1983 International IEEE Symposium Digest - Antennas and Propagation, Houston, TX, May 1983.

20. R.M. Sega, M.H. Hellbusch, J.P. Jackson, R.W. Burton and V.M. Martin, "An Infrared Investigation of Surface Currents on Metal Plates," Proceedings of the 1983 International Union of Radio Science (URSI) Meeting, Houston, TX, May 1983.

21. R.M. Sega and G. J. Genello, "Infrared Thermography Techniques for EMI/EMC Measurements," Proceedings of Electromagnetic Compatibility '83, Arlington, VA, August 1983.

22. J.P. Jackson, R.W. Burton and R.M. Sega, "Thermal Patterns of Induced Surface Currents on Flat Plates," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1984.

23. M.T. Avalos and R.M. Sega, "Optimizing an Electromagnetic Field Sensor for Microwave Amplitude and Phase Detection via Fiber Optic Transmission Link," 1984 IEEE MTT-S International Microwave Symposium, San Francisco, CA, May 1984.

24. R.M. Sega, "Infrared Detection of Microwave Scattering and Diffraction," Proceedings of the National Radio Science Meeting, Boston, MA, June 1984.

25. S.K. Rogers, R.M. Sega and S.A. Woods, "Microwave Measurement for Wavefront Reconstruction via Infrared Detection," Thermosense, SPIE Volume 520, November 1984.

26. W.C. Diss and R.M. Sega, "Techniques for Measuring Microwave Interference Using Infrared Detection," Technical Report RADC, 1984.

27. R.M. Sega and C.A. Benkelman, "Measurement of Antenna Patterns at 94GHz Using Infrared Detection," Millimeter Wave Technology III, SPIE Volume 544, April 1985.

28. R.M. Sega, "Infrared Detection of Metallic Surface Currents," Final Technical Report, Rome Air Development Center, May 1985.

29. R.M. Sega and G.D. Wetlaufer, "Optimizing Thin Magnetic Material for the Thermographic Detection of Microwave Induced Surface Currents," 1985 North American Radio Science Meeting and International IEEE/AP-S Symposium, Vancouver, Canada, June 1985.

30. R.M. Sega and J.D. Norgard, "An Infrared Measurement Technique for the Assessment of Electromagnetic Coupling," Proceedings of the Nuclear and Space Radiation Effects Conference, Monterey, CA, July 1985.

31. R.M. Sega, "Chemical Laser Research on the Iodine Monofluoride (IF) System," Final Technical Report, Air Force Office of Scientific Research, September 1985.

32. R.M. Sega and J.D. Norgard, "An Infrared Measurement Technique for the Assessment of Electromagnetic Coupling," IEEE Transactions on Nuclear Science, Vol. 32, No. 6, December 1985.

33. R.M. Sega and J.D. Norgard, "Infrared Detection of Microwave Scattering from Cylindrical Structures," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1986.

34. D.W. Metzger, R.M. Sega, J.D. Norgard and P. Bussey, "Experimental and Theoretical Techniques for Determining Coupling Through Apertures in Cylinders," 1986 Nuclear Electromagnetic Pulse Meeting, Albuquerque, NM, May 1986.

35. J.D. Norgard and R.M. Sega, "Infrared Measurement of Scattering and Electromagnetic Penetrations Through Apertures," Nuclear and Space Radiation Effects Conference, Providence, RI, July 1986.

36. "Infrared Diagnostic for High Power Microwave Application," Technical Report, Defense Nuclear Agency, October 1986.

37. C.A. Benkelman, J.D. Norgard and R.M. Sega, "Infrared Measurements of Millimeter Wave Antenna Patterns," GACIAC/IIT Research Institute, Conference on Millimeter Wave/Microwave Measurements and Standards for Miniaturized Systems, Huntsville, AL, November 1986.

38. R.M. Sega, D. Fredal and J.D. Norgard, "An Infrared Diagnostic Technique for High Power Microwave Measurements," Conference on High Power Microwave Technology for Defense Applications, Albuquerque, NM, December 1986.

39. R.M. Sega and J.D. Norgard, "Infrared Measurement of Scattering and Electromagnetic Penetrations through Apertures," IEEE Transactions on Nuclear Science, Vol. NS-33, No. 6, December 1986.

40. J.D. Norgard and R.M. Sega, "Three-Dimensional Field Determination of Cavity Resonance and Internal Coupling," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1987.

41. V.M. Martin, R.M. Sega and R. Durham, "A Fiber Optic Microwave Power Probe," Optical Engineering, Volume 26, Number 2, February 1987.

42. J.D. Norgard and R.M. Sega, "Closed-Form Series-Expansions for the Quasi-Static Capacitance Matrix of an Insulated Shielded-Pair Transmission Line," Electromagnetic Compatibility 1987, Proceedings of the 7th International Zurich Symposium, Switzerland, March 1987.

43. D. Fredal, R.M. Sega, P. Bussey and J.D. Norgard, "Hardware and Software Advancement for Infrared Detection of Microwave Fields," Infrared Image Processing and Enhancement, Volume 781, May 1987.

44. J.D. Norgard and R.M. Sega, "Microwave Fields Determined from Thermal Patterns," Thermal Infrared Sensing for Diagnostic Control: Thermosense IX, SPIE Volume 780, May 1987.

45. R.M. Sega, D. Fredal, and J.D. Norgard, "Initial Feasibility Tests of and Infrared Diagnostics for High Power Microwave Applications," Proceedings of the 1987 SPIE Symposium, Orlando, FL, May 1987.

46. J.D. Norgard and R.M. Sega, "Measured Internal Coupled Electromagnetic Fields Related to Cavity and Aperture Resonance," Proceedings of the 1987 NSRE Conference, Snowmass, CO, July 1987.

47. R.M. Sega and J.D. Norgard, "Expansion of an Infrared Detection Technique Using Conductive Mesh in Microwave Shielding Applications," Infrared Technology XIII, SPIE Volume 819, August 1987.

48. J.D. Norgard and R.M. Sega, "Resonant Coupling Through a Slot to a Loaded Cylindrical Cavity, Part I: Preliminary Experimental Results," RADC Technical Report, October 1987.

49. R.M. Sega, "A Transient Electromagnetic Detection and Shielding Study," Technical Report to Universal Energy Systems (Air Force Office of Scientific Research), October 1987.

50. R.M. Sega, J.D. Norgard and G.J. Genello, "Measured Internal Coupled Electromagnetic Fields Related to Cavity and Aperture Resonance," IEEE Transactions on Nuclear Science, Vol. NS-34, No.6, December 1987.

51. D.W. Metzger, R.M. Sega and J.D. Norgard, "Numerical Calculation and Experimental Verification of Near Fields from Horns," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1988.

52. P.E. Bussey, J.D. Norgard and R.M. Sega, "Three-Dimensional Theoretical and Experimental Analysis of Internal Cylindrical Fields Coupled Through a Slot Aperture," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1988.

53. J.P. Jackson, E. Arthurs, L.A. Schwalbe, R.M. Sega, D. Windish, W.H. Long and E.A. Stappaerts, "Accelerated Aging of Cellulose by Laser Irradiation," Materials Research Society Symposium, Los Angeles, CA, March 1988.

54. R.M. Sega, J.D. Norgard and A.L. Sapp, "Infrared Images of Microwave Scattering from a Ferrite Coated Cylinder," Thermosense X, SPIE Volume 934, April 1988 (invited paper).

55. J. Randa, M. Kanda, D. Melquist, R.M. Sega and J.D. Norgard, "High Frequency Electric Field Probe Development," IEEE EMC Expo '88, Washington, D.C., May 1988 (invited paper).

56. R.M. Sega, J.D. Norgard and M.G. Harrison, "Infrared Comparisons of the Electromagnetic Scattering from Conducting and Dielectric Cylinders," Nuclear Electromagnetic Pulse Meeting, Menlo Park, CA, May 1988.

57. D.C. Fromme, R.M. Sega and J.D. Norgard, "Experimental Determination of Scattering from E-Pol and H-Pol Slotted Cylinders," IEEE AP-S/URSI Symposium, Syracuse, NY, June 1988.

58. J.D. Norgard and R.M. Sega, "Penetration of Electromagnetic Plane Waves through Elliptical Apertures in Finite Cylinders," Technical Report, Rome Air Development Center, September 1988.

59. J.P. Jackson, E. Arthurs, L.A. Schwalbe, R.M. Sega, D.F. Windish, W.H. Long and E.A. Stappaerts, "Infrared Laser Heating for Studies of Cellulose Degradation," Applied Optics, Volume 27, Number 18, September 1988.

60. R.M. Sega and J.D. Norgard, "Communication Systems Preliminary Study," Technical Report to the District Attorney, El Paso County, CO, October 1988.

61. R.M. Sega, R. Lawconnel, R. Motes, J. McNally and T. McNeil, "Laser Ablation Analysis of 1-2-3 Material," Science and Technology of Thin Film Superconductors, Plenum Press, New York, 1988.

62. D.C. Fromme, R.M. Sega and J.D. Norgard, "Coupled Electric Field Distributions of Long Axially Slit Cylinders," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1989.

63. J.D. Norgard and R.M. Sega, "Measured and Predicted Coupling of Electromagnetic Radiation into a Cylindrical Cavity through a Small Aperture," Electromagnetic Compatibility 1989, Proceedings of the 8th International Zurich Symposium, Switzerland, March 1989.

64. R.M. Sega, J.D. Norgard, D.C. Fromme and K.J. Ianacone, "Internal and External Electric Fields Visualization in the 2-5 and 8-14 micron Bands," Thermosense XXI, SPIE, Volume 1094, March 1989.

65. J.D. Norgard, R.M. Sega, D.C. Fromme, D.W. Metzger and K.J. Ianacone, "Electromagnetic Code Validation by the Infrared Measurement Method," 5th Annual Review of Progress in Applied Computational Electromagnetics, March 1989.

66. A.A. Bensaoula, T. Robin, J. Hughes, J.S. Liu, R. Sega, A. Ignatiev and A. Bensaoula, "Deposition of the High Temperature Superconductor BiSrCaCuO Thin Films," 8th Annual Symposium on Electronic Materials, Processing and Characterization, Richardson, TX, June 1989.

67. J.D. Norgard, R.M. Sega, K.J. Ianacone, M.G. Harrison, T. Pesta and M. Seifert, "Scattering Effects of Electric and Magnetic Field Probes," Proceedings of the 1989 NSRE Conference, Marco Island, FL, July 1989.

68. J.D. Norgard, D. Metzger, R.M. Sega, M. Pararas, T. Pesta and M. Seifert, "Electric and Magnetic Field Probes Measurement Accuracy," Proceedings of the Narrow Band (HPM) and Wideband RF Propagation/Phenomenology/Methodology Workshop, Livermore, CA, October 1989.

69. J.D. Norgard, R.M. Sega, K.J. Ianacone, M.G. Harrison, T. Pesta, and M. Seifert, "Scattering Effects of Electric and Magnetic Field Probes," IEEE Transactions on Nuclear Science, Vol. NS-36, No. 6, December 1989.

70. M. Smith, R.M. Sega, J.D. Norgard, "Infrared Detection of Electromagnetic Penetration through Narrow Slots in a Planar Conducting Surface," Proceedings of the National Radio Science Meeting, Boulder, CO, January 1990.

71. J.D. Norgard, J.R. Curry and R.M. Sega, "Three-Dimensional Cavity IEMP," Hardened Electronics and Radiation Technology Conference, Monterey, CA, February 1990.

72. J.D. Norgard, R.M. Sega, M.G. Harrison, T. Pesta, and M. Seifert, "Scattering Effects of Electric & Magnetic Field Probes," Proceedings of the HPM Symposium, Lawrence Livermore National Laboratory, CA, February 1990.

73. A. Ignatiev, R. Sega and H.D. Shih, "Thin Film Semiconductors and their Growth in the Ultra-Vacuum of Space," Space '90 Conference, Montreau, Switzerland, March 1990.

74. J.L. Wosik, T. Robin, M.F. Davis, J.C. Wolfe, K. Forster, S. Deshumukh, A. Bensaoula, R. Sega, D. Economu and A. Ignatiev, "Dependence of Millimeter-wave Surface Resistance on Deposition Parameters of Laser Ablated $YBa_2Cu_3O_{6+x}$," Proceedings of the 2nd Conference on the Science and Technology of Thin Film Superconductors, Denver, CO, April 1990.

75. R.M. Sega, J.D. Norgard and M.G. Harrison, "Determination of Electromagnetic Field Distributions using IR Focal Plane Arrays," Proceedings of the Nuclear Electromagnetics Conference, Albuquerque, NM, May 1990.

76. J.D. Norgard, D.W. Metzger, R.M. Sega, M. Seifert and T. Pesta, "HPM Field Sensors - Probe Measurement Accuracy," Proceedings of the 1990 HPM Technology Conference, West Point, NY, June 1990.

77. D.C. Fromme, R.M. Sega and J.D. Norgard, "Correlation of Infrared Measurement Results of Coupled Fields in Long Cylinders with a Dual Series Solution," Proceedings of the 1990 NSRE Conference, Reno, Nevada, July 1990.

78. J.D. Norgard and R.M. Sega, "B-Dot Probe Measurements," RADC-TR-90-289, November 1990.

79. J.D. Norgard, D.C. Fromme and R.M. Sega, "Correlation of Infrared Measurement Results of Coupled Fields in Long Cylinders with a Dual Series Solution," IEEE Transactions on Nuclear Science, Vol. NS-37, No. 6, December 1990.

80. A. Ignatiev, R. Sega and T. Bonner, "Space Vacuum Processing," 29th Aerospace Sciences Meeting, AIAA 91-0310, Reno, NV, January 1991.

81. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Infrared Focal Plane Arrays for Microwave/Millimeter Wave Electric Field Diagnostics," Proceedings of the High Power Electromagnetics Technology Symposium, Albuquerque, NM, May 1991.

82. R.M. Sega and A. Ignatiev, "A Space Ultra-Vacuum Experiment - Application to Material Processing," Proceedings of the AIAA/IKI Microgravity Science Symposium, Moscow, USSR, May 1991.

83. R.M. Sega, A. Ignatiev and T.F. Bonner, "The Wake Shield Facility as a Free-Flyer," Proceedings of the 16th Annual AIAA Technical Symposium, Houston, TX, June 1991.

84. R.M. Sega, "Advanced Data Acquisition, Processing and Transmission Center (ADAPT-C)," Technical Monograph, Air War College, Maxwell AFB, AL, June 1991.

85. C.R. Justiz and R.M. Sega, "A Fully Coupled Flow Simulation around Spacecraft in near Earth Orbit," Proceedings of the 21st Fluid Dynamics, Plasma Dynamics, and Lasers Conference, AIAA 91-1500, Honolulu, HI, June 1991.

86. J.D. Norgard, D.W. Metzger, R.M. Sega, J. Cleary and M. Seifert, "Infrared/ Microwave Correlation Measurements," Proceedings of the 1991 SPIE Symposium, San Diego, CA, July 1991.

87. D.W. Metzger, J.D. Norgard and R.M. Sega, "Near Field Patterns from Pyramidal Horn Antennas: Numerical Calculation and Experimental Verification," IEEE Transactions on Electromagnetic Compatibility, Volume 33, Number 3, August 1991.

88. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Infrared Focal Plane Arrays for Electric Field Diagnostics," Proceedings of the National Radio Science Winter Meeting (URSI), Boulder, CO, January 1992.

89. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Mutual Magnetic Coupling Effects in Multi-Transmission Line Codes," Proceedings of the HEART Conference, Sandia National Laboratories, Albuquerque, NM, February 1992.

90. R.M. Sega, "Considerations for Design of Telerobotic Space Systems - Application to a Hand Controller Study," AIAA Space Programs and Technologies Conference, AIAA 92-1448, Huntsville, AL, March 1992.

91. J.D. Norgard, R.M. Sega, M.G. Harrison, M. Seifert and J. Cleary, "Infrared Detection of Free-Field and Cavity Perturbations of Electromagnetic Probe Measurements," Thermosense XIV: Thermal Sensing and Imaging Diagnostics Applications, SPIE, Orlando, Fl, April 1992.

92. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Cross Sectional & Longitudinal Energy Distributions of Electromagnetic Fields Coupled through

Rectangular Apertures in Cylindrical Waveguide Cavities," Proceedings of the International Microwave Symposium, Albuquerque, NM, June 1992.

93. C.R. Justiz, R.M. Sega and C. Dalton, "A Hybrid Flow Model for Charged and Neutral Particles Around Spacecraft in Low Earth Orbit," AIAA 27th Thermophysics Conference, AIAA 92-2935, Nashville, TN, July 1992.

94. J.D. Norgard, D.W. Metzger, R.M. Sega, M.G. Harrison, R.J. Komar, H.H. Pohle, A. Schmelzel, M.D. Smith, J.J. Stupic, M. Seifert and J. Cleary, "Infrared Measurements of Electromagnetic Fields," Proceedings of the Eurotherm Seminar 27, Chatenay-Malabry, France, July 1992.

95. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Infrared Mapping of Transient Electromagnetic Fields Radiated by High Power Microwave Pulsed Sources," Proceedings of the 1992 Nuclear and Space Radiation Effects Conference (NSREC), New Orleans, LA, July 1992.

96. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Infrared Determination of Electromagnetic Fields Coupled through Longitudinal & Transverse Slot Apertures in Cylindrical Cavities," Proceedings of the 1992 Joint IEEE-APS, URSI & Nuclear EMP Symposia, Chicago, IL, July 1992.

97. J.D. Norgard, R.M. Sega and R.L. Musselman, "Frequency Independent Interferometry," Proceedings of the 1992 Joint IEEE-APS, URSI & Nuclear EMP Symposia, Chicago, IL, July 1992.

98. J.D. Norgard, R.M. Sega, M.G. Harrison and H.H. Pohle, "Infrared Mapping of Transient Electromagnetic Fields Radiated by High Power Microwave Pulsed Sources," IEEE/Transactions on Nuclear Science, Vol. NS-39, No.6, December 1992.

99. J.D. Norgard, D.W. Metzger, R.M. Sega and M.G. Harrison, "Infrared Measurements of Electromagnetic Fields," Journal of Societe Francaise Thermiciens, Editions Europeennes Thermique et Industrie, Revue Generale de Thermique, December 1992.

100. J.D. Norgard, R.M. Sega, A. Matini, M.G. Harrison, "Infrared Detection of Magnetic Fields," National Radio Science Meeting (URSI), Boulder, CO, January 1993.

101. C. Justiz, R. Sega, C. Dalton, A. Ignatiev, "Return Flux Contamination of an Outgassing Spacecraft in Low Earth Orbit," 31st Aerospace Sciences Meeting, AIAA 93-0725, Reno, NV, January 1993.

102. J.D. Norgard, R.M. Sega and M.G. Harrison, "Efficient Electromagnetic Test Technology using Infrared Imaging Methods," Proceedings of the Test Technology Symposium VI, Laurel, Maryland, March 1993.

103. J.D. Norgard, R.M. Sega and M.G. Harrison, "The Capacitance Matrix & Surface Charge Distributions of a Shielded Twisted Pair Cable Using a Quasi-Static Perturbational Method," Proceedings of the EMC/Zurich Symposium, Zurich, Switzerland, March 1993.

104. J.D. Norgard, R.M. Sega, A. Matini and M.G. Harrison, "Absorbing Screens for Infrared Detection of Surface Currents," Proceedings of the Thermosense XV International Conference, Orlando, FL, April 1993.

105. J.D. Norgard, R.M. Sega, E. Bacca, J.J. Sadler, W. Prather, "Infrared Measurements of Electromagnetic Fields in a Compact, Efficient Circular Waveguide Microwave Antenna using a Combined Mode Converter/Radiator," Proceedings of the APS/URSI Radio Science Meeting, Ann Arbor, MI, June 1993.

106. J.D. Norgard, R.M. Sega, J.J. Sadler and W. Prather, "Infrared Measurements of Electromagnetic Fields," Proceedings of the PIERS Symposium, Pasadena, CA, July 1993.

107. J.D. Norgard, J.J. Sadler, R.M. Sega, E. Baca and W. Prather, "Infrared Measurements of Electromagnetic Fields in Shaped-End Circular Waveguide Microwave Antennas," National Radio Science Meeting (URSI), Boulder, CO, January 1994.

108. J.D. Norgard, R.M. Sega, J.J. Sadler, "Infrared Measurements of Waveguide Modes and Radiation Patterns of Beveled-Cut Shaped-End Microwave Antennas," Proceedings of the Thermosense XVI International Conference, Orlando, FL, April 1994.

109. J.D. Norgard, J.J. Sadler, R.M. Sega and W. Prather, "Infrared Images of Scattered Electromagnetic Fields from Scale Model Aircraft," Proceedings of the EURO Electromagnetics/NEM/HPEM International Symposium, Bordeaux, France, May 1994.

110. J.D. Norgard, R.M. Sega, M. Seifert and T. Pesta, "Infrared Images of Electromagnetic Fields," Proceedings of the Dual-Use Technology Conference, Uthica, NY, May 1994.

111. C. Justiz, A. Ignatiev and R. Sega, "The Wake Shield Flight Experiment - Preliminary Results of Shuttle Flight One," 19th Rarefied Gas Dynamics Conference, Oxford, England, June 1994.

112. J.D. Norgard and R.M. Sega, "High Power Microwave (HPM) Antenna Design Using Infrared Imaging Techniques," Proceedings of the Quantitative Infrared Technology Symposium, Sorrento, Italy, June 1994.

113. C.R. Justiz, R.M. Sega and C. Dalton, "A Method for Near Field Computation of Coupled Weakly Ionized Plasma Flows in Low Earth Orbit," Journal of Computational Physics, 118, October 1994.

114. C.R. Justiz, R.M. Sega, C. Dalton and A. Ignatiev, "DSMC- and BGK-Based Calculations for Return Flux Contamination of an Outgassing Spacecraft," Journal of Thermophysics and Heat Transfer, Volume 8, Number 4, October-December 1994.

115. J.D. Norgard, R.M. Sega, M. Seifert and A. Pesta, "Measurements of Absolute Electromagnetic Field Magnitudes Using Infrared Thermograms," National Radio Science Meeting (URSI), Boulder, CO, January 1995.

116. M. Desai, R. Forrest, C. Horton, A. Ignatiev, M. Sterling, J. Strozier, C. Justiz, and R.M. Sega, "Vacuum and Flow Field Results from the Wake Shield Facility Flight Experiment," American Institute of Physics Conference Proceedings 325, Albuquerque, NM, January 1995.

117. R.M. Sega, J.D. Norgard and S.M. Hill, "Electromagnetic Interference in the Attitude Control System of the Wake Shield Facility - A Space Shuttle Experiment," Proceedings of the 11th International EMC/Zurich Symposium, Switzerland, March 1995.

118. J.D. Norgard, R.M. Sega, M. Seifert, A. Pesta and T. Blocher, "Code Validation of Aircraft Scattering Parameters Using IR Thermograms," ACES Conference, Monterey, CA, March 1995.

119. R.M. Sega, "Comparison of the U.S. and Russian Extravehicular Activity Suits as Evaluated in their Respective Underwater Training Facilities," Internal NASA Report, April 1995.

120. J.D. Norgard, R.M. Sega, M. Seifert and A. Pesta, "Absolute Calibration of IR Thermograms," SPIE/Thermosense XVII International Conference, Orlando, FL, April 1995.

121. R.M. Sega, "Operations in Star City, Russia - Supporting the Joint U.S./Russian Space Program," Internal NASA Report, May 1995.

122. A. Ignatiev, M. Sterling, T. Bonner, W. Creasy and R. Sega, "The Wake Shield Facility: A Space Platform for the Use of the Ultra-Vacuum of Space," AIAA 1995 Space Programs and Technologies Conference, Huntsville, AL, September 1995.

123. J.E. Will, J.D. Norgard, R.M. Sega, C.F. Stubenrauch, K. MacReynolds and M. Siefert, "Complex Antenna Pattern Measurements using Infrared Imaging and Microwave Holography," National Radio Science Meeting (URSI), Boulder, CO, January 1996.

124. A. Ignatiev, R. Sega, A. Bensaoula, S. Brock, N. Combs, A. Freundlich, C. Horton, S. Pei and M. Sterling, "III-V Compound Semiconductor Film Growth in Low Earth Orbit on the Wake Shield Facility," American Institute of Physics Conference Proceedings, Albuquerque, NM, January 1996.

125. J.E. Will, J.D. Norgard, R.M. Sega, C.F. Stubenrauch, K. MacReynolds, and M.F. Seifert, "Complex Antenna Pattern Measurements Using Infrared Imaging and Microwave Holography," URSI Winter Meeting (U of Colorado), Boulder, CO, January, 1996.

J.E. Will, J.D. Norgard, R.M. Sega, C.F. Stubenrauch, K. MacReynolds, and M.F. Seifert, "Phase Measurements of Electromagnetic Fields using Infrared Imaging Techniques and Microwave Holography," SPIE/Thermosense XVII International Conference, Orlando, FL, April, 1996.

127. J.E. Will, J.D. Norgard, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R. M. Sega, "Near- Field Phase Reconstruction Using Plane - to - Plane Iterative Fourier Processing and Infrared Thermograms of Electromagnetic Fields," AMEREM/HPEM/NEM Conference, Albuquerque, NM, May, 1996.

128. J.E, Will, J.D. Norgard, R.M. Sega, A. Pesta, J. Cleary, C.F. Stubenrauch, and Katie MacReynolds, "Near-Field to Far-Field Antenna Pattern Measurements Using Infrared Imaging and Microwave Holography Techniques," Dual-Use Technologies & Applications Conference, Syracuse University, Syracuse, NY, June 1996.

129. J.D. Norgard, J.E. Will, R.M. Sega, C.F. Stubenrauch, K. MacReynolds, and M. Seifert, "Complex Electromagnetic Magnitude and Phase Measurements using Infrared Imaging and Microwave Holography," PIERS Conference, Innsbruck, Austria, July, 1996.

J.D. Norgard, J.E. Will, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R.M. Sega, "Complex Near-Field Antenna Measurements Using Infrared (IR) Thermograms," ANTEM Conference, Montreal, Canada, August, 1996.

131. J.D. Norgard, J.E. Will, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R.M.Sega, "Infrared (IR) Imaging Techniques for the Measurement of the Magnitude of Complex Near-Field Antenna Patterns," QIRT Conference, Stuttgart, Germany, September, 1996.

132. J.D. Norgard, J.E. Will, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R.M. Sega, "Infrared (IR) Imaging Techniques for the Measurement of the Magnitude of Complex Near-Field Antenna Patterns," AMTA Conference, Seattle, WA, October, 1996.

133. C.L. Enlow, D.L. Cooke, W.A. Pakula, M.D. Violet, D.A. Hardy, C.B. Chaplin, R.K. Kirkwood, M.F. Tautz, N. Bonito, C. Roth, G. Courtney, V.A. Davis, M.J. Mandell,

D.E. Hastings, G.B. Shaw, G. Giffin, and R.M. Sega, "High-Voltage Interaction in Plasma Wakes: Results from the Charging Hazards and Wake Studies (CHAWS) Flight Experiments," Journal of Geophysical Research, Vol. 102,No. A1, Pages 425-433, January 1, 1997.

134. J.E. Will, J.D. Norgard, R.M. Sega, C.F. Stubenrauch, K. MacReynolds, and M.F. Seifert, "Phaseless Measurements of Antenna Near Fields from Infrared Images Using Holographic Phase Retrieval Techniques," SPIE/Thermosense XVII International Conference, Orlando, FL, April, 1997.

135. J.D. Norgard, J.E. Will, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R.M. Sega, "Infrared Imaging of the Magnitude of Complex Near-Field Antenna Patterns," MTT Symposium, Denver, CO, June, 1997.

136. J.E. Will, J.D. Norgard, C.F. Stubenrauch, K. MacReynolds, M.F. Seifert, and R.M. Sega, "Infrared Imaging of the Phase of Complex Near-Field Antenna Patterns," MTT Symposium, Denver, CO, June, 1997.

137. J. Cox, R. Sieck, W. Rice, C. Shelly, R. Sega, F. Kurtz, W. Whittington et al, "International Space Station Operations Architecture Study," Final Report to NASA, August 2000.

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

Speech/presentation topics have not addressed policy issues or systems trade studies, but rather have focused on such topics as my technical research, space flight experiences, importance of math and science education, and the need for a technical workforce. Speeches/presentations (over 100 in the last 5 years) are given extemporaneously or from notes (to my knowledge, transcripts have not been made).

Examples from the last 5 years:

— Commencement—Trinidad State Junior College (Trinidad, CO)
— Educational Speaking Tour through Europe (AF Bases)
— National Science Teachers Conference (Las Vegas, NV)
— University of Colorado Founders Night
— Commencement—Bridgewater State College
— South Bay Economic Development Council (Los Angeles, CA)
— Electronics Industries Association (Mexico)
— Bulgarian Air Force Academy (Bulgaria)
— Josef Stephan Institute (Slovenia)
— Commencement—Front Range Community College
— Nuclear and Space Radiation Effects Conference
— National Association of Newspaper Editors
— ROTC Dining Outs and Awards Ceremonies
— Commencement—Tohatchi High School (New Mexico)
— International Council of Systems Engineers
— Air Force Reserve Senior Leader Meeting
— Commencement—Widefield High School
— National Character and Leadership Symposium (AF Academy)
— Aurora Economic Development Quarterly Meeting
— Blue and Gold Banquet (Boy Scouts)
— Retired Officer Association

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

Yes.

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

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DR. RONALD M. SEGA.

This 13th day of July, 2001.

[The nomination of Dr. Ronald M. Sega was reported to the Senate by Senator Allard on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

[Prepared questions submitted to Michael L. Dominguez by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 25, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

MICHAEL L. DOMINGUEZ.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

What is your view of the extent to which these defense reforms have been implemented?

What do you consider to be the most important aspects of these defense reforms?

Answer. Yes, I support full implementation of Goldwater-Nichols. Considerable effort has been made to implement these reforms over the past 15 years, and the right mechanisms are in place and working. In my opinion, Goldwater-Nichols is probably one of the most significant pieces of legislation enacted in the second half of the 20th Century—greatly improving the organization of the Department of Defense and focusing our joint warfighting capabilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibilities on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions of the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Goldwater-Nichols has served the Department of Defense well since 1986; however, there are dynamics today different from 15 years ago that may warrant review of some provisions, such as the personnel assignment rules and how we select joint specialty officers. If confirmed, I would like to explore those issues, in

cooperation with Congress, to ensure we have sufficient flexibility in the management of our personnel resources in a joint environment.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. The principle duties of the Assistant Secretary are to support the tasks assigned by the Secretary of the Air Force. Based on my understanding, the duties will include providing guidance, direction, and oversight for Air Force manpower/personnel programs; medical readiness and health care; plus Reserve component affairs. I've been briefed that the Assistant Secretary also is responsible for programs to prohibit discrimination and oversight of the operation of the Secretary of the Air Force Personnel Council and its component boards—the Air Force Civilian Appellate Review Office and the Air Force Board for the Correction of Military Records.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I am humbled that the President would nominate me for this Assistant Secretary position, and, if confirmed, pledge my sincere efforts to uphold the duties with honor and integrity. There are several components of my background that I believe make me well suited for this position. First, I am a veteran who, as a graduate of the United States Military Academy at West Point, proudly served our Nation at home and abroad. Those experiences shaped my appreciation for the sacrifices made by our men and women who serve in uniform-both Active and the Reserve component. Second, I bring over 15 years experience as a civil servant—serving at various levels of responsibilities within the Office of the Secretary of Defense and the Department of the Navy. That has provided me an invaluable insight into the day-to-day workings of the Department, its civilian/military structure, and its relationship with Congress and other Federal agencies. Last, I bring a strong background in program analysis, the Planning, Programming, and Budgeting System, and business acumen that will provide me the basis to review and assess our various manpower and personnel issues.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. If confirmed, I look forward to learning more about the Air Force, its mission and its people, in order that I can best work the recruiting, retention, health, and quality of life issues impacting our Total Force

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. If confirmed, I look forward to being a part of Secretary Roche's management team, and I would expect him to assign me duties consistent with the position—providing guidance and oversight for the various Air Force manpower and Reserve component programs.

Question. In carrying out your duties, how will you work with the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Force Management Policy, the Assistant Secretary of Defense for Reserve Affairs, the Assistant Secretary of Defense for Health Affairs, the Chief of Staff of the Air Force, and the Chief of Air Force Reserve?

Answer. If confirmed, I plan to foster a close working relationship with my civilian counterparts in the Office of the Secretary of Defense and the other Services, plus with the Air Force Chief of Staff and the Chiefs of the Reserve components, in order to effectively oversee our "people" programs.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. From my perspective, the challenges of recruiting and retaining an all-volunteer force in a tight, competitive job market cannot be overstated. If confirmed, I will focus my attention on those two principle areas to ensure we maintain the right level of emphasis and resources. The Air Force must have competitive, flexible personnel programs to attract and retain the best and the brightest in service to their country. Also, I will continue the focus on the Air Force's quality of life programs, such as health care; workplace environment; and affordable housing.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. Air Force people—active military, Reserve, guard and civilian employees—are the key ingredient to our mission success. As such, I would consider the top challenges to be recruitment, retention, civilian force management, and preservation of quality military health care.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would plan to consult with the Secretary of the Air Force and other key leaders to immediately address these four priorities, establishing timelines and working toward comprehensive solutions. Also, I look forward to working with this committee and other members of Congress to ensure we have a supportable gameplan.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. Not having served in that position, I am not able to identify any shortcomings at this time.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. Not having served in that position, I am not prepared to identify those at this time.

OFFICER MANAGEMENT ISSUES

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values.

Do you believe the officer corps has confidence in the integrity of the officer promotion system in the Air Force?

Answer. I wholeheartedly agree that integrity, character, moral and ethical values are critical qualities for those serving in the Air Force's senior leadership positions. Although I have not been involved personally in the Air Force officer promotion process, my initial impression is that the system appears to be working well.

Question. If confirmed, what role do you, as Assistant Secretary of the Air Force (Manpower and Reserve Affairs), expect to play in the officer promotion system?

Answer. From my viewpoint, the integrity of the officer promotion system is a critical responsibility of the Assistant Secretary. If confirmed, I will have the opportunity to work with the Secretary of the Air Force to provide oversight of every aspect of the promotion process. My goal will be to continue the fair and equitable consideration of all officers, to ensure confidence and integrity in the system, and to ensure boards are conducted in accordance with applicable laws and Department of Defense directives.

Question. If confirmed, what role do you, as Assistant Secretary of the Air Force (Manpower and Reserve Affairs) expect to play in the general officer management and nomination process?

Answer. I will have no active role in the general officer nomination process, but will support the Secretary of the Air Force, as needed, on any general officer issue.

Question. If confirmed, what steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. I understand that there are ongoing activities in the Air Force to institute a comprehensive leadership development system focused on core competencies needed for future aerospace leaders. If confirmed, I will ensure that leadership development continues to be high priority for the Air Force.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the Armed Forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes, most definitely.

Question. If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If confirmed, I will work with the Secretary of the Air Force to ensure we continue to educate and communicate to the senior military leadership the provisions of this important section of the law.

OPERATING TEMPO

Question. The services have been very concerned in recent years about the impact of the pace of operations or "optempo" on the quality of life of our people in uniform and specifically on their willingness to reenlist.

If confirmed, what steps do you plan to take to address the Air Force optempo concerns?

Answer. Sustained TEMPO takes a toll on the personnel of any organization, and, if confirmed, I pledge my efforts to explore ideas that will help alleviate the burden on Air Force people. Having read about the new Aerospace Expeditionary Force (AEF), I am encouraged that the Air Force's senior leadership shares that same concern, as the AEF appears to provide greater predictability and stability for Air Force members.

RECRUITING AND RETENTION

Question. For its Active Duty forces, the Air Force achieved its recruiting goal for 2000 and projects that it will meet its fiscal year 2001 objective. However, it does not appear that the Air Force will meet its 2nd and 3rd term retention goals and will miss its required end strength by 4,100. When this shortage is combined with the Air Force request for an end strength increase of 1,800 for fiscal year 2002, the Air Force may have a significant recruiting challenge next year.

What steps will you take, if confirmed, to assist the Air Force in meeting its recruiting and retention goals?

Answer. If confirmed, I look forward to focusing attention on this difficult challenge. Specifically, I believe that improving retention goes a long way to resolving recruiting challenges. Since retention decisions are generally family decisions in today's military, I'd like to address issues that impact both the member and his or her family.

Question. What steps will you take, if confirmed, to assist the Reserve components in achieving their recruiting and retention goals?

Answer. If confirmed, I will support the Reserve components recruiting and retention initiatives, including seeking sufficient funding for various quality of life and advertising programs and working to ensure a reasonable parity of benefits.

HOMOSEXUAL CONDUCT POLICY

Question. Do you support the current Department of Defense Homosexual Conduct Policy?

Answer. Yes.

Question. If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. I am unaware of any need for change, however, if confirmed, I will work with DOD to ensure fair and equitable personnel policies for all members.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax to be the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA-approved vaccine.

If confirmed, will you support and enforce the Anthrax Vaccine Immunization Program if DOD reinstates it?

Answer. Biological warfare is a very real threat and I believe we need to provide the best protection available to the men and women serving our Nation. If confirmed, I will pursue all avenues of medical readiness for our troops.

Question. How do you believe the Air Force should respond to service members who refuse to take the vaccine when ordered to do so?

Answer. If confirmed, I will work with the Secretary of the Air Force to ensure our policies are consistent and that each case is handled fairly and on its merits.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlement. Many sailors and marines say they would like to stay in the Service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members might stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

If confirmed, will you give serious consideration to how the Air Force could use the transfer of unused GI Bill benefits to family members as a retention tool and provide your thoughts on how we best do this?

Answer. From my viewpoint, the significant contribution of the Montgomery GI Bill to the military, and to the Nation as a whole, cannot be overstated. I would be glad to consider the use of transferability and provide thoughts on the proposal to the committee, if confirmed.

Question. If confirmed, will you give serious consideration to how the Air Force could use the award of U.S. Savings Bonds as a flexible means to enable sailors and marines to save money for the education of themselves and their dependents?

Answer. If confirmed, I will be happy to consider how U.S. Savings Bonds may be used as a reenlistment incentive.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individual's life in the military, is structured and defined differently by each Service.

Do you believe the current DOD policy of allowing each of the Services to establish its own policy for gender integration in Basic Training is effective?

Answer. From my understanding, gender integrated training has worked well for the Air Force and has been in effect for the last 20 years. I believe that Service Secretaries must have the flexibility to determine the most effective training methods for their individual environment as they are held accountable for training, organizing and equipping their forces.

Question. If confirmed, will you propose changes to Air Force policies? If so, what changes will you propose?

Answer. I am unaware of the need for any changes.

CONCURRENT RECEIPT

Question. Military retirees with disabilities incurred during their military service are eligible to receive military retired pay from the Department of Defense and veterans' disability compensation from the Department of Veterans' Affairs. However, current law requires that military retired pay be reduced by the amount of the veterans' benefits.

If confirmed, would you support a change in the law to permit disabled military retirees to receive their full retired pay as well as their disability compensation?

Answer. Any such change in the law would obviously carry a significant monetary impact and I have not had the opportunity to examine this in detail. I appreciate the importance of this issue to our disabled military retirees, and, if confirmed, will look into the merits of this proposed change.

MANAGEMENT OF THE CONGRESSIONAL FELLOWSHIP PROGRAM

Question. For the past several years, the committee has expressed concern about the management of legislative fellows by the military departments and the Department of Defense.

If confirmed, will you review the Department's policies pertaining to the management of legislative fellows and provide the committee your assessment of which management reforms have been implemented and which require additional action?

Answer. If confirmed, I will review the Department's policies and provide the committee an assessment.

Question. What are your personal views on the value and current management of the legislative fellowship program within the Air Force?

Answer. I have not had the opportunity to evaluate the management of the program within the Air Force. However, I do believe that legislative fellowship programs are valuable to the individual from a career broadening perspective, and that they enhance the important relationship between the military and Congress.

Question. After completing their fellowships, are legislative fellows assigned to positions in which the experience and knowledge they gained during their fellowship are used effectively?

Answer. I have no knowledge of individual assignment actions that may have taken place in the past. However, I would expect the experience gained by these individuals from a legislative fellowship should enhance their professional development and pay dividends for years to come, wherever they are assigned.

Question. In your opinion, is it appropriate to bring a Reserve component member on Active Duty solely to participate in a legislative fellowship program?

Answer. Yes. The Reserve components are a critical part of the Total Force and they would benefit from the same exposure and experience.

MANAGEMENT OF DEPLOYMENT OF MEMBERS

Question. Increasing operational demands on military personnel resulted in enactment of Section 991 of Title 10, United States Code, and Section 435 of Title 37, United States Code. Those provisions require the Services to manage the deployments of members and, if operational necessity so dictates, to pay per diem compensation to members whose deployed periods exceed prescribed limits. Additionally, each Service Secretary is required to establish a system for tracking and recording the number of days that each member of the Armed Forces under the jurisdiction of the Secretary is deployed.

Do you support the statutory framework set forth in the sections cited above? If so, do you believe any modifications to the law are necessary?

Answer. I am not sufficiently familiar with the law to determine if modifications are necessary, but will look into the issue if confirmed.

Question. What is your understanding of the ability of the Air Force to comply with these statutes and implement the prescribed tracking and recording system?

Answer. It is my understanding that the Air Force is implementing a tracking and recording system that will comply with the full intent of the law.

ARMED FORCES RETIREMENT HOME

Question. The Soldiers' and Airmen's Home in Washington, DC, and the Naval Home in Gulfport, Mississippi, provide unique services to eligible military retirees but have experienced problems in funding and management.

Do you support an increase in the amount of money automatically deducted from the pay of Active Duty enlisted personnel as a means of better funding the retirement homes?

Answer. I support the unique services provided by the Armed Forces Retirement Homes to retired military personnel. However, I have no current knowledge of the funding requirements and cannot advise on the appropriateness of budget adjustments.

Question. If confirmed, what actions would you take to ensure the successful operation of the retirement homes?

Answer. The retirement homes are an important commitment to our retirees, and, if confirmed, I will actively work to ensure their successful operation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as Assistant Secretary of the Air Force (Manpower and Reserve Affairs)?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR JOHN WARNER

1. Senator WARNER. Mr. Dominguez, at a recent Personnel Subcommittee hearing, the subcommittee received testimony from enlisted recruiters. These recruiters indicated that gaining access to high school directories and students on an equal basis

with colleges and certain vendors (e.g., class ring salesmen) was difficult. Legislation was passed last year to respond to this problem. That legislation will become effective in July of next year.

What will you do to ensure that high school and local school boards are aware of the legal provisions aimed at ensuring equal access by recruiters?

Mr. DOMINGUEZ. Squadron Flight Chiefs, Superintendents, or Commanders of Air Force Recruiting Service will visit Air Force-responsible high schools (those of which we have ASVAB responsibility) that do not provide equal access to recruiters and inform them of the provisions of law. The initial meeting will be with the high school principal or vice principal. In fact, this is a common practice for the Air Force Recruiting Service. For the Air Force, 92 percent of schools already provide equal access.

In accordance with the provisions of the law, the Air Force Recruiting Service will schedule one-on-site visits between principals and Air Force colonels (O–6) beginning this summer for the remaining Air Force-responsible high schools that have not provided access.

[The nomination reference of Michael L. Dominguez follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 12, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Michael L. Dominguez, of Virginia, to be an Assistant Secretary of the Air Force, vice Ruby Butler DeMesme.

[The biographical sketch of Michael L. Dominguez, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MICHAEL L. DOMINGUEZ

Mr. Dominguez was born in Austin, Texas and, as an Air Force dependent, grew up at various U.S. Air Force bases around the world. He attended the United States Military Academy at West Point, New York and graduated in 1975 with a Bachelor of Science Degree. He was commissioned a Second Lieutenant, U.S. Army, and reported to Vicenza, Italy, where he served in a variety of assignments with the 1st Battalion, 509th Infantry (Airborne) and the Southern European Task Force.

After leaving the Army in 1980, Mr. Dominguez went into private business and attended Stanford University's Graduate School of Business where he earned a Masters Degree in Business Administration. In 1983 he joined the Office of the Secretary of Defense's Program Analysis and Evaluation (PA&E) organization as a program analyst in PA&E's Theater Assessments Division. He prepared analyses of management systems and processes which led the Deputy Secretary to adopt landmark changes in the DOD's Planning, Programming, and Budgeting System that preceded by 2 years many of the concepts and ideas embodied in the Goldwater-Nichols Defense Reorganization Act of 1986. He conducted cost-effectiveness analyses of alternative defense programs supporting the President's nation-building and counter-insurgency efforts in Central and South America. He also conducted cost-effectiveness analyses of DOD's force projection programs and programs designed to achieve DOD's military objectives in the Middle East and Southwest Asia. From 1988 to 1991 Mr. Dominguez served as the Executive Assistant to the Assistant Secretary for Program Analysis and Evaluation and was responsible for the smooth and efficient operation of the Assistant Secretary's office. He also attended Harvard University's resident program for Senior Officials in National Security.

Mr. Dominguez entered the Senior Executive Service in 1991 as PA&E's Director for Planning and Analytical Support. In this position, Mr. Dominguez oversaw the production of the DOD's long range planning forecast (the Defense Program Projection), exercised program oversight of DOD's $12 billion in annual information technology investments, and directed the modernization of PA&E's own computing, communications, and modeling infrastructure. He joined the staff of the Chief of Naval Operations in 1994 where he served as the Associate Director for Programming, and assisted in development of the Navy's multi-year program and annual budgets. He

advised the Chief of Naval Operations on the selection of programs and program funding levels for incorporation into the Navy's funding plans.

In 1997, Mr. Dominguez left the Federal Government to join a small technology services organization and in 1999 he become a Research Project Director at the Center for Naval Analyses where he organized and directed analyses of complex public policy and programs issues. In January 2001 he rejoined the staff of the Chief of Naval Operations as the Assistant Director, Space, Information Warfare, Command and Control Directorate, OPNAV (N^6B).

Personal awards include the Army Commendation Medal, the Defense Meritorious Civilian Service Medal on two occasions and the Defense Civilian Service Award. In 1998 Mr. Dominguez was designated a Meritorious Executive, a Senior Executive Service Presidential Rank Award.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Michael L. Dominguez in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Michael Luis Dominguez.

2. **Position to which nominated:**
Assistant Secretary of the Air Force (Manpower and Reserve Affairs).

3. **Date of nomination:**
July 12, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 4, 1953; Austin, TX.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Sheila J. MacNamee.

7. **Names and ages of children:**
Michelle C. Dominguez, age 19; Michael C. Dominguez, age 17.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

U.S. Military Academy, West Point, NY; 7/71 to 6/75; BS; 6/75. Graduate School of Business, Stanford University, CA; 8/81 to 6/83; MBA; 6/83. J.F.K. School of Government, Harvard University, MA; 4/89 to 5/90; Certificate of Completion; 5/90.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

01/01 to Present, Assistant Director, Space, Information Warfare, Command and Control; Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350;

9/99 to 01/01, Project Director; Center for Naval Analyses, 4825 Mark Center Drive, Alexandria, VA 22311;

4/97 to 9/99, General Manager, Tech 2000 Inc., 520 Herndon Parkway #200, Herndon, VA 20170;

10/94 to 4/97, Associate Director, Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350;

10/91 to 10/94, Director, Planning and Analytical Support, Office of the Director, PA&E, 2000 Defense Pentagon, Washington, DC 20350;

11/88 to 10/91, Executive Assistant, Office of the Director, PA&E, 2000 Navy Pentagon, Washington, DC 20350.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Assistant Scoutmaster, Boy Scouts of America;

West Point Alumni Association;

Stanford Business School Alumni Association.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

U.S. Army Commendation Medal, June 1980;

Defense Meritorious Civilian Service Award, August 1988;

Defense Civilian Service Award, January 1993;

Defense Meritorious Civilian Service Medal, September 1994;

Department of the Navy Superior Civilian Service Award, April 1997;

Senior Executive Service Presidential Rank Award (Meritorious Executive), January 1998.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MICHAEL L. DOMINGUEZ.

This 13th day of July, 2001.

[The nomination of Michael L. Dominguez was reported to the Senate by Chairman Levin on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

[Prepared questions submitted to Paul Michael Parker by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 20, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

PAUL MICHAEL PARKER.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support full implementation of these reforms. I believe that the objectives of the Goldwater-Nichols Act most directly relevant to the mission of the Assistant Secretary of the Army (Civil Works) are as important today as when the act was passed. They provide for more efficient and effective use of defense resources and they improve the management and administration of the Department of Defense (including the Department of the Army).

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. It is my understanding that the Army has fully implemented the Goldwater-Nichols reforms.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The important goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Question. Do you agree with these goals?

Answer. Yes, I agree with the goals of Goldwater-Nichols.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I have not yet had an opportunity to consider whether changes to Goldwater-Nichols may be warranted.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Civil Works?

Answer. The duties and functions of the Assistant Secretary of the Army for Civil Works are specified in Section 3016 of Title 10 of the United States Code and Department of the Army General Orders No. 1, dated January 12, 2001. Section 3016 of Title 10 states that the Assistant Secretary of the Army (Civil Works) "shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes." General Order No. 1 further specifies that this includes:

- developing, defending, and directing the execution of the Army Civil Works policy, legislative, and financial programs and budget;
- developing policy and guidance for and administering the Department of the Army regulatory program to protect, restore, and maintain the waters of the United States in the interest of the environment, navigation, and national defense;
- developing policy guidance and conducting oversight for the U.S. Army Corps of Engineers activities in support of other Federal and non-Federal entities, except those activities that are exclusively in support of the United States military forces;
- in coordination with the Deputy Under Secretary of the Army (International Affairs), developing policy for and directing the foreign activities of the U.S. Army Corps of Engineers, except those foreign activities that are exclusively in support of United States military forces overseas; and
- overseeing the program and budget of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have always believed that progress is achieved and problems are solved by collaborative efforts of many talented and dedicated people. In bringing this fundamental philosophy to the position of Assistant Secretary of the Army (Civil Works), I would establish a professional environment in which communication and cooperation are the watchwords.

In the 10 years during which I had the honor of representing the Fourth District of Mississippi in the United States House of Representatives, I applied my commitment to finding practical, realistic solutions to problems and issues of importance to my constituents. This common-sense approach to issues also stood me in good stead in my role as a member of several House Committees dealing with very difficult issues of national significance. I have served on five different House Committees whose responsibilities span the range of issues I can be expected to face as Assistant Secretary: Budget Committee, Appropriations Committee, Transportation and Infrastructure Committee; Education and Workforce Committee; and Veterans' Affairs Committee. I served on both Energy and Water Development and Military Construction Appropriations Subcommittees, so I know both the Civil Works and military programs aspects of the Corps of Engineers role in the Army.

One of the principal skills I have developed over my career in the public sector is the ability to work effectively with government and industry leaders, non-governmental organizations, Members of both parties in Congress, and with officials in the Executive Branch.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Civil Works?

Answer. Yes, I intend to take several actions to enhance my expertise as Assistant Secretary of the Army (Civil Works). If confirmed, I will travel to each Corps of Engineers division to see first-hand many of the infrastructure development and environmental restoration projects. My goal is to gain a fuller understanding of the issues that surround the planning, design, construction, operation and maintenance of these projects. I also intend to reach out to Members of Congress, the other Fed-

eral agencies, state and local interests, study and project sponsors, and other stakeholders to gain a deeper appreciation of their perspectives in areas of mutual concern. If confirmed, I also will develop a closer working relationship with other offices within the Department of the Army and the Department of Defense in order to make better use of resources and advance the interests of the Civil Works program.

I also will work closely with the Chief of Engineers and the Director of Civil Works to ensure that I am fully informed and prepared to address the important issues I would oversee as Assistant Secretary of the Army (Civil Works). I look forward to the challenge and experience this position affords if confirmed.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If confirmed, I expect to be asked to carry out the duties and functions of the Assistant Secretary of the Army (Civil Works) as articulated in General Orders Number 1, dated January 12, 2001.

RELATIONSHIPS

Question. In carrying out your duties, how will you work with the Secretary of the Army?

Answer. If confirmed, I expect to work closely with the Secretary of the Army in furthering the goals and priorities of the President. However, consistent with the General Orders, I expect the Secretary to rely on me to oversee the Civil Works program of the Army Corps of Engineers and the programs of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery.

Question. How will you work with the Deputy Under Secretary of Defense (Installations and Environment)?

Answer. If confirmed, I will work to form a close and constructive relationship with the Deputy Under Secretary of Defense (Installations and Environment) in areas of shared responsibility.

Question. How will you work with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness)?

Answer. If confirmed, I will work to form a close and constructive relationship with the Deputy Under Secretary of Defense (Logistics, Materiel Readiness) in areas of shared responsibility.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Civil Works?

Answer. Communities across the country rely on Army Corps of Engineers water resources projects to reduce flood damages, to enable efficient competition in world trade, to provide needed water and power, and to protect and restore our rich environmental resources. The Civil Works program provides a sound investment in the Nation's security, economic future, and environmental stability. I believe the greatest continuing water resources challenge is to find sustainable ways to strengthen the Nation's economy, while protecting and restoring unique water and related land resources for the benefit of future generations.

I feel that two other challenges the Corps faces are the need to maintain its existing infrastructure and to repair damages to the natural environment. I believe that an efficient water transportation system is critical if we are to remain competitive in international trade. Our system of ports and inland waterways must enable us to efficiently transport goods in an environmentally acceptable manner. Flooding also continues to threaten communities. We must use the Corps limited resources not only to respond to natural disasters when floods and hurricanes occur, but also to work more creatively with nature to prevent or reduce flood damages. Flood damages are a growing drain on the Nation's economy, and we must find ways to reduce them.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. I believe that we must all work together to define the appropriate role for the Corps of Engineers in addressing these problems. The challenges the Corps faces are complex, and there are many difficult decisions to make. It is of paramount importance that we bring all interests to the table and that all have a voice in the development of solutions to our Nation's problems. The Corps must engage in an open and cooperative dialogue with Congress, other Federal agencies, States, Tribes and local governments on the many important challenges that the Army Corps of Engineers faces.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Civil Works?

Answer. The Assistant Secretary of the Army for Civil Works has wide-ranging responsibilities arising from the varied purposes of the Civil Works Program. I believe that the Assistant Secretary must set clear policy and direction so the Corps can effectively execute its important Civil Works mission.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I have not yet developed a specific plan. If confirmed, one of my first priorities will be to meet with the Chief of Engineers and others in the administration and Congress to seek their input and to develop a plan for how the Corps can best meet the Nation's water resources needs.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues that must be addressed by the Assistant Secretary of the Army for Civil Works?

Answer. If confirmed as Assistant Secretary of the Army for Civil Works I would work to improve the management and administration of the Army Civil Works Program and the Army's national cemetery program and would seek ways to more efficiently use Army's resources in the development and execution of these programs.

ARMY CORPS OF ENGINEERS

Question. The Army Corps of Engineers does not currently have a system in place to ensure the independent peer review—by experts from outside the agency—of studies supporting major projects before such projects are approved.

Do you believe that it would be appropriate to institute such an independent peer review program? Why or why not?

Answer. I believe that an independent peer review would have value. However, we must find a way to do this so it does not needlessly increase the cost of projects or delay decisions. Any independent peer review program should complement both the existing technical and policy reviews conducted by the Corps and the reviews conducted by the stakeholders, the public and other agencies. Moreover, we must find a way to accomplish the review when it is most effective, that is, as an integral part of the Corps planning process.

Question. In recent years, the senior military leadership of the Army Corps of Engineers is alleged to have placed pressure on Corps economists to change economic assumptions during a study of navigation projects on the Mississippi and Illinois Rivers. The Office of Special Counsel found "substantial likelihood" that senior Corps officials violated regulations and engaged in a "gross waste of funds" in connection with these projects.

What is your view of these allegations?

Answer. I have no personal knowledge of the facts surrounding these allegations; however, it is my understanding that all matters relating to these allegations have been resolved. The Chief of Engineers is considering changes in the management and scope of the navigation study in response to the Army Inspector General report and the study conducted by the National Research Council.

Question. What is your view of the degree of independence that should be provided to the economists charged with assessing the economic viability of Corps projects and the role of the senior civilian and military leadership of the Corps in reviewing the work of those economists?

Answer. I believe the technical and policy reviews conducted by the Corps of Engineers are an effective way to manage feasibility studies. The process ensures that the many engineers, economists, biologists and other professionals who are involved in those studies are afforded an appropriate level of independence.

Question. In testimony earlier this year by Lieutenant General Flowers before congressional committees, he indicated that if the Army Inspector General had had the benefit of the National Academy of Sciences' review of the Corps' Upper Mississippi Navigation Study and whistleblower allegations, the Inspector General would have taken an entirely different view of the proceedings.

Do you agree with Lieutenant General Flowers' opinion? Please explain your answer.

Answer. It is my understanding that the Army Inspector General and the National Research Council were evaluating different aspects of the conduct of the Upper Mississippi River Navigation Study. I am not in a position to speculate on whether the Inspector General would have reached different conclusions because of the National Academy of Sciences' review.

Question. The National Academy of Sciences' report found that the Army Corps of Engineers used faulty models to forecast future demand for barge traffic and to estimate benefits. The Academy determined that predictions of future grain exports

were overestimated and did not provide a way to account for key factors such as policy changes and weather that affect global markets. The report urged consideration of the less expensive option of improved scheduling of barges and recommended that future studies by the Army Corps of Engineers be subject to review by outside experts.

Do you believe that the criticism of the Army Corps of Engineers in the National Academy of Sciences' report is valid?

Answer. The National Academy of Sciences/National Research Council recognized the challenges the Corps faced in developing the projections and models used in the study. They complimented the Corps for attempting to advance forecast modeling. I believe that the Council provided extremely valuable and constructive criticism of the Corps efforts. I understand the Corps is responding by making changes to the study.

Question. What is your view of the recommendations of the National Academy of Sciences' report?

Answer. I support recommendations of the National Academy of Sciences/National Research Council report.

Question. A February 24, 2000, article in the *Washington Post* reported that the senior military leadership of the Corps developed a "Program Growth Initiative" providing financial targets for each of the agency's activities and divisions, without consulting the civilian leadership of the Department.

What is your view of this initiative?

Answer. In light of the current Civil Works construction backlog, reported to be $40 billion to complete, it is my feeling that the Corps has no need to grow its program. However, I do believe that there should be honest debates about what activities the Corps should be involved in and their priority.

Question. What is your view of the role of the civilian and military leadership of the Army Corps of Engineers in developing goals for Corps programs and presenting these goals to the legislative branch?

Answer. If confirmed, it is my intent to provide the civilian leadership needed to enable the Corps to be an even more valuable asset to the Nation. Representing the administration, I will work with Congress to set the proper direction for the Corps.

Question. On March 30, 2000, Secretary Caldera announced a series of reforms to strengthen civilian oversight and control over the Army Corps of Engineers civil works program. The Secretary's memorandum stated: "The [Assistant Secretary] shall have full authority to establish the final position of the Department of the Army on any policy, programmatic, legislative, budgetary, or other organizational matter involving or affecting the civil works functions and their implementation, unless directed otherwise by me."

What is your view of this memorandum?

Answer. It is my understanding that the Assistant Secretary of the Army for Civil Works is responsible for the overall supervision of the Army's Civil Works program, including programs for conservation and development of the national water resources, flood control, navigation, and shore protection. The complex issues that arise in this area demand a close, professional relationship between the Assistant Secretary and the Chief of Engineers, based on mutual respect, trust, cooperation and full communication. If confirmed, I am committed to establishing and maintaining such a relationship with the Chief, in order to respond effectively to the President's priorities and the policy directives of Congress.

Question. In a press conference in April of this year, Deputy Assistant Secretary of the Army for Management and Budget, Claudia L. Tornblom, indicated that the Army is considering options for strengthening the ability of the Office of the Assistant Secretary for Civil Works to ensure policy oversight of project planning.

What are these options? Do you believe that they are necessary and that they are sufficient to ensure policy oversight?

Answer. I believe Deputy Assistant Secretary Tornblom was referring to improvements noted by President Bush in his Fiscal Year 2002 Budget Blueprint. It is my understanding that no final decisions have been made yet on how to proceed. If confirmed, I intend to work with the Chief of Engineers to identify the correct amount of oversight and project review appropriate to be conducted by the Office of the Assistant Secretary for Civil Works and an efficient means of achieving it. Given the issues that have arisen and the importance of restoring the credibility of the Army Corps of Engineers, I do believe it is necessary to strengthen policy oversight of Civil Works project planning.

Question. What is your view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers?

Answer. My view of the relative authority of the Chief of Engineers, the Assistant Secretary of the Army for Civil Works, the Secretary of the Army, the Army Chief of Staff, and the Secretary of Defense with regard to the civil works function of the Army Corps of Engineers follows:

Question. Secretary of Defense

Answer. As head of the Department of Defense, the Secretary of Defense has full authority, direction and control over all its elements. He exercises this power over the Corps of Engineers through the Secretary of the Army, whose responsibility for, and authority to conduct, all affairs of the Army is subject to the authority, direction and control of the Secretary of Defense. If confirmed, I will cooperate fully with the Secretary of Defense in fulfilling the administration's national defense priorities and efficiently administering the Corps of Engineers in accordance with the policies established by the Office of the Secretary of Defense.

Question. The Secretary of the Army

Answer. As head of the Department of the Army, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army. He may assign such of his functions, powers and duties as he considers appropriate to the Under Secretary of the Army, as well as the Assistant Secretaries of the Army, and require officers of the Army to report to these officials on any matter.

Question. The Chief of Staff of the Army

Answer. The Chief of Staff of the Army performs his duties under the authority, direction and control of the Secretary of the Army and is directly responsible to the Secretary. The Chief of Staff also performs the duties prescribed for him by law as a member of the Joint Chiefs of Staff. If confirmed, I will establish and maintain a close, professional relationship with the Chief of Staff. I will communicate with him directly and openly as he performs his prescribed duties.

Question. The Assistant Secretary of the Army for Civil Works

Answer. The Assistant Secretary of the Army for Civil Works is principally responsible for the overall supervision of the Army's civil works program, including programs for conservation and development of the national water resources, flood control, navigation, and shore protection. The complex issues that arise in this area demand a close, professional relationship between the Assistant Secretary and the Chief of Engineers, based on mutual respect, trust, cooperation and full and open communication. If confirmed, I am committed to establishing and maintaining such a relationship with the Chief, in order to respond effectively to the President's priorities and the policy directives of Congress.

Question. The Chief of Engineers

Answer. As a member of the Army Staff, the Chief of Engineers reports to the Chief of Staff, through the Vice Chief of Staff, with respect to military matters. The Chief of Engineers reports to the Assistant Secretary of the Army (Civil Works) on civil works functions of the Army, including those relating to the conservation and development of water resources and the support for others program. The Chief of Engineers also reports to the Assistant Secretary of the Army (Civil Works) with respect to most other matters for which the Chief may be responsible. In the area of installation activities, the Chief reports to the Assistant Secretary of the Army (Installations & Environment), who has principal responsibility for all Department of the Army matters related to installations and the environment.

Question. Do you believe that environmental restoration projects are part of the central mission of the Army Corps of Engineers?

Answer. Yes. I believe that projects and programs that protect and restore the natural environment are a priority to the American people and a central mission for the Corps of Engineers. Ecosystem protection and restoration projects, projects that reverse the effects of prior human activities, have become a priority purpose of the Corps' Civil Works Program. Importantly, this current status has been achieved because of changing national priorities, rightfully setting the direction of the Civil Works Program.

Question. In your view, how can the Corps be more responsive to environmental concerns?

Answer. I believe the Corps can and must carry out its missions in an environmentally responsible manner. The Corps has a long record of accomplishing its mission in accordance with environmental laws and using the National Environmental Policy Act process to obtain input from interested parties and agencies. This approach will continue to lead to more environmentally sensitive projects and projects specifically for environmental restoration and protection. Under the Regulatory Program processes are in place to ensure that permit applicants avoid or minimize environmental impacts and compensate for unavoidable impacts. In those instances

where impacts to significant resources cannot be avoided, a mitigation plan for the impacts will be developed.

Question. In your view, does the Corps need to make fundamental changes in the way it operates?

Answer. No. I believe the Corps is a fundamentally sound organization. It has strong technical abilities and has proven time and time again that it can solve difficult problems. It has served this Nation for many years and can be counted on to continue to do so in the future. However, based on recent findings, the Corps does need to re-examine the way it manages policy and technical reviews in order to ensure projects will receive broad support. Also, I feel that the Corps must find better, more effective ways of communicating with the broad range of interests that have a stake in its projects.

WETLANDS PERMITS

Question. Section 404 of the Clean Water Act requires landowners or developers to obtain U.S. Army Corps of Engineers permits to carry out activities involving disposal of dredged or fill material into navigable waters of the United States, including wetlands. Controversy has grown over the extent of Federal jurisdiction and the impact on private property, the burdens and delay of permit procedures, and roles of Federal agencies and states in issuing permits. Some landowners maintain that changes are needed to lessen the burdens of the regulatory program. Other landowners believe they should be compensated if adversely affected by regulatory "takings" due to Section 404 requirements, particularly since an estimated 74 percent of all remaining wetlands are on private lands.

If confirmed, how would you propose to address such issues in your role as assistant secretary?

Answer. It is my understanding that the objective of the Army's Regulatory Program is to provide fair, flexible and efficient evaluations for activities involving waters of the United States. The Corps balances development objectives with the Clean Water Act's requirements to protect the Nation's aquatic ecosystems. The Corps works with permit applicants to allow proposed activities to be authorized, but in ways that are not contrary to the public interest and that protect important aquatic resources. I believe that we can continue to achieve our environmental protection goals while addressing public concerns about regulatory burdens and delays. For example, if confirmed, I will work with the Corps over the coming months to see that the Nationwide permits are reissued. Nationwide permits are designed to provide project authorizations with little or no paperwork. If confirmed, I will work to ensure that we continue to carefully consider all comments we receive from other Federal agencies, but make sure that the public understands that the Corps of Engineers runs the program and makes the permit decisions, as provided for by law.

Question. The General Accounting Office has found significant problems with the Army Corps of Engineers program for mitigation of wetlands losses. Last month, the National Academy of Sciences released a report in which it concluded that this program has fallen short of the stated goal of no net wetlands loss.

What is your view of the findings of the General Accounting Office?

Answer. I have not yet had the opportunity to review the findings of this report. If confirmed, one of my first priorities will be to discuss this matter with the Chief of Engineers and others in the administration and Congress to seek their input and to develop a plan for addressing the recommendations of the report.

Question. What is your view of the findings of the National Academy of Sciences report?

Answer. I have not yet had the opportunity to examine the report. If confirmed, I plan to meet with the Corps to seek their input and to develop a plan for addressing the report recommendations.

Question. Do you support the goal of no net wetlands loss?

Answer. Yes. The goal of "no overall net loss of wetlands" was established by President George Bush in the early 1990s. It is a programmatic goal for the Regulatory Program, and Corps data clearly indicates that the Regulatory Program has exceeded this goal by working with permit applicants to avoid and minimize impacts and by requiring compensatory mitigation for unavoidable impacts. I understand the Corps has required more than one-for-one mitigation for permitted wetland loss (during the period 1993 to 2000 the annual average permitted loss nationwide was 24,000 acres and the annual average mitigation required was 42,000 acres).

Question. Do you believe that the Army Corps of Engineers has given wetlands mitigation efforts the priority and attention that it deserves?

Answer. I believe that the Corps has worked hard over the years to develop mitigation approaches that offset the losses of wetland functions, such as mitigation

banks and in lieu fee operations, while being fair and reasonable to the regulated public. However, I understand the Corps intends to focus more attention on ensuring compliance with the mitigation conditions for permitted activities.

Question. The Army Corps of Engineers issues general permits to developers for draining and filling wetlands. Last year, the rules for this program were tightened to limit the types of activities that may be conducted pursuant to a general permit. The Corps is currently reevaluating the new rules.

What is your view of recently adopted changes to the rules governing the issuance of general permits by the Army Corps of Engineers?

Answer. I have not yet had the opportunity to review the changes that were made to the Nationwide permit program last year. If confirmed, I will discuss this matter with the Chief of Engineers in order to understand the impacts of these changes on the regulated public and on the Army's charge to protect the Nation's aquatic resources

Question. What is your view of proposed revisions to those rules?

Answer. I understand that most of the Nationwide permits will expire in February in 2002 unless they are reissued. If confirmed, I will work with the Corps as they publish draft and final permit packages for public review and comment. I have not yet been briefed on proposed changes, but will make this a priority should I become the Assistant Secretary of the Army for Civil Works.

USE OF MILITARY PERSONNEL

Question. Like many Federal agencies, the Corps of Engineers workload is declining in all areas other than operations and maintenance of facilities. Most of this work is done by civilian contractors or civilian employees.

What role do you see for the hundreds of military Corps of Engineers personnel currently working in the districts and divisions?

Answer. It is my understanding that there are approximately 275 Active Duty military personnel serving in Districts, Divisions and Headquarters of the Army Corps of Engineers. Although they represent less than 1 percent of the 35,000 personnel within the Corps, they serve a variety of important roles. First, they provide experienced organizational leadership at the District level and higher. Second, they represent the organization's fundamental linkage to the Army. Third, the Army, in conducting operations that range from stability and support to actual war, has successfully leveraged the experience obtained in managing the large construction projects and response to natural disasters characteristic of the Civil Works programs.

STATE WATER QUALITY STANDARDS

Question. In the past, the United States Army Corps of Engineers has not been required to meet state water quality standards in constructing and operating its water resources projects.

Do you believe that the Army Corps of Engineers should be required to meet state water quality standards in constructing and operating Corps projects in order to protect fishery resources?

Answer. Yes, I do.

Section 401 of the Clean Water Act requires that the Army Corps of Engineers obtain certification from states, or interstate water control agencies, that a proposed water resources project is in compliance with established effluent limitations and water quality standards. If a state in question has assumed responsibilities for the Section 404 regulatory program, a state 404 permit would be obtained which would serve as the certification of compliance.

Section 404r of the Clean Water Act waives the requirement to obtain the state water quality certification if the information on the effects of the discharge are included in an Environmental Impact Statement on the proposed project submitted to Congress before the discharge takes place and prior to either authorization of the project or appropriation of construction funds. Nevertheless, it is the policy of the Corps to seek state water quality certification rather than utilizing the Section 404r exemption provision.

RELATIONSHIPS

Question. If confirmed, how do you propose to ensure a reasonable balance between your oversight authority and the program execution responsibilities of the Chief of Engineers?

Answer. If confirmed, I propose to ensure a reasonable balance between my oversight authority and program execution responsibilities of the Chief of Engineers through development of a close professional relationship with the Chief based on

mutual respect, trust, cooperation and communication. If confirmed, I am committed to establishing and maintaining such a relationship in order to respond effectively to the President's priorities and the policy directives of Congress.

CONSULTATION WITH CONGRESS

Question. In performing the duties of Assistant Secretary of the Army for Civil Works, you will be confronted with difficult, politically charged issues.

How would you view your role in addressing such matters with Congress?

Answer. I would view my role in addressing difficult, politically charged issues as one of facilitating full and open communication among all interested parties, be they others within the Executive Branch, Members of Congress, or the public. In performing my statutory duties, if confirmed, I intend to appropriately involve all interested parties and make decisions that take into account all relevant information.

Question. Specifically, would you plan to consult with Congress prior to issuing any secretarial decisions or announcements regarding reforms that may affect the execution of the civil works functions of the Army Corps of Engineers?

Answer. Yes.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Civil Works?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN ON BEHALF OF SENATOR RICHARD J. DURBIN

MCCOOK AND THORTON RESERVOIRS, IL

1. Senator LEVIN. As you begin to address the wide array of water resources needs of this country, I would like to direct your attention to a very significant regional project in the Chicagoland area which is critical in addressing the very real flood protection and water quality issues facing Chicago and its suburban surroundings.

The McCook and Thornton Reservoirs are part of the Corps of Engineers' Chicago Underflow Plan (CUP) and were fully authorized in the Water Resources Development Act of 1988 (P.L. 100–676). The CUP is a comprehensive flood protection and water quality protection plan for the Chicago metropolitan area. The State of Illinois, Cook County, the City of Chicago are all supporters of the project and the Metropolitan Water Reclamation District of Greater Chicago is the local sponsor for the CUP. The CUP, which includes a series of underground tunnels and storage reservoirs, was established in order to address the diminished capacity of the area's waterways to handle sewer overflow discharges. This system has been enormously effective in achieving its goals as evidenced by the elimination of 86 percent of combined sewage pollution in a 325 square mile area. The result of this progress is the dramatic increase in water quality of the Chicagoland waterways and the protection of Lake Michigan, our drinking water source. However, the job is far from complete.

The overall project, which is the Tunnel and Reservoir Plan (TARP), consists of 110 miles of tunnels, which have been under construction since the 1970s and now almost complete, by the U.S. Environmental Protection Agency. The project's other significant component, the McCook and Thornton Reservoirs are under construction by the Corps and will provide the comprehensive solution to the flood control and water quality needs by providing significant stormwater storage capacity. Once completed, these reservoirs will provide a storage capacity of 15.3 billion gallons and will produce annual benefits of $104 million. This translates into protection of over

500,000 homeowners from flooding. Delaying this project results in lost benefits and additional inflation costs of $120 million per year. This is unacceptable.

Mr. Parker, is this the type of project you will be supporting and will you commit to providing full funding under the Corps' program to keep the project on schedule?

Mr. PARKER. I do support this type of project and, if confirmed, I assure you that I will give McCook and Thornton Reservoirs full consideration during the annual budget process.

2. Senator LEVIN. Mr. Parker, in order for you to better understand the complexity and uniqueness of the McCook and Thornton Reservoir Project and the significant positive impact it is having not only on the health and safety of Chicago land, but on the local and regional economy, as well, will you agree to come to Chicago in the near future to see this important project?

Mr. PARKER. If confirmed, I would welcome an opportunity to visit Chicago to see this project so that I can gain a better appreciation of its complexity and its importance to the Chicago area.

CHICAGO SHORELINE, IL

3. Senator LEVIN. Mr. Parker, the Chicago Shoreline project is addressed in a 1999 Project Cooperation Agreement (PCA) signed by the City of Chicago, the Chicago Park District, and the Corps. The PCA provides a roadmap for a shared work and funding approach for the project. In short, it sets a 2005 completion date. Will you agree to personally review the Chicago Shoreline PCA and to work with OMB to ensure full funding and continued federal cooperation for this important project?

Mr. PARKER. If confirmed, I will review the PCA, as you request, and will work to ensure continued funding and federal cooperation to the extent possible within overall budget priorities and funding constraints.

QUESTIONS SUBMITTED BY SENATOR MARK DAYTON

PROJECT BACKLOG AND FUNDING PRIORITIES (ADDRESSING THE BACKLOG)

4. Senator DAYTON. Mr. Parker, the Corps of Engineers has an enormous backlog (over $50 billion) of already authorized projects that have received some construction funding.

How would you address this backlog?

Mr. PARKER. If confirmed, I would work closely with OMB and Congress to seek increased funding to reduce the backlog. I would also work with Congress and within the administration to consider other options to reduce the backlog. This could include a review of the current deauthorization process to deauthorize projects that do not satisfy today's needs or do not have adequate local support. Limiting the number of new authorizations could also be considered. All of these considerations would necessitate full consultation with the appropriate committees of the House and Senate.

PROJECT BACKLOG AND FUNDING PRIORITIES (BUDGET RECOMMENDATIONS)

5. Senator DAYTON. Mr. Parker, how would you develop your recommendations for which projects should receive study and construction funding in the Corps' proposed budget?

Mr. PARKER. If confirmed, I would give priority to the efficient continuation and completion of efforts that had been initiated in prior years and to properly operating and maintaining the existing water resources infrastructure. I also would propose funding for new studies and projects that provide the highest return or meet the most urgent water resources needs.

PROJECT BACKLOG AND FUNDING PRIORITIES (PROJECT DEAUTHORIZATION)

6. Senator DAYTON. Mr. Parker, should any projects be deauthorized?

Mr. PARKER. Yes. As I understand it, hundreds of projects already have been deauthorized under a process established by Congress in 1986 and modified in 1996. This process, or something like it, should continue so that projects that do not meet today's water resources needs are deauthorized. However, any deauthorization should occur only after consultation with Congress.

PROJECT BACKLOG AND FUNDING PRIORITIES (DEAUTHORIZATION CRITERIA)

7. Senator DAYTON. Mr. Parker, what would you recommend for criteria for determining which projects should be deauthorized to reduce this huge backlog?

Mr. PARKER. If confirmed, I would need to give this matter careful study. That said, if there are authorized projects that would not survive scrutiny using today's standards and do not provide satisfactory solutions to today's water resources problems, such projects would be prime candidates for deauthorization.

ENVIRONMENTAL RESTORATION (PART OF CORPS CENTRAL MISSION)

8. Senator DAYTON. Mr. Parker, do you believe that environmental restoration projects are part of the Corps' central mission?

Mr. PARKER. Yes, I believe that projects and programs that protect and restore the natural environment are a priority for the American people and a central mission for the Corps of Engineers. Ecosystem restoration and protection projects, projects that reverse the effects of prior human activities, have become a priority purpose of the Corps' Civil Works Program because of changing national priorities.

ENVIRONMENTAL RESTORATION (FLORIDA EVERGLADES)

9. Senator DAYTON. Mr. Parker, do you support funding for the Corps work on the Everglades?

Mr. PARKER. Yes. The Everglades is truly a national treasure and I believe the Army Corps of Engineers, in partnership with the State of Florida, and working with the Department of the Interior and others, have worked hard in developing a long-term ecosystem restoration plan that will provide for both ecological and economic demands for water in South Florida for the next 50 years. The entire region has experienced growth, and this growth has exerted tremendous pressure on the natural resources of the region, especially the Everglades. It is my understanding that the plan to be implemented over the next 25 years will improve the health of over 2.4 million acres of South Florida ecosystem, including Everglades National Park, Lake Okeechobee, and Florida and Biscayne Bays.

Timely implementation and funding of the Comprehensive Everglades Restoration Plan will ensure the protection of the Everglades and future water supply for the people of South Florida. One of my first priorities, if I am confirmed, will be to discuss this plan's implementation with the Chief of Engineers and others in the administration and Congress, state and local agencies, project sponsors, and other stakeholders, to gain a deeper understanding of the issues and funding needs involving implementation of this important initiative.

ENVIRONMENTAL RESTORATION (SALMON RESTORATION IN THE PACIFIC NORTHWEST)

10. Senator DAYTON. Mr. Parker, do you support salmon restoration in the Pacific Northwest?

Mr. PARKER. Yes, I fully support rebuilding populations of salmon in the Pacific Northwest that are listed under the Endangered Species Act (ESA). I recognize that this requires a concerted effort by many government agencies and other interests to improve and better manage habitat, harvest, hatcheries and hydropower. If confirmed, I will use the available authorities and funding to advance this effort.

WETLANDS MITIGATION BACKLOG (MITIGATION COMMITMENTS)

11. Senator DAYTON. Mr. Parker, the law requires the Corps to do wetlands mitigations either prior to or concurrently with construction of its civil works projects. Based on reports, the Corps has failed to complete about two-thirds of the mitigation it has committed to complete.

Mr. PARKER. It is my understanding also that the Corps is required to accomplish fish and wildlife mitigation either prior to or concurrently with construction of its water resources projects. I am not familiar with the reports you refer to that indicate that the Corps has failed to complete about two-thirds of the mitigation it has committed to complete. The Corps has informed me that, while there is a backlog of uncompleted mitigation, something over two-thirds of required mitigation has been accomplished. If I am confirmed, I will make it a priority to work with the Corps and Congress to more precisely identify the fish and wildlife mitigation backlog, and develop a strategy for addressing this important issue.

WETLANDS MITIGATION BACKLOG (ADDRESSING THE BACKLOG)

12. Senator DAYTON. Mr. Parker, are you committed to addressing this mitigation backlog? How would you proceed to do so?

Mr. PARKER. The Corps has a very large construction backlog, estimated at $40 billion. Included in this backlog is uncompleted fish and wildlife mitigation. This entire backlog must be addressed to satisfy the water resources needs of the Nation. If confirmed, I will work within the administration and with Congress to develop a plan for addressing the backlog of fish and wildlife mitigation, and seek the necessary funds to implement that plan.

WETLANDS MITIGATION BACKLOG (CORPS VS. PRIVATE SECTOR REQUIREMENTS)

13. Senator DAYTON. Mr. Parker, do you believe that the Corps should be required to meet the same mitigation requirements as the private sector (at least 1:1 mitigation and more for certain types of water resources damages)?

Mr. PARKER. It is my understanding that the Corps approach to mitigation (i.e., assessing impacts through functional analyses) is generally similar to mitigation approaches used by the private sector. Evaluation of impacts and mitigation using only acreage dimensions can be misleading. Under an acre-for-acre requirement, distinctions may not be made among varying qualities of habitat. The Corps' Civil Works Program approach of looking at habitat value is consistent with the policies of the U.S. Fish and Wildlife.

WETLANDS MITIGATION BACKLOG (MEETING FUTURE MITIGATION REQUIREMENTS)

14. Senator DAYTON. Mr. Parker, how will you ensure that in the future that all mitigation is completed prior to or concurrently with project construction, as the law requires?

Mr. PARKER. If confirmed, I will work within the administration and with Congress to see that project construction scheduled provide for the completion of mitigation at least concurrently with construction of other project features.

CORPS REFORM—BUSINESS PROCESSES

15. Senator DAYTON. Mr. Parker, many Members of Congress have called for significant reforms in the way the Corps conducts its business.

Do you think the Corps needs to make fundamental changes in the way it does business?

Mr. PARKER. The Corps has open and inclusive business processes and a tradition of working with private citizens, stakeholders, State and local governments, and other Federal agencies. However, improvement is possible and, if confirmed, I will work with the Chief of Engineers to identify further improvements in the Corps business practices so as to improve the service of the Corps to the Nation.

CORPS REFORM—INDEPENDENT REVIEW

16. Senator DAYTON. Mr. Parker, would you support an independent review—outside of the Corps—of costly or controversial projects?

Mr. PARKER. The Water Resources Development Act of 2000 authorized a National Academy of Sciences study of independent peer review of Corps projects. I understand that the Academy report on independent review is scheduled for completion in the summer of 2002. In addition, the Chief of Engineers has been examining the question of independent review of large, complex, or controversial studies and has developed some preliminary recommendations. If confirmed, I plan to actively examine the question of independent review, in consultation with the Chief of Engineers and considering the views of the National Academy of Sciences, and to develop a recommendation on this matter.

WETLANDS (RELAXING WETLANDS PROTECTION)

17. Senator DAYTON. Mr. Parker, do you think protections for wetlands under the Clean Water Act should be relaxed?

Mr. PARKER. No. I believe that we can maintain, and even enhance in some ways, protection of the aquatic environment, while improving our responsiveness to the regulated public. Wetlands are one of many critical elements of the Nation's aquatic

resources, which also include open water streams, lakes, coastal bays, estuaries, and near shore open waters. I am committed to continued strong protection of wetlands under the Corps Clean Water Act regulatory program, and for other Corps activities. The Corps must conduct its review and evaluation of permit applications in a manner that reflects the functions and values of the entire aquatic environment and balances that with the need for proposed development. If confirmed, I will work with the Corps to ensure that they improve permitted compliance with permit conditions, which require wetland mitigation so that the impacts to wetlands will be successfully offset.

WETLANDS (EPA'S OVERSIGHT ROLE)

18. Senator DAYTON. Mr. Parker, do you believe EPA's oversight role on wetlands protections under the Act should be weakened or eliminated?

Mr. PARKER. No. I believe that EPA and its various programs under the Clean Water Act provide important protections for wetlands, and work to integrate Federal wetlands protection with efforts by the states and local communities. EPA is clearly the lead on working with states regarding assumption of the Section 404 program and works effectively at improving state and local programs that protect wetlands. They also play an important role in Federal wetlands protection, including the Section 404 program. As we move to ensure that the taxpayer receives maximum benefit from resources expended in all programs, including wetlands protection, we must ensure that there is not an unnecessary level of duplication among any Federal agencies, including the Corps and EPA. If confirmed, I will work to ensure that the administration makes the best use of both agencies' capability while not doing things twice.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

WETLANDS (RECENT SUPREME COURT RULING)

19. Senator WARNER. Mr. Parker, if confirmed, what experience will you bring to bear in developing a definition that follows the recent Supreme Court ruling and does not exceed the authority of the Clean Water Act?

Mr. PARKER. If confirmed, I will bring my experiences as a Member of Congress on the Energy and Water Development Subcommittee of the Appropriations Committee, as a landowner, as a businessman and as a private citizen to help develop an appropriate implementation of the important Supreme Court decision in the Solid Waste Agency of Northern Cook County (SWANCC) case. In arriving at the appropriate implementation, I will work closely with Department of Defense and Army leaders, legal experts, and other policy officials within the administration. I will also consult with Congress prior to adopting significant guidelines. While completing this process, it will be important to clearly identify what the Corps will continue to regulate under the Supreme Court's decision. By doing so states can determine the appropriate level of regulation they may want to do in areas where the Corps does not have authority to regulate under the Court's decision.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

NATIONAL CEMETERIES

20. Senator THURMOND. Mr. Parker, the Assistant Secretary of the Army for Civil Works has the responsibility of oversight of our National Cemeteries. In that regard, he sets the guidelines on who may be buried in these hallowed grounds. Since cemetery space, especially Arlington National Cemetery, is reaching capacity, one of your challenges will be to accommodate the increasing need for burial space for the men and women who served in World War II and the Korean War. In regard to Arlington Cemetery, our Nation's most hallowed ground, you have a choice of expanding the cemetery or limiting the number of burials.

As you reviewed the responsibilities of the Assistant Secretary of the Army for Civil Works, what thought have you given this matter?

Mr. PARKER. In reviewing the responsibilities of the Assistant Secretary of the Army for Civil Works, it is clear there is a challenge in accommodating the burial needs of our service men and women. Arlington National Cemetery is very active with thousands of funerals each year. As I understand it, all currently available space will be used up by 2025. A Master Plan was developed in 1998 to address this issue. The Plan's vision was that Arlington remain open into the 22nd century.

The Plan considered several alternatives for extending the cemetery's life, including land expansion and more restrictive burial eligibility. I am told that the last time there was a change in burial eligibility was in 1967. Although the 1998 Master Plan did not suggest further changes, it did recommend reevaluation of burial policy every 5 years. The first review will take place in 2003. The Master Plan also addressed expansion by looking at potential sites adjacent to the cemetery. A more in-depth analysis of adjacent government-owned sites was performed in a Concept Land Utilization Plan, which I understand was submitted to Congress last year.

I believe the process described above provides a reasonable way to consider options for extending the cemetery's life. If confirmed, I will place a high priority on early coordination with Congress as the review of these options proceeds.

ROLE OF THE MILITARY IN CIVIL WORKS

21. Senator THURMOND. Mr. Parker, the Corps of Engineers that most of the country is familiar with is essentially a civilian organization, yet based on the historic role the Army Engineers have had in exploring and developing our Nation there are hundreds of military personnel working in the Corps of Engineer Districts.

As the Army reviews its role and undergoes the transformation to meet the new challenges, should we review the role of the military as it relates to civil works and possibly assign the functions to an agency outside the Department of Defense?

Mr. PARKER. The Corps has a long history of successful development, management and protection of the Nation's water resources. The Civil Works program also brings to the Army an experienced engineering and construction management workforce that can contribute to the defense needs of the Nation. The Army, in conducting operations that range from stability and support to actual war, has successfully leveraged the experience obtained in managing the large construction projects and response to natural disasters characteristic of the Civil Works programs. Transfer of the Civil Works mission to a non-defense agency would compromise this attribute. Therefore, my inclination would be retain the Corps role in Civil Works within the Defense Department.

ROLE OF CORPS ENGINEERS

22. Senator THURMOND. Mr. Parker, although the Corps of Engineers had a significant role in building our Nation's infrastructure, there are many who believe we should now turn over the Corps' Civil Works mission to the private sector.

What is the Corps of Engineers' Civil Works role and what new missions do you expect the Corps to assume in the coming years?

Mr. PARKER. The Army's Civil Works mission is to contribute to the national welfare and serve the public by providing the Nation and the Army with quality and responsive development and management of the Nation's water resources; protection, restoration, and management of the environment; disaster response and recovery; and engineering and technical services in an environmentally sustainable, economically, and technically sound manner. I do not foresee any major new missions in the coming years.

HUNTING ISLAND STATE PARK (EXPEDITE THE SECTION 206 AQUATIC ECOSYTEM RESTORATION STUDY)

23. Senator THURMOND. Mr. Parker, as you may be aware, the beach renourishment project at Hunting Island State Park is the top priority for the South Carolina Department of Parks, Recreation, and Tourism (PRT). There is currently a joint project between the Corps of Engineers and the South Carolina Office of Ocean and Coastal Resource Management regarding Hunting Island. Discussions between the parties have been cordial and productive. I appreciate that the Corps has supported this project, and that a feasibility study is underway. Given the beach condition at Hunting Island, I would appreciate your response to the following concerns:

In 1998, PRT funded a feasibility study to identify options and costs associated with the beach restoration project. The Corps is now conducting its own Feasibility Study as part of a Section 206 Aquatic Ecosystem Restoration Study. Giventhe earlier study, what measures can be undertaken to expedite the study process and move to the next phase of this project?

Mr. PARKER. I understand that the Corps' feasibility study is evaluating the impacts of high erosion rates on Hunting Island's delicate ecosystem and the park infrastructure, and that the Corps has examined the findings from the study funded by the South Carolina Department of Parks, Recreation, and Tourism. If confirmed,

I will examine the process for completing this study and determine if it can be expedited.

HUNTING ISLAND STATE PARK (BEST-CASE SCENARIO TO START CONSTRUCTION EARLIER)

24. Senator THURMOND. Mr. Parker, in a best-case scenario, the Corps would start project construction in October of 2002. This date has been determined to be problematic because of potential loss of the access road and water line serving the south end of the island. Can project construction begin earlier, to prevent this loss and related consequences?

Mr. PARKER. I am informed that you are correct about the best-case scenario. If confirmed, I will give this matter close attention and keep Congress informed of the status.

HUNTING ISLAND STATE PARK (USE OF SECTION 14 EMERGENCY STREAMBANK PROTECTION AUTHORITY)

25. Senator THURMOND. Mr. Parker, as an interim measure to save the road, discussion has been held between the parties regarding an emergency Section 14 Corps project. Will the Corps support this emergency project and provide adequate resources to proceed in an expedited manner?

Mr. PARKER. I understand that in June, 2001, the Corps' Charleston District received a request from South Carolina Department of Parks, Recreation and Tourism to provide emergency protection for the access road and utilities located at the south end of the island under the authority of Section 14 of the Flood Control Act of 1946. I am told that the District has determined that emergency protection is likely to be justified and has initiated a Planning and Design Analysis. This analysis is scheduled to be completed early in fiscal year 2002 and would include plans and specifications. If funds are available, the emergency protection could be constructed after that.

CHARLESTON DISTRICT ENGINEER

26. Senator THURMOND. Mr. Parker, as I am sure you remember, we recently discussed my concerns about, the current rank of the Charleston, South Carolina, District Engineer. I am greatly concerned that this office is the only one in our division where the District Engineer is not a full colonel. From hurricanes on the coast to cleaning up Former Utilized Defense Sites in the Upstate, this office has a huge responsibility over a wide range of matters throughout South Carolina. There is also the issue of the high costs associated with moving a new District Engineer every 2 years rather than 3. I also think that you would agree it is often times very difficult to start and complete a project within a 2 year time frame. Having an additional year for the District Engineer would allow a continuity with other parties involved in projects that is now missing. Given all these factors, I cannot understand why our District Engineer is not equal in rank with his counterparts in the South Atlantic Division.

How do you propose to rectify this situation?

Mr. PARKER. If confirmed, I will examine the process the Corps is using to determine assignment of officers to District Offices. I will specifically reassess the current rank of the Charleston District Office in light of the many challenging missions that the office has.

DREDGING PROJECTS

27. Senator THURMOND. Mr. Parker, throughout South Carolina and the United States, there are many projects that I feel are not receiving the appropriate attention of the Corps of Engineers. With costs continually rising for proper disposal of dredge spoil, numerous smaller dredging proposals at marinas and harbors are being overlooked for the larger plans. Many people associated with these local and smaller projects rely on this business for their livelihood. They cannot compete with the larger companies and plans. As a result of this, I feel that there may be the need to establish a special program within the Corps to specifically assist these smaller projects.

Would you support creating a program that would be solely established to assist these smaller dredging projects?

Mr. PARKER. I have been told that in fiscal year 2000 the Corps spent $135 million for dredging, structural repairs and other operations at the smaller, shallow

draft projects and $562 million at deep draft harbors. The amount expended on shallow draft projects was 19 percent of the total. While this represents a fair share of resources, I will, if confirmed, look into whether a special program is needed.

ENVIRONMENTAL RESTORATION (CORPS' ROLE IN DOD ENVIRONMENTAL CLEAN-UP EFFORTS)

28. Senator THURMOND. Mr. Parker, a major problem facing the Department of Defense is environmental restoration of current and former military installations. We are dedicating billions of dollars to this effort and I am not certain the Nation's taxpayers are getting the most out of this effort.

What is the Corps of Engineer's role in the Department of Defense's environmental clean-up efforts? Should it be increased or decreased?

Mr. PARKER. I understand that while the Assistant Secretary of the Army (Installations and Environment) has the Army lead for environmental restoration, the Corps does play an important role. The Corps currently provides environmental support to other Defense Department agencies, the Assistant Chief of Staff for Installation Management, other Major Army Commands and installation commanders. The Corps serves as executing agency for the Formerly Used Defense Sites Program and for assigned projects for the Army Installation Restoration Program and the Base Realignment and Closure Program. The Corps also administers the Defense and State Memorandum of Agreement/Cooperative Agreement Program for the Deputy Undersecretary of Defense for Environmental Security. In addition, the Corps plans and develops the Army Environmental Quality Program, and also integrates the Army Materiel Command's acquisition and industrial pollution prevention programs into the total Army program.

Based on its demonstrated expertise, it would appear that the Corps has the capability for an increased role in the Defense Department's environmental clean-up efforts. However, whether or not it is desirable to increase the Corps' role is a matter for review by the entire DOD and Army leadership.

CONTRACTING REFORM (BENEFITS TO ARMY)

29. Senator THURMOND. Mr. Parker, in Secretary Rumsfeld's recent testimony before the Senate Armed Services Committee he stressed the need to reform the outdated management and acquisition processes in the Department of Defense. As a result of that testimony, Senator Allard and I contacted the Secretary concerning the innovative contracting mechanism being used by the Army for the environmental restoration of the Rocky Mountain Arsenal. According to information I have received, this innovative approach has produced impressive results. It will reportedly reduce program costs by $200 million and the project completion time by 3 years, while maintaining planned annual expenditures of approximately $70 million with a competent, yet reduced, Government core oversight team. I have also been informed that the contractor has received numerous accolades due to the meaningful small business involvement they have cultivated.

I believe this is an innovative and dynamic concept that can be applied throughout the Armed Services, especially at the Corps of Engineers, that will allow each of you to quickly and efficiently adopt best commercial practices. In other words, this contracting model may yield dramatic and immediate savings for the Department.

Do you believe that the Department could benefit from contracting reform?

Mr. PARKER. The Corps has benefitted from reforms made possible by the Federal Acquisition Streamlining Act (1994), and the Federal Acquisition Reform Act (1996), especially the development of performance-based contracting, adoption of commercial practices, partnering, teaming, and contractual incentives. These initiatives changed the way the Corps acquires supplies and services, moving from a process-oriented, rules-based, risk avoidance culture, to one emphasizing performance outcomes, business judgment, streamlined procedures, and risk management. If confirmed, I will look forward to working with the Secretary of Defense, the Secretary of the Army and others to find ways to adopt additional contracting reforms that would benefit the Corps.

CONTRACTING REFORM (APPLICABILITY OF ROCKY MOUNTAIN ARSENAL CONTRACT)

30. Senator THURMOND. Will you commit to studying the Rocky Mountain Arsenal Program Management Contract in order to evaluate its applicability to other projects in your Department?

Mr. PARKER. If confirmed, I will study the Rocky Mountain Arsenal Program Management contract process and consider whether that could serve as a model for other projects. I understand the Army is currently evaluating the benefits of several innovative contracting initiatives for environmental cleanup, including the Rocky Mountain Arsenal Program Management Contract concept. The lessons learned in contracting at Rocky Mountain Arsenal should be considered for possible application to other cleanup projects, particularly large, complex, multi-year projects.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

CONSTRUCTION AND O&M BACKLOG

31. Senator SMITH. Mr. Parker, as you are well aware, the Army Corps Civil Works Program faces a construction backlog of $40 billion in unfunded, but authorized projects. The Senate Environment and Public Works Committee is currently on schedule to report the next biennial Water Resources Development Act in the year 2002. While the Appropriations Committees have adhered to a "no new starts" policy, this seems to unfairly penalize otherwise meritorious projects.

What do you recommend Congress do to fairly address both the massive construction backlog and the backlog of operations and maintenance?

Mr. PARKER. The majority of the construction backlog is made up of projects that are supported in the President's budget. Should I be confirmed, one of my priorities would be to strive for the efficient construction and completion of these projects. I also would propose funding for new projects that would provide the highest return or meet the most urgent water resources needs. Another of my priorities would be to accomplish the most critical maintenance needed to arrest further deterioration of existing Civil Works projects and to ensure adequate project performance. Only with the closest cooperation and consultation with Congress can we decrease these backlogs.

DISTRIBUTION OF RESPONSIBILITIES AND REPORTING AUTHORITY

32. Senator SMITH. Mr. Parker, in November of 2000, then-Assistant Secretary Joseph Westphal and Chief of Engineers General Robert Flowers signed a Memorandum of Agreement (MOA) outlining the distribution of responsibilities and reporting authority between the two positions. Is it your intent to honor this MOA?

Mr. PARKER. I intend to honor this MOA.

UPPER MISSISSIPPI RIVER NAVIGATION STUDY

33. Senator SMITH. Mr. Parker, what measures do you recommend the Army Corps take to avoid a recurrence of the situation encountered with the Upper Mississippi River Navigation Study?

Mr. PARKER. As I understand it, there were some technical problems with the Upper Mississippi Navigation Study. The Chief of Engineers has corrected those problems and the study is back on track. The National Research Council of the National Academy of Sciences found that the model for economic analysis was flawed. The Council also suggested a number of other improvements that could be made in the study. The Corps has subsequently taken a number of actions on the Upper Mississippi Study that will have broader application to similar large-scale studies in the future. The Corps has established a Washington-level principals group, composed of senior people from other key Federal agencies, to advise the Corps on the Upper Mississippi Study. This principals group has contributed to formulating guidance on the resumption of the study. This guidance includes a restructuring of the study to investigate navigation, ecosystem, and related needs in a comprehensive, holistic manner that will consider modifying the navigation system to meet transportation needs and achieve environmental sustainability. The Corps has also formed an Interagency Regional Work Group that will collaborate in the development of a new Project Management Plan for the study.

ENVIRONMENTAL RESTORATION (PRIMARY MISSION OF CORPS OF ENGINEERS)

34. Senator SMITH. Mr. Parker, do you consider environmental restoration to be a primary mission of the Army Corps and will you support it to the same extent you do the other missions of the Corps?

Mr. PARKER. The environmental protection and restoration of fish and wildlife habitats is a primary mission of the Corps and, if confirmed, I would accord it the same priority as flood damage prevention and commercial navigation.

HOMESTEAD AIR FORCE BASE AND EVERGLADES RESTORATION

35. Senator SMITH. Mr. Parker, on January 15, 2001, the Air Force issued a Record of Decision (ROD) on redevelopment of Homestead AFB, rejecting the plan to convert the base into a commercial airport and instead approving a plan for mixed use development. The 700 acres of land will be transferred to Miami-Dade County, which prefers the airport alternative. If the county declines the surplus property, the ROD stipulates that the Air Force will consider a request for the property to be transferred instead to the Department of Interior.

Homestead AFB is located approximately 10 miles from Everglades National Park and 2 miles from Biscayne National Park. Last year, the Environment and Public Works Committee authorized an $8 billion restoration effort in the Everglades. Included in this statute is a Sense of Congress that any redevelopment of the Homestead AFB be consistent with restoration of the Everglades.

What is your position regarding the disposal of Homestead AFB?

Mr. PARKER. I believe the disposal and/or redevelopment of the former Homestead Air Force Base should be consistent with the restoration goals and preservation and protection of the Everglades ecosystem. Further, disposal and redevelopment of the site should also be consistent with other goals of the restoration plan, including providing for water supply and flood protection and maintaining the economic viability of South Florida.

CORPS REFORMS

36. Senator SMITH. Mr. Parker, do you think that any reforms are needed in the Corps to restore the faith of the public and Congress in this agency?

Mr. PARKER. I believe the Corps is a fundamentally sound organization. It has strong technical abilities and has proven time and time again that it can solve difficult problems. It has served this Nation for many years and can be counted on to continue to do so in the future. However, based on recent findings, the Corps does need to re-examine the way it manages policy and technical reviews in order to ensure projects will receive broad support. In addition, in this era of scarce resources, the Corps must find better, more effective ways of communicating with the broad range of interests that have a stake in its projects.

PRINCIPLES AND GUIDELINES

37. Senator SMITH. Mr. Parker, would you support updating the Principles and Guidelines to reflect recent policy and social changes, such as the inclusion of environmental restoration as a federal purpose, and advances in analytical techniques and technologies?

Mr. PARKER. If confirmed, I would be willing to look at this matter in more detail.

[The nomination reference of Paul Michael Parker follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 19, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Paul Michael Parker, of Mississippi, to be an Assistant Secretary of the Army, vice Joseph W. Westphal.

[The biographical sketch of Paul Michael Parker, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PAUL MICHAEL (MIKE) PARKER

Since 1996, Mr. Parker has been the owner and President of GFG Farms, Inc. and Welch Resources, Inc., companies with timber, farming and leasing operations.

In 1999, Mr. Parker ran unsuccessfully as the Republican nominee for Governor of the State of Mississippi. The race was in the closest in Mississippi history, with neither candidate receiving a majority of the popular vote and ending in a tie in the Electoral College. The Mississippi House of Representatives elected the democratic candidate.

In 1989, Mr. Parker was elected to represent the Fourth Congressional District of Mississippi in the United States House of Representatives. While serving in the House from 1989 to 1999, Mr. Parker served on the Budget, Appropriations, Transportation, Education, and Workforce, and Veteran's Affairs Committees. While on the Appropriations Committee, Mr. Parker sat on the Energy and Water Development and Military Construction Subcommittees.

From 1978 to his election to the House, Mr. Parker was the owner of three companies: Brookhaven Funeral Home, Inc.; Community Life Insurance Company; and Brookhaven Funeral Insurance Company.

Mr. Parker graduated from William Carey College, Hattiesburg, Mississippi, with a B.A. degree in 1970. In 1995, he was awarded an Honorary Doctor of Humanities from William Carey College.

Mr. Parker has been married for 31 years to his wife Rosemary. They have three children.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Paul Michael Parker in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Paul Michael (Mike) Parker.

2. **Position to which nominated:**
Assistant Secretary of the Army for Civil Works.

3. **Date of nomination:**
June 19, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
October 31, 1949; Laurel, MS.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Rosemary Prather Parker.

7. **Names and ages of children:**
Michael Adrian Parker, 26; Marisa Parker, 20; Thomas Welch Parker, 16.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Franklin High School, 506 Edison Street, Meadville, MS; January 1966–May 1967; High School Diploma, May 1967.
Dallas Institute of Mortuary Science, 3909 South Buckner Blvd., Dallas, TX; September 1972–August 1973; Funeral Director's License, August 1973.
William Carey College, 498 Tuscan Avenue, Hattiesburg, MS; September 1967–May 1970; BA, May 1970.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Parker-Malvaney Consulting, Inc., 50 Creekview Lane SE, Brookhaven, MS, President/Owner, January 2000 to Present.
Welch Resources, Inc., 50 Creekview Lane SE, Brookhaven, MS, President/Owner, October 1997 to Present.
U.S. Government, 2445 Rayburn House Office Building, Washington, DC; Member of Congress MS 4, January 1989 to January 1999.
Brookhaven Funeral Home, Inc., 230 North Jackson Street, Brookhaven, MS; President/Owner, March 1978 to December 1992.
Franklin Funeral Home, Inc., 230 North Jackson Street, Brookhaven, MS; President/Owner, March 1978 to December 1992.
Brookhaven Funeral Insurance Company, Inc., 230 North Jackson Street, Brookhaven, MS; President/Owner, March 1978 to December 1992.
Community Life Insurance Company, Inc., 230 North Jackson Street, Brookhaven, MS; President/Owner, May 1982 to December 1992.
The Mississippi Hush Puppy Company, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, June 1996 to December 1999.
M&R Services, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, January 1993 to December 2000.
GFG Farms, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, October 1996 to present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Parker-Malvaney Consulting, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, January 2000 to present.
(Clients of Parker-Malvaney Consulting, Inc.) CSX Corporation, RJ Reynolds Tobacco Company, Mississippi Band of Choctaw Indians.
Welch Resources, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, October 1997 to present.
GFG Farms, Inc., 50 Creekview Lane SE, Brookhaven, MS; President/Owner, October 1996 to present.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.
Member of Congress, 1989 to 1999, Representing the 4th Congressional District of Mississippi.
Republican Gubernatorial Nominee for the State of Mississippi in 1999.
(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.
None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

I have made only one personal contribution to a political candidate. On March 20, 1998, I gave $1,000 to my Chief of Staff, Art Rhodes, a candidate for Congress in the 4th District of Mississippi.

My campaign committee has given the following contributions:

03/29/00	Jim Talent for Governor of Missouri	$ 1,000
10/18/00	The New Century Project	25,000
10/18/00	Rankin County Republican Executive Committee	10,000
02/08/01	Friends of John Roberts	1,000
02/08/01	Lincoln County Republican Executive Committee	5,000
05/15/01	Republican National Committee	100,000
05/16/01	Mississippi Republican Party	87,000

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

William Carey College, 498 Tuscan Avenue, Hattiesburg, MS, Honorary Doctor of Humanities, Received: 1995.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

While serving for 10 years as a Member of Congress and as a candidate for governor, I gave hundreds of speeches on a variety of subjects; however, there are no formal copies of these speeches, nor have I given a speech specifically on the Corps of Engineers.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PAUL MICHAEL (MIKE) PARKER.

This 14th day of June, 2001.

[The nomination of Paul Michael Parker was first reported to the Senate by Chairman Levin on August 2, 2001, with the recommendation that the nomination be confirmed. Also on August 2, 2001, the Senate agreed to a unanimous consent agreement which provided that once this nomination was reported from the Committee on Armed Services that it be referred to the Committee on Environment and Public Works for a period of 20 days of session. On August 3, 2001, however, the Senate agreed to another unanimous consent agreement, which provided that all nominations be returned to the President on August 3, 2001, pursuant to Rule XXI paragraph 6 of the Standing Rules of the Senate. The nomination of Michael Parker was resubmitted to the Senate by the President on September 4, 2001. On September 5, 2001 the Senate agreed to

another unanimous consent agreement which again provided that the Parker nomination, once reported by the Committee on Armed Services, be referred to the Committee on Environment and Public Works for a period of 20 days of session. On September 6, 2001 the nomination of Michael Parker was reported to the Senate by Chairman Levin, with the recommendation that the nomination be confirmed. The Parker nomination was then referred to the Committee on Environment and Public Works. That committee held a hearing on the nomination on September 21, 2001. On September 25, 2001, the Committee on Environment and Public Works reported the nomination to the Senate, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 26, 2001.]

[Prepared questions submitted to Dr. Mario P. Fiori by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 26, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

MARIO P. FIORI.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the Department of Defense Reorganization Act of 1986 and related Special Operations initiatives for defense reform.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. From what I have learned to date, these defense reforms have been implemented and have achieved the desired results. Having said that, I believe it is important, and consistent with the intent of the reform legislation, that the Army continues to assess and modify its operations and internal procedures to meet the challenges of a dynamic security environment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most important aspects of these reforms were strengthening civilian control, streamlining the operational chain of command, improving the efficiency in the use of defense resources, improving the military advice provided to the National Command Authorities, clarifying authority for combatant commanders, and enhancing the effectiveness of military operations.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I fully support the congressional goals reflected in the Department of Defense Reorganization Act of 1986 and other related defense reform legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. At this time, I have not had an opportunity to consider whether changes to Goldwater-Nichols may be warranted. If confirmed as the Assistant Secretary of the Army (Installations and Environment) (ASA (I&E)), I will remain open to proposals within the Department that will increase the effectiveness of the organization and missions within my areas of responsibility.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army (Installations and Environment)?

Answer. Under current Army policy, the Assistant Secretary is responsible for policy development, program oversight, and coordination for a wide variety of Army activities, including installation management, safety, and occupational health programs, and environmental cleanup, compliance, prevention, and conservation. I understand that the ASA (I&E) is responsible for the stewardship of 12 million acres and facility investment totaling more than $160 billion.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have had a diverse background of engineering management, nuclear power discipline, major laboratory management, and most recently, manager of a major Department of Energy facility (Savannah River Site.) In many of these positions I was responsible for landlord functions, research and development, and downsizing and economic development. For example, at Savannah River Site, I was responsible for this 320 square mile area of forest and industrial area. Downsizing of the industrial complex, combined with environmental controls of this large area, including major environmental research (conducted by the University of Georgia as a contractor to DOE), were all part of the DOE manager's area of interest and responsibility. Such experiences, including those in the Naval Service earlier, prepare me very well for the challenges of the ASA (I&E) position.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army (Installations and Environment)?

Answer. It is never too late to find new and innovative ways to accomplish the very important tasks at hand. If confirmed, I plan to utilize the expertise of the Army's military and civilian workforce, supplemented by independent advice from standing groups such as the Army Science Board, the Institute for Defense Analyses, and from private sector organizations and individuals. For many of the issues that I will face I would utilize a multi-disciplinary project team drawing on expertise in I&E, other Army Secretariat organizations, DOD and outside organizations as appropriate. In my past experiences I always have sought the best talent available both in employees and in advisors to supplement and enhance my personal experience and expertise. I have learned that providing the people an opportunity to perform is key to the success of the organization. People must be challenged and be held accountable.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. The duties of the Assistant Secretary are currently defined in a General Order. If confirmed, I will advise the Secretary on issues, initiatives and ideas that fall within my areas of responsibility and I will accept any other assignments he may deem necessary for the successful accomplishment of the Army mission. I look forward to working closely with the Secretary and making the Army team an example for others to emulate.

Question. In carrying out your duties, how will you work with the Secretary of the Army, the Under Secretary of the Army, and the Deputy Under Secretary of Defense (Installations and Environment)?

Answer. The organizational relationship between the ASA (I&E) and the Under Secretary of the Army is defined by the Secretary of the Army. The Under Secretary is the Secretary of the Army's principal civilian assistant and senior advisor and I will be available to assist him at all times and always keep him informed of significant issues under the ASA (I&E) purview. If confirmed, I will establish a coopera-

tive and open relationship with the Deputy Under Secretary of Defense and assist him in developing programs that are cost effective and would benefit the entire military structure.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army (Installations and Environment)?

Answer. I believe there are three major challenges in managing I&E. First, the Army faces a major ongoing challenge in its effort to meet mission requirements and provide for the quality of life for soldiers and their families in this era of diminishing resources. Second, the Army needs to move forward aggressively in reducing and realigning its infrastructure to match its requirements into the 21st century. Third, the Army needs to strive to achieve more efficient and cost effective remediation of its properties. The identification and resource programming for the Army's requirements to cleanup munitions and Unexploded Ordnance (UXO) at its non-operational ranges and disposal areas are one of our major challenges.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will quickly evaluate the action plans in place, and with the assistance of staff and other experts, develop changes that have proven effective in other areas or have significant promise to effectively and economically address the challenges. There is a wealth of knowledge in the Army, other government agencies, and in the private sector. I would not reject any help that makes sense and assists the Army in properly marshalling its resources to address these challenges.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army (Installations and Environment)?

Answer. With shrinking budgets, I believe that the Army must strive to achieve an effective balance between the quality of life for Army soldiers and their families, force sustainment, and the modernization necessary to build an effective Army for the future. Moreover, it will be a continuing challenge for the Army to achieve the optimum balance among the competing tools available to meet these needs, such as private sector performance of functions, use of emerging technologies, and the development of innovative programs.

The Army's ability to address requirements for munitions cleanups and dispose of real property is controlled by the absolute need to protect the health of the affected communities and meet the regulatory requirements for environmental cleanup.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will quickly assess the nature and scope of the problems and challenges that ASA (I&E) faces. I will retain those programs that appear to be working well, develop new programs where required, and modify those that have promise. I would work very closely with Congress, the regulators, other stakeholders, and other DOD and Executive Departments.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues that must be addressed by the Assistant Secretary of the Army (Installations and Environment)?

Answer. Establishment of policy and programs to address the legacy of unexploded ordnance and munitions residues at closed, closing and formerly used military ranges and disposal areas will be one of my top priorities. The Army must ensure that our legacy of past military activities is addressed in a responsible and timely manner and also ensure that past mistakes are not repeated. Additionally, I will work to streamline the Army's property disposal process and address environmental cleanup concerns so that excess properties are returned to reuse in the public or private sector as rapidly and efficiently as possible.

HOUSING PRIVATIZATION

Question. Congress has repeatedly expressed its support for improving military family housing. In recent years the Department of Defense and Congress have taken significant steps to improve family housing. However, it will take many more years and a significant amount of funding to meet the Department's housing needs. An alternative option that was created to speed the improvement of military family housing and relieve base commanders of the burden of managing their family housing is the housing privatization program. If confirmed for the position of Assistant

Secretary of the Army (Installations and Environment) you will have a key role in any decisions regarding military family housing.

What are your views regarding the privatization of family housing?

Answer. The legislation enabling privatization initiatives within DOD and the military services provides an effective mechanism to leverage the military Services' limited resources, thereby increasing the availability and quality of family housing for Service members and their families. It appears that privatization may prove to be the most effective and affordable method of revitalizing the Army's large and aging family housing stock and providing essential new housing. I understand that there is enormous interest among the Nation's leading developers in partnering with the Army in this program. It is essential to approach housing issues with a broad-based program perspective that addresses long-term development and management of Army communities—not simply the construction of housing units. Army communities, like civilian communities, include all of the facilities and services that accommodate and support soldiers and their families. If confirmed, my primary goal in this area would be to develop appropriate program strategies to effectively use scarce Army resources and significantly improve the quality of life for our soldiers.

Question. What is your view of the structure, pace, and general goals of the Army's current housing privatization program? Do you think the program should be continued, and if so do you believe the program should be modified in any way?

Answer. The privatization authorities that were provided by Congress in 1996 in the Military Housing Privatization Initiative provide a good structure and the appropriate tools to carry out family housing privatization. If confirmed, I will become fully engaged in the Army's housing privatization program and will conduct periodic reviews and/or lessons learned sessions to identify modifications to improve the process.

Question. The Army has contracted for a major housing privatization effort at Fort Hood, Texas using a request for qualifications (RFQ) process instead of the more traditional request for proposals (RFP) process.

What are your views on the relative merits of these contracting approaches?

Answer. I understand the Army is using a Request for Qualifications (RFQ) solicitation process in the housing privatization program because this allows the Army to partner with a highly qualified, world-class development partner to design the best residential community for a given installation.

Question. The Department of Defense has established 2010 as a goal to improve all of its military family housing.

Do you believe the Department of the Army can achieve this goal?

Answer. Yes, I believe that the Army can achieve the DOD goal of eliminating inadequate family housing by fiscal year 2010 using a combination of traditional MILCON, increases in the Basic Allowance for Housing, and housing privatization.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform activities that are commercial in nature, including many functions relating to running and maintaining our military installations.

What approach would you recommend to balance the need to maintain necessary decision-making functions and technical capabilities in the government's civilian workforce, including the knowledge necessary to be a "smart buyer," and skills such as civil engineering within the military, with the savings that may be available from outsourcing?

Answer. Although inherently governmental functions normally cannot be performed by contractors, I understand that there is a credible process within the Army for identifying those core commercial capabilities required for maintaining a smart buyer capability, and I intend to support that process. In all cases, the military and civilian employees must be trained to be "smart customers." I believe the smarter the customer, the better will be the performance of the supplier and frequently at less cost.

Question. Do you support the principle of public-private competition as the preferred means to make the "sourcing" decision for such functions?

Answer. Generally, OMB Circular A–76 and Federal law require public-private competition as the means to make the "sourcing" decision.

Question. Do you believe that public-private competition results in significant savings to the Department of Defense regardless of which side wins the competition?

Answer. Yes, according to experts familiar with the process, public-private competition typically results in savings in excess of 30 percent, regardless of which side wins the competition. I feel that these savings are important and must be considered as we plan to manage in the future.

Question. OMB Circular A–76, which establishes the guidelines for outsourcing most government functions, is slated for scrutiny by a congressionally-mandated panel of government and private experts in this area. The panel, chaired by the Comptroller General, is scheduled to report to Congress with specific policy and legislative reforms and recommendations for changing the way the government conducts outsourcing decisions and implements them.

What is your view of the current A–76 process?

Answer. If confirmed, I intend to thoroughly familiarize myself with the process and ensure the process is effective and will continue to provide substantial savings and efficiencies.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. This is a complex issue, and I believe it is prudent to wait until the Commercial Activities Panel has provided its analysis of the question before I make a final judgment as to whether other effective alternatives exist.

BASE CLOSURES

Question. The President's February 2001 budget blueprint document states that "with 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently".

Do you believe that we need more base closures?

Answer. The Secretary of Defense initiated a broad review of the Department of Defense that is currently ongoing. I would expect recommendations about reshaping our infrastructure to emerge as a result of this review. The Secretary recently indicated that with a round of base closings and adjustments that reduced unneeded facilities we could focus the funds on facilities we actually need.

Question. Do you believe the Army has excess infrastructure that uses resources that could be applied to higher priorities within the Department of the Army?

Answer. In an April 1998 DOD report to Congress, the Army reported that it had excess infrastructure. A final determination on this point cannot be made until ongoing Defense reviews are completed and the impacts are assessed. If confirmed, I will work to ensure that the Army retains the infrastructure that it needs to support current and future Army force structure, training, and readiness requirements.

Question. Do you believe the process established by the Defense Base Closure and Realignment Act of 1990 is a fair and effective way to reduce excess military infrastructure and return the property to local authorities?

Answer. Improvement is always possible in a process as complex as the Act of 1990. In the future, the Army will need to reshape its infrastructure to support the Army of the future. Once there is a clear understanding of the direction the Army needs to take, it can be determined if the Act of 1990 is the right process or whether recommendations to modify the process should be made.

Question. In your view, would changing the base closure process to exempt some bases from the independent commission's review make the process more or less open, fair, and stressful to communities with military installations?

Answer. If confirmed, I will carefully consider any proposed changes to improve the process. I do believe that communities deserve to know the status of their base as quickly as possible. Above all, we need to ensure that the process is open and fair and achieves that objective.

REAL PROPERTY MAINTENANCE

Question. The military departments have consistently struggled to maintain their base infrastructure. The backlog of real property maintenance has remained high whether budgets were increasing or decreasing, and the military is far behind industry standards for maintaining and modernizing its facilities.

Are there any new approaches to this issue that you believe could help the Army move toward a solution of this perennial problem?

Answer. I understand that the Army is taking several approaches to the problem of maintaining its base infrastructure in the face of inadequate funding, including utility privatization. In addition, the military services' leasing authority under Title 10 USC, Section 2667 is an important tool for addressing real property maintenance and revitalization. Also, the Army is involved in an effort to relocate from leased facilities to on-post facilities. All of these programs work together toward eliminating the funding delta for the maintenance of base infrastructure.

ENVIRONMENTAL ISSUES

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These

include population growth near military installations, environmental constraints on military training ranges, airspace restrictions to accommodate civilian airlines, and the conflicts with civilian users over the use of radio frequency spectrum.

In your opinion, how serious are these problems for the Department of the Army?

Answer. I believe that the Army must provide our soldiers with tough, realistic, battle-focused training in preparation for a wide variety of mission-essential warfighting scenarios ranging from tropical to desert to cold region operations. Ensuring our soldiers have access to the most realistic training possible is a challenge for both our operations and environmental personnel.

Army environmental programs help support this core mission by conserving training lands, preventing pollution, complying with laws and regulations, partnering with local communities, and cleaning up contamination at Army installations.

Question. If confirmed, what role do you expect to play in addressing these challenges and what actions would you propose to take to address them?

Answer. If confirmed, I will work to ensure that the Army has a holistic approach to land management. Doctrinal changes and advances in equipment capabilities require that we use more of our land resources than ever before. If confirmed, I seek ways to improve our stewardship so that this valuable resource continues to be available for training our soldiers.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Do you believe that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Continued funding of the Army environmental compliance program is critical to all stakeholders, and I will, if confirmed, ensure that we approach our commitments to make sure our communities are protected from harm. I believe that the Army's commitment to comply with Federal, State, and local regulations and laws is sound and it is a key in maintaining good community relations. Americans want to feel safe living and working on or near our installations. This compliance strategy also supports the Army training and readiness goals for mission sustainment. Compliance with environmental requirements builds and maintains community trust and tolerance of our installations activities.

Question. Do you believe that the Department of Defense should be exempt from the application of environmental laws?

Answer. I feel that the military should comply with environmental laws and regulations, just as civilian entities must comply. I am mindful that some laws do provide a limited exemption for national security reasons where the activity is uniquely military and critical to the maintenance of national security.

Question. Do you support the basic principle of the Federal Facility Compliance Act and other laws that Federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. I believe that the military should be subject to the same environmental laws and regulations as comparably situated civilian facilities. Nonetheless, I believe it is important to acknowledge that the military has a unique mission that distinguishes it from the civilian sector. Every opportunity must be explored to identify the impacts of the rules/regulations on our mission before the Federal, State, or local law or regulation goes into effect.

Question. The Department of Defense faces a bill for the clean up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars and could well be in the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military Services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. This is a complex issue with many factors. It would be difficult at this time to define an "acceptable" period. I do appreciate the importance of this matter, and if confirmed, will make it one of my top priorities.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such clean-up)?

Answer. Yes, the Army needs to continue to invest in UXO and munitions response technologies to improve its ability to discriminate ordnance from non-ordnance items. I further believe that the Army should develop procedures and tech-

niques to characterize UXO properties to gain public and regulatory agency acceptance of proposed cleanup plans.

ENERGY EFFICIENCY

Question. Executive Order 13123 lays out a number of specific steps that agencies should take to promote energy conservation. These include the use of energy savings performance contracts, utility energy efficiency contracts, and other contracts designed to achieve energy conservation; conducting energy efficiency audits for approximately 10 percent of an agency's facilities each year; and exploring opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching.

Do you support the use of these energy conservation approaches?

Answer. Yes.

Question. Are there other steps that you would take, if confirmed, to promote energy conservation by the Department of the Army?

Answer. Yes. If confirmed, I would encourage the increased use of renewable energy sources such as wind, solar, photovoltaic, and geothermal when cost effective. I would also support the development and use of new energy saving technologies and business-oriented management techniques.

Question. Do you believe that the energy conservation goals established in the Executive Order are achievable?

Answer. Yes.

INTEGRATION OF INSTALLATIONS WITH LOCAL COMMUNITIES

Question. The Department of Defense is in the midst of an effort to increase the Basic Allowance for Housing to eliminate out-of-pocket housing costs for military families who choose to live off base. This policy is intended to encourage more military families to live off base and reduce the demand for government housing. In recent years, outsourcing of base operations functions on military installations has increased substantially. Secretary Rumsfeld has proposed examination of additional contracting out in certain areas, including the operation of commissaries. All of these policies tend to increase the integration of the military into the local community and increase the non-military population on our bases.

At the same time, force protection concerns are leading the military services to take steps to close or restrict access to military installations and to build force protection measures into the construction of schools and other non-military facilities on those installations.

What do you believe is the appropriate level of integration, or separation, between military installations and the surrounding local communities?

Answer. I believe that the military Services have expanded the integration between the military community and adjoining civilian communities. Where once posts were opened only on Armed Forces Day, they now are more accessible and share facilities and areas—recreational areas such as parks and lakes and space in schools located on Army facilities. With respect to economic activity, the Army has never been separated from communities surrounding our posts. The civilian community is a source of medical, health and welfare, and comfort for the military community. If confirmed, I would continue to look for ways to develop or improve partnerships while maintaining focus on force protection, readiness and mission accomplishment.

DAVIS-BACON ACT

Question. 40 U.S.C. Sec. 276a, commonly known as Davis-Bacon, requires that for every contract in excess of $2,000 involving construction, alteration, and/or repair of public buildings or public works, the prevailing wage in that state shall be paid. When the contract cost-floor was set in the 1930s, $2,000 was a substantial sum of money, however, inflation during the intervening years has eroded the value of the dollar to the point were there is virtually no project that is not covered by Davis-Bacon.

If confirmed, would you support raising the contract threshold to a more current standard before Davis-Bacon can be invoked?

Answer. Yes.

Question. In your personal opinion, what would be an appropriate contract cost before Davis-Bacon should apply?

Answer. I have not examined the issue of raising the contract threshold, and would have to look at the impact of various contract cost levels before making a recommendation. I understand that this is a sensitive issue, which warrants thorough analysis and considered judgment.

INSTALLATION MANAGEMENT

Question. One of the obvious handicaps to the implementation of the Family Housing Privatization initiative is the lack of specialists in real estate and financial management throughout the Department of Defense. A similar shortfall is said to exist in the area of business managers and installation managers.

If the Army is experiencing similar shortfalls, should these positions be filled with contract or civil service personnel? Please explain.

Answer. I understand that the Army generally has sufficient personnel resources to meet its mission requirements in the real estate and financial management areas. However, if confirmed, I will review the training of our personnel in this area to independently evaluate their expertise and take action as is necessary.

Question. As the Army enters a new era of defense reform and business practices, does it have a program to ensure it has a cadre of real estate and business managers?

Answer. The Army has established a real estate career and other personnel programs to provide trained professionals to meet current and future staffing requirements. In addition, contingency real estate support teams provide trained professionals to support deployed forces to assist in national emergencies. I will examine these programs for opportunities to make improvements and to apply commercial practices and concepts to better meet the Army's real estate and business management needs.

ENVIRONMENTAL ENCROACHMENT

Question. Some of the Service Chiefs have asserted that they spend more money each year complying with environmental regulations than they spend on training. In visits to military installations, committee members have observed first hand the barriers to training caused by compliance with environmental regulations.

If confirmed, what steps would you take to reduce the cost to the Department of environmental compliance?

Answer. I believe that better management practices are the keys to cost effective environmental program funding and spending while the Army continues to fund all "must fund" requirements. The Army expects to be more effective in minimizing environmental program costs through the implementation of the Environmental Management System approach to identifying and solving environmental problems. I encourage continuation of the effort to promote environmental program tracking, environmental audits, contract management and savings, levering science and innovative technologies, and integration of environmental considerations in planning. These are sound and prudent environmental management practices that will continue to engender smart sound program efficiencies.

Question. If confirmed, how would you propose to facilitate the development and implementation of a comprehensive strategy to address readiness concerns related to these encroachment issues?

Answer. I understand that the Army's Sustainable Range Program (SRP) maximizes the capability, availability, and accessibility of ranges and training land, and in a manner that provides sound environmental stewardship, all in order to support overall doctrinal training and testing requirements.

In order to sustain readiness in light of increasing encroachment, if confirmed, I will work to ensure that the Army improves its management of ranges and land.

OVERSEAS INSTALLATIONS

Question. The Army maintains a network of bases to support our forward deployed forces. In testimony before the Senate Armed Services Committee, both the Supreme Allied Commander, Europe, and the Commander, United States Forces, Korea, stated that the installations in their commands are in serious need of repair. The implication of these statements is that overseas installations are not faring well in the funding allocation process.

In your view, what share of resource allocation should go to our overseas bases?

Answer. If I am confirmed, I will study the concerns expressed by the commanders of the Army's overseas forces to ensure that the needs of their commands are adequately addressed.

67-YEAR FACILITY REPLACEMENT GOAL

Question. One of Secretary Rumsfeld's more significant goals is to fund facility replacement on a 67-year standard, rather than the almost 200-year cycle on which the Department is currently operating. Although this standard is still short of the

industry standard of 57 years, it will significantly increase the readiness of our military installations.

In your view, is it realistic to hold the Army to such a standard when there are fluctuating budget demands and priorities?

Answer. I believe that it is realistic to hold the Army to the 67-year facility replacement cycle. There will always be fluctuating budget demands and priorities, but the only way to plan for facilities that can maintain readiness and support the Army's mission is to set a standard. I feel that facilities requirements should not be determined by the resources remaining after funding the other mission accounts.

Question. Other than increased funding for military construction and repair and maintenance, what other tools would you suggest the Department employ to achieve the 67-year replacement goal?

Answer. Although increased modernization funding is necessary to achieve the 67-year replacement goal, I believe it must be tied to increased sustainment funding as is proposed in fiscal year 2002 to continue to properly maintain the facilities.

MODERNIZATION/NEW MISSION COSTS

Question. All components, including both active and Reserve Forces, face the challenge of providing facilities required for a new weapon system or the assignment of a new mission. This is especially challenging to the Reserve components, which have been assigned new missions or weapons systems and then expected to fund the new facilities from their limited military construction funds.

Do you believe the funding for new equipment support facilities should be programmed as part of any given program's acquisition cost?

Answer. Yes, I believe that the Army should include the RC infrastructure costs as part of the acquisition development program. Funding should be provided in sufficient lead-time for additional modification or construction of the facilities that will support the systems being fielded. These facilities improvements could include the upgrade and construction of new buildings, training ranges, training areas and communications backbone (i.e., digital backbone on installations to tie-in equipment with integrated testing/training components in the motor pools and on ranges). Providing funding for the infrastructure cost as part of the fielding of new equipment allows for better planning, because the full requirement is captured and allows the Program Manager to control the phasing/sequencing of facilities as the new system(s) are acquired or new units activated.

Question. What are your views on the assignment of new missions to the Reserve components without specifically programming the funds in the military construction program to support those missions?

Answer. I feel that any new missions should be supported by the appropriate military construction projects.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army (Installations and Environment)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

INTEGRATED TRAINING AREA MANAGEMENT

1. Senator WARNER. Dr. Fiori, in response to advance questions regarding development and implementation of a comprehensive strategy for encroachment issues, you indicated that you would work to improve the Army's management of ranges. The

Integrated Training Area Management (ITAM) program supports sustainable range use and compliance with environmental laws and regulations. It is my understanding, however, that the fiscal year 2002 budget request reflects funding shortfalls for the ITAM program. Dr. Fiori, if confirmed, how would you propose to address such funding shortfalls in the out years?

Dr. FIORI. I recognize that the ITAM program is a critical component to sustainable ranges and long-term readiness. I will make sustainable ranges a priority within my office. The Army staff will continue to work with the Major Commands to document and prioritize ITAM funding requirements. The ITAM program will continue to compete for funds along with other high priority programs that are critical to readiness. The Army funds ITAM as an Operational Readiness (OPRED) program and will continue to work to meet critical program funding requirements.

FAMILY HOUSING IMPROVEMENT

2. Senator WARNER. Based on what you know of the department's ongoing efforts to improve military family housing, do you believe the 2010 goal is achievable and are you committed to the goal?

Dr. FIORI. The Army believes that the 2010 goal is achievable and is strongly committed to it. The Army has a long-range investment plan that reaches the Secretary of Defense's goal to eliminate all inadequate family housing by 2010. It also supports the Department's three-pronged initiative to eliminate out-of-pocket housing expenses for soldiers living in private houses by 2005, to increase the use of housing privatization in the United States, and to continue reliance on traditional military construction for revitalizing Army-owned housing.

FACILITY CONDITIONS

3. Senator WARNER. The condition of our military facilities is deplorable. After years of insufficient resources for the construction of new facilities or the maintenance of those in existence, many of the buildings in which our military personnel live and work have deteriorated to an unacceptable level. What actions will you pursue to correct this problem?

Dr. FIORI. The Army plans to implement the Army Facility Strategy (AFS). The AFS is the centerpiece of our efforts to fix the deplorable current status of Army facilities and requires a two-pronged approach. The first prong is full sustainment funding to halt further deterioration of our facilities. The second prong is to restore and modernize those critical facilities that are in the worst shape. We have identified 10-year increments of funding that will bring critical facilities to a C1 condition We cannot wait on a 67-year recapitalization rate to fix these key facilities. The first 10-year increment includes Vehicle Maintenance Facilities and Supporting Hardstand, General Instruction Buildings, Physical Fitness Facilities, Trainee Complexes (spread over two 10-year increments), and U.S. Army Reserve Centers and National Guard Readiness Centers (both spread over three 10-year increments). The AFS continues the investment strategy that we have followed successfully in the Army barracks upgrade program. We will continue with our current programs to upgrade facilities. The Army began upgrading or replacing its barracks complexes in 1994. This will continue through fiscal year 2008. We are also proceeding on a master plan to privatize or upgrade with Military Construction the Family Housing stock by 2010.

ENCROACHMENT

4. Senator WARNER. What actions will you propose to ensure that encroachment does not prevent the Armed Forces from effectively training and operating both at home and abroad?

Dr. FIORI. The Army uses the term "encroachment" to refer to all external influences threatening or constraining testing and training activities required for force readiness and weapons acquisition. Such encroachment stems from environmental (e.g., noise, endangered species, unexploded ordnance, and munitions constituents), social (e.g., urban sprawl), and economic (e.g., changing land values) influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions on available times and duration for testing and training; reduced effectiveness of testing and training activities; and, restrictions on weapons systems, equipment, and munitions used during testing and training.

Unit commanders have not reported lowered training ratings solely due to encroachment issues. However, several units reporting reduced readiness ratings have

provided comments on their Unit Status Reports identifying training constraints. Instead of allowing these constraints to reduce unit training status, commanders have developed "work-arounds" to continue training to maintain their readiness posture and to accomplish the mission. Although these "work-arounds" must support training requirements based on doctrinal standards, they make the training experience sub-optimal. When training combines a number of "work-arounds," the adverse impacts on training are magnified and cumulative.

The Army's comprehensive effort to ensure readiness and minimize impacts of encroachment is the Sustainable Range Program (SRP). The objective of SRP is to maximize the capability, availability, accessibility of ranges and training land to support doctrinal training and testing requirements. SRP is based on three tenets: (1) Develop and Maintain Scientifically Defensible Data—have complete data on all aspects of our ranges—their operational characteristics as training facilities, their physical characteristics as real property, and their characteristics as part of the natural and cultural environment. (2) Integrate Management across the four disciplines that directly affect ranges: range operations and modernization; facilities and installation management; explosives safety; and environmental management. (3) Establish Outreach Campaign to inform and influence decision-makers and leaders to improve community understanding of why the Army must conduct training and testing, and how we are moving to a more sophisticated management approach to ensure that the concerns of the public are addressed. The Army Deputy Chief of Staff for Operations and Plans (DCSOPs) has the lead on this initiative and is working with my office and the other functions within the Army staff to develop and implement SRP.

We would ask Congress to support the Army's effort to ensure that encroachment does not prevent effective training in the following ways.

1. Support and resource implementation of the Army's SRP program. SRP is the foundation for sustaining live training and the environment on our ranges. As we have in the past, we will continue to improve range operations, range modernization, state-of-the-art land management, research on munitions effects and management of unexploded ordnance, and public outreach. Although final funding levels have not yet been established, we ask Congress to support this important program.

2. Support and foster cooperation among regulators and the military, emphasizing the need to balance military readiness concerns and environmental regulation. The Army believes that Congress should continue to recognize that the training required for Army readiness is a positive societal good and a legal mandate. Defense of our Nation is an important requirement that benefits all citizens. I believe there are ways to balance the needs of the military with the needs of the environment. Congress should encourage regulatory agencies to work with the DOD Components to develop compliance methods that support both regulatory and military objectives.

3. Undertake legislative initiatives to clarify statutory requirements that apply to military operations. As currently written, several statutes contain broad discretionary enforcement thresholds that are based on the assessment of the regulatory authority as to whether a given condition presents a "potential" risk or "imminent" hazard to human health or a particular natural resource. While the Army is not seeking to avoid our responsibilities to the American people or seeking relief from compliance with environmental statutes, the lack of consistent and measurable standards limits the Army's ability to plan, program, and budget for compliance requirements. In light of the Secretary's current strategic review, it would be premature to discuss specific proposals, but I look forward to working with other Federal agencies and Congress.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

FAMILY HOUSING IMPROVEMENT

5. Senator THURMOND. Based on what you know of the department's ongoing efforts to improve military family housing stock, do you believe the 2010 goal is achievable and are you committed to that effort?

Dr. FIORI. The Army believes that the 2010 goal is achievable and is strongly committed to it. The Army has a long-range investment plan that reaches the Secretary of Defense's goal to eliminate all inadequate family housing by 2010. It also supports the Department's three-pronged initiative to eliminate out-of-pocket housing expenses for soldiers living in private houses by 2005, to increase the use of housing privatization in the United States, and to continue reliance on traditional military construction for revitalizing Army owned housing.

67-YEAR REPLACEMENT STANDARD

6. Senator THURMOND. Although funding is key, proper management of the assets is critical if the Department is to achieve this goal. Based on your knowledge of how the Department currently manages its facilities, what management improvements would you recommend?

Dr. FIORI. The Army manages its installations in an expert and professional manner. We will continue to improve by establishing accountability that ensures maximum performance with funds provided by Congress as measured by well defined metrics.

We have implemented several efficiency initiatives to cut the cost of installation operations and become more business oriented. These initiatives include competitive sourcing, lease reduction, facilities demolition, utilities privatization, family housing privatization, and public/private partnership. Public/private partnership and privatization show great promise for the future and are tools that will help us achieve the desired 67-year facility replacement cycle. Public/private partnership and privatization allow us to maximize use of our resources to manage and maintain our real property assets while taking advantage of private sector experience expertise, and funding. We are working closely with Congress to make these initiatives successful and establish the necessary authorities to achieve ours and DOD's management goals.

After doing all we can to minimize the cost of sustaining our infrastructure, we must fully fund that cost. To that end, our most important recommendation is to fully support the Army's request for sustainment, restoration, and modernization (SRM) funding.

BASE CLOSURES

7. Senator THURMOND. Since each of you, if confirmed, will have a significant role in any future base closures I would like your views on how we can minimize the impact of the base closure process on our communities.

Dr. FIORI. We have learned valuable lessons from implementing the results of previous base realignment and closure (BRAC) decisions. Reducing base closure impacts can best be achieved by early involvement of the public/private sector in determining potential property reuse, financing of reuse development, and the environmental clean up. The ability to simultaneously plan the reuse in conjunction with the necessary environmental efforts saves limited resources, reduces timelines and is crucial to both the Army and the communities involved. Leveraging private sector funding will significantly increase the communities' ability to move forward with the creation of new jobs. Additionally, the Army should inform the affected communities early-on of the various options available for disposal. The communities must quickly determine whether they want to be directly involved in the disposal or allow the Army to market the closing properties based on Community Reuse Plans. Mutual cooperation, sharing of information and early private sector involvement will greatly lessen the impact the on local communities.

FORCE PROTECTION

8. Senator THURMOND. One of the greatest issues facing our military services is force protection. Although the focus in this area is on protecting our forward deployed forces, we must be concerned with our Continental United States (CONUS) installations, which in many instances are integrated into our communities. Dr. Fiori, how do we ensure force protection on the installation without completely separating the community from the installation?

Dr. FIORI. Open communication, community interaction, and a thorough information campaign help implement and maintain an installation force protection plan. Each installation Commander performs a risk analysis to make informed decisions on the required levels of restricting access to installations, as well as Random Antiterrorism Measures (RAMs).

Key to this is the involvement of public affairs officers and liaison activities with leaders in local government, public agencies, civic organizations, and the local public media. In drafting and executing the information campaign we begin by identifying installation and community issues while educating the local populace as to the necessity of the decision. In many cases, not all, the local community concerns can be alleviated thus insuring community knowledge while establishing the appropriate force protection measures to counter the threat.

UTILITIES PRIVATIZATION

9. Senator THURMOND. Based on your knowledge of the utility privatization effort, what are your concerns regarding the total reliance on contractors to provide utility services?

Dr. FIORI. Our main concerns for total reliance on contractors for utilities services focus on security and cost effectiveness. If a privatization effort does not pass these two tests, we do not privatize. Otherwise, we believe it is in the Army's best interest to privatize these non-core functions to entities better equipped to operate and maintain the utilities we need.

SUPPORT FOR THE RESERVE COMPONENTS

10. Senator THURMOND. Dr. Fiori, what assurance can you provide that the National Guard and Army Reserve will receive funding at levels sufficient to sustain their readiness and quality of life?

Dr. FIORI. We are one Army—Active, Guard, and Reserve. I will continue to develop requirements for all three components alike. The Army Facility Strategy fully integrates Active, Guard, and Reserve requirements into a unified funding posture. I believe funding distributed in this manner will be sufficient to sustain all components' readiness and quality of life.

RELATIONSHIP WITH ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT

11. Senator THURMOND. Dr. Fiori, what is the relationship between the Assistant Chief of Staff for Installation Management and the Office of the Assistant Secretary of the Army for Installations and Environment?

Dr. FIORI. We have a very close working relationship between the two staffs. Our mission and objectives are closely related, intertwined, and mutually supportive.

We have a small Secretariat staff focused on policy and oversight of installation and environmental concerns. The Assistant Chief of Staff for Installation Management (ACSIM) has a staff responsive to the needs of the Secretariat while programming for installation and environmental functions, and providing implementing guidance and execution oversight.

The separate functions of the two staffs provide the benefits of civilian leadership and oversight of the military on installation and environmental operations, and the opportunity to separate the day-to-day oversight from the long-term vision and policy development. They also provide two separate perspectives on the requirements and solutions to the challenge of furnishing top quality installations for our soldiers, their families and our civilian workforce.

12. Senator THURMOND. Dr. Fiori, what, if any, functions are redundant between the two positions?

Dr. FIORI. While the roles of the two offices are closely related, the only overlap seems to be in the execution of the Residential Communities Initiative (RCI) and Historic Properties initiatives. While these functions have recently been managed from the Army Secretariat, I am considering returning these functions to the Assistant Chief of Staff for Installation Management (ACSIM).

CONTRACT1NG REFORM

13. Senator THURMOND. Do you believe that the Department could benefit from contracting reform?

Dr. FIORI. The Army must continue to look for innovative contracting approaches to achieve cost-effective cleanup. However, I do not think that we need major contracting reform within the Department's cleanup program. The Rocky Mountain Arsenal program management contract concept, while the right contract mechanism for Rocky Mountain Arsenal, is not the solution for all cleanup projects. Many sites will benefit from contracting methods such as Guaranteed Fixed Price Remediation and privatization initiatives, while other cleanups will be effectively executed using existing approaches in which we have established a broad base of expertise. I will make every effort to use the best contracting methodology depending of the specific circumstances.

14. Senator THURMOND. Will you commit to studying the Rocky Mountain Arsenal Program Management Contract in order to evaluate its applicability to other projects in your Department?

Dr. FIORI. Yes, I will ensure the Rocky Mountain Arsenal Program Management Contract process is considered in other projects when it makes sense. The Army is currently evaluating the benefits of several innovative contracting initiatives for environmental cleanup, including the Rocky Mountain Arsenal program management contract concept. We will consider the lessons learned in contracting at Rocky Mountain Arsenal for possible application to other cleanup projects, particularly large, complex, multi-year projects.

[The nomination reference of Dr. Mario P. Fiori follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 12, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Dr. Mario P. Fiori of Georgia, to be an Assistant Secretary of the Army, vice Mahlon Apgar IV.

[The biographical sketch of Dr. Mario P. Fiori, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. MARIO P. FIORI

Mario P. Fiori, born in Frankfurt Germany, was raised in Brooklyn, NY. After graduating from Brooklyn Technical High School, he attended and graduated from the U.S. Naval Academy in 1963. After serving 1 year on a diesel submarine, he entered the graduate program at Massachusetts Institute of Technology. He earned a Masters in Mechanical Engineering (1966), a Nuclear Engineer degree (1966), and a Ph.D. in Nuclear Engineering (1968).

He then served in the nuclear submarine force as a department head in attack submarine U.S.S. *Pargo* (SSN 650), Executive Officer in Poseidon missile submarine U.S.S. *George Washington Carver* (SSBN 656), commanding officer in attack submarine U.S.S. *Spadefish* (SSN 668), and Squadron Commander of Submarine Squadron 4. His shore assignments included: submarine analyst on the CNO staff, DOD representative to the Federal Energy Administration, Special Assistant to the President Reagan's Science Advisor, Dr. George Keyworth II, and, prior to retirement, Commander, Naval Underwater Systems Center, Newport, RI.

In 1990–1991, he was President of MPF Associates, his consulting firm. In 1991, Dr. Fiori joined the Senior Executive Service in the Department of Energy and served as the Departmental Representative to the Defense Nuclear Facilities Safety Board. The Board, a congressionally mandated body, has safety oversight of all DOE weapon's facilities. In 1993, the Secretary of Energy reassigned Dr. Fiori to be Manager, Savannah River Site, Aiken, SC.

He left DOE in October 1997 to start his own company, Compass Associates, Inc., a consulting company focusing on proper conduct of operations, safety of operations and business development.

He is married to Susan Bayles and has three daughters, Cristina, Alison, and Katherine.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Mario P. Fiori in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Mario Peter Fiori (Guenter Georg Kohl—birth name changed upon my adoption by my stepfather, Silvano Louis Fiori in 1951).

2. **Position to which nominated:**
Assistant Secretary of the Army, Installations and Environment (ASA–I&E).

3. **Date of nomination:**
July 12, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]
Compass Associates Inc. is an S-Corp established and owned by Dr. Fiori. He is the only employee.)

5. **Date and place of birth:**
December 14, 1941; Frankfurt/M, Germany.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Susan Wintfield Bayles.

7. **Names and ages of children:**
Cristina Fiori Argeles, 28; Alison Paige Fiori, 26; Katherine Leigh Fiori, 23.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Brooklyn Technical High School, Brooklyn, NY, 9/55–6/59—Diploma.
U.S. Naval Academy, Annapolis, MD, 7/59–6/63—Bachelor of Science.
Massachusetts Institute of Technology, 9/64–9/68—Master of Mechanical Engineer and Nuclear Engineer Degree, 9/66 and Doctor of Philosophy in Nuclear Engineering, 2/69.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
10/97 to Present—Founder and Owner/President of consulting company, Compass Associates Incorporated. I was sole employee and the company address was the same as my home address. I provided business development advice, served as President of a software company, RTS-Enabling Technology in Richland, WA, served as advisor to different CEOs and participated in several significant "red-team" efforts for various nuclear related companies.
10/91–10/97—Served as SES–6 in the Department of Energy. I initially worked as the liaison officer between the Department of Energy and the Defense Nuclear Weapons Facility Board. In 1/93 I was reassigned to assume the responsibilities of Manager, Savannah River Site, Aiken, SC.
5/90–9/91—Sole Proprietor of "MPF Associates," a consulting firm concentrating on business development and defense related studies. Served as a Senior Fellow at the Hudson Institute, and had several other commercial clients.

11/89–3/90—Engineer, Stone and Webster Engineering Corp, Washington DC office. I was under training as a senior business developer in the Wash DC office.

6/63–10/89—U.S. Naval Officer. Served in various nuclear submarine billets including Commanding Officer of an attack submarine, U.S.S. *Spadefish* (SSN 668) stationed in Norfolk, VA. Submarine Squadron Commander of Submarine Squadron 4 in Charleston, SC, and Commander, Naval Underwater Systems Center, Newport, RI. Shore duties included 4 years at MIT, 2 years as a System Analyst for submarine naval programs in the Pentagon, Washington DC (6 months) and then the DOD Liaison with the Federal Energy Office/Administration for 18 months, 2 years as Executive/Military Assistant to Dr. George Keyworth, President Reagan's Science Advisor.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

President/Owner of Compass Associates Inc. (At present I have no consulting work with the exception of providing management and business development assistance to Trans-Digital Corp, located in Arlington, VA.)

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Organization	Type of Organization	Inclusive Dates	Comments
Citizen's for Nuclear Technology Awareness	Educational	1995–Present	This is org supports all things nuclear.
Inter Agency Seminar Group	Social/Educational	1983–Present	This group meets approx monthly and invites speakers for luncheons.
West Lake Country Club	Social	1993–Present	This supports our local community.
United Way	Charity	1995–Present	Member of the Board.
American Nuclear Society	Professional	1989–Present.	
Republican National Comm (President's Club)	Political	1998–Present.	
Norwood's Capitol Club	Political	2000–Present	Charlie Norwood (R) is GA 10th District Congressman.
USNA Alumni Assoc	Fraternal	1963–Present.	
USNA Athletic Assoc	Other	2001	I have been member in past but allowed membership to lapse.
Church of the Good Shepherd, Augusta GA	Religious	1993–Present.	
Naval Submarine League	Professional	1980–Present.	
Navy League	Professional	1989–Present.	
Association for the Advancement of Retired People.	Civic	1991–Present.	
The Retired Officers Association	Civic	1989–Present.	

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

I was a volunteer and surrogate speaker (never actually provided such service) for the Virginia Bush for President Committee. I also prepared a position paper regarding nuclear submarines.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Individual/Campaign organization	Political Party	Contribution
Lindsey Graham for Senate	Republican	200.00
Charlie Norwood for Congress	Republican	250.00
Charlie Norwood for Congress	Republican	200.00

Individual/Campaign organization	Political Party	Contribution
The Presidents Club	Republican	110.00
Citizens to Elect Tom Cross	Republican	250.00
Lindsey Graham for the Senate	Republican	100.00
Charlie Norwood for Congress	Republican	200.00
Committee to Elect Lindsey Graham	Republican	200.00
Norwood for Congress	Republican	200.00
Norwood for Congress	Republican	200.00
Norwood for Congress	Republican	150.00
Bush for President	Republican	500.00
Charlie Norwood for Congress	Republican	100.00
Bush Primary for President	Republican	500.00
Miscellaneous contributions	Republican	200.00

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Department of Defense Superior Service Medal.
Four Navy Legion of Merit Medals.
Department of Defense Commendation Medal.
Three Navy Commendation Medals.
Two Navy Unit Commendations (NUC).
Three Navy Meritorious Unit Commendations (MUC).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Except for a Ph.D. thesis synopsis, I have had nothing published.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have made no speeches on the topics relevant to the position for which I have been nominated.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

I do agree.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DR. MARIO PETER FIORI.

This 13th day of July, 2001.

[The nomination of Dr. Mario P. Fiori was reported to the Senate by Senator Cleland on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

[Prepared questions submitted to H.T. Johnson by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 17, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

H.T. JOHNSON.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. I am committed to the complete and effective implementation of these reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe these reforms have been accepted and implemented. They have clarified the responsibilities and authorities of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, and the Chairman of the Joint Chiefs. These reforms have improved our joint war fighting capabilities.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe the most significant improvement has been to strengthen the joint war fighting capability of our country. Our military is more capable and more lethal because our Services can work better together. If confirmed, I will continue the Department of the Navy's commitment to the principles of joint war fighting.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am unaware of legislative proposals to amend Goldwater-Nichols, and do not have any specific suggestions to offer. If confirmed, I will evaluate any proposal to amend Goldwater-Nichols on its merits.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Navy (Installations and Environment)?

Answer. According to existing practices, the role of the Assistant Secretary of the Navy (Installations and Environment) is to formulate policy and procedures for the effective management of Navy and Marine Corps: real property, housing, and other facilities; environmental protection ashore and afloat; safety and occupational health for both military and civilian personnel; and timely completion of closures and realignments of installations under base closure laws. If confirmed, I will pursue these duties within the context of the overall priorities of the Secretary of the Navy, as well as any other areas he may assign.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe I possess extensive experience in the public and private sectors in operating and maintaining facilities in an environmentally responsible manner. I have served in an executive capacity in various phases of the BRAC process. I believe I have demonstrated a deep and abiding commitment to "the military family" in my many previous assignments within the Department of Defense and in the private sector. I will continue that commitment to the sailors, marines, civilians, and their families in the Department of the Navy.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Navy (Installations and Environment)?

Answer. If confirmed, I will seek and listen to the views of those within the Department of the Navy, as well as those of the Secretary of Defense and the other Military Departments. I will also seek and listen to the advice and counsel of Congress, the communities and states where we operate, and other experts in my areas of responsibility.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Navy would prescribe for you?

Answer. I expect the Secretary of the Navy to prescribe the duties and functions listed above. The Secretary has not described any other duties that he may assign to me.

Question. In carrying out your duties, how will you work with the Secretary of the Navy, the Under Secretary of the Navy, and the Deputy Under Secretary of Defense (Installations and Environment)?

Answer. If confirmed, I will work closely with the Secretary of the Navy, the Under Secretary of the Navy, the Deputy Under Secretary of Defense (Installations and Environment), and the other Assistant Secretaries of the Navy consistent with the appropriate laws and Title 10 of the U.S. Code and the priorities of the Secretary of the Navy. I will work hard to foster cooperation and teamwork among the civilian and military leadership in the Department of the Navy.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Navy (Installations and Environment)?

Answer. I believe the major challenges include: improving the overall condition of the shore infrastructure, including solving long-standing housing inadequacies; resolving encroachment concerns that may limit the ability of our sailors and marines to train under realistic conditions before going into harm's way; completing the environmental cleanup and property disposal of bases listed under previous Base Closure and Realignment statutes; providing more efficient facilities consistent with future force structure needs; and securing alternative shore facilities for pre-deployment readiness training.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will carefully evaluate the status of ongoing initiatives. I will develop and pursue plans consistent with the priorities of the Secretary of Defense and the Secretary of the Navy. Where feasible, I would like to apply commercial methods and industry practices to address these challenges.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Navy (Installations and Environment)?

Answer. On a national level, I believe the most serious problem will be maintaining a proper balance between national security and non-defense needs. Within the Department of Defense and the Department of Navy, I expect there will be a strong competition for resources.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I will work closely with the Secretary of the Navy and the Under Secretary of the Navy to support the Secretary's overall goals and time lines.

PRIORITIES

Question. What broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Navy (Installations and Environment)?

Answer. If confirmed, I will establish priorities consistent with those of the Secretary of Defense and the Secretary of the Navy.

HOUSING PRIVATIZATION

Question. Congress has repeatedly expressed its support for improving military family housing. Through the Military Housing Initiative, the Department of Defense has taken a significant step toward improving family housing. However, it will take many more years and a significant amount of funding to meet the Department's housing needs. An alternative option that has frequently been mentioned to resolve the military family housing crisis is to privatize the housing and relieve the Services and its commanders of the burden of maintaining and managing the family housing program. If confirmed for the position of Assistant Secretary of the Navy for Installations and Environment, you will have a key role in any decisions regarding military family housing.

What are your views regarding the privatization of family housing?

Answer. I believe that privatization is an essential tool in improving living conditions for sailors, marines, and their families. The ability to leverage Government resources through partnership with the private sector will help the Navy and Marine Corps to obtain better housing faster.

Question. What is your view of the structure, pace, and general goals of the Navy's current housing privatization program? Do you think the program should be continued, and if so do you believe the program should be modified in any way?

Answer. I understand that the Department of the Navy recently awarded three housing privatization projects, and several more awards are planned in the coming months. It is my opinion that the program should be continued. If confirmed, I will explore all aspects of the program to identify those areas that should be modified.

Question. The Department of Defense has established 2010 as a goal to improve the standards of military family housing.

Do you believe this goal is realistic and achievable in regard to the Department of the Navy?

Answer. Yes, based on what I have observed, and if confirmed, I would like to see us do it sooner.

"1+1" STANDARD FOR BACHELOR ENLISTED QUARTERS

Question. In recent years the Department of Defense has pursued the so-called "1+1" standard for unaccompanied housing. While building to this standard raises costs, making it more difficult to modernize the Department's unaccompanied housing, many believe the greater privacy the 1+1 standard offers our enlisted personnel is essential to recruiting and retaining quality personnel and is something all personnel deserve. Others argue that the 1+1 standard can reduce unit cohesion and slow the integration of new personnel into the military culture. The Marine Corps, and more recently the Navy, have sought and received waivers to build to a "2+0" standard that affords less privacy but allows them to build new unaccompanied housing faster.

What is your view of the 1+1 standard?

Answer. In my view, the 1+1 standard does provide enhanced privacy and, therefore, improves the quality of life for single members.

Question. Do you believe the Navy and Marine Corps should build to the same standards as the Army and the Air Force or continue their recent waivers of the 1+1 standard?

Answer. I have not yet been fully briefed on the waivers to the 1+1 standard. If confirmed, I will work to ensure our sailors and marines have a quality place to live. This will include consideration of all possible options that are necessary to achieve this goal as quickly as possible.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform activities that are commercial in nature, including many functions relating to running and maintaining our military installations.

What approach would you recommend to balance the need to maintain necessary decision-making functions and technical capabilities in the government's civilian workforce, including the knowledge necessary to be a "smart buyer," and skills such as civil engineering within the military, with the savings that may be available from outsourcing?

Answer. I understand that the Department of Defense has in place an approach called "Strategic Sourcing" that has wide acceptance. If confirmed, I will work with the Department of the Navy staff to examine this approach carefully, and assist in development of alternatives to achieve any improvements necessary.

Question. Do you support the principle of public-private competition as the preferred means to make the "sourcing" decision for such functions?

Answer. If confirmed, I will work with the Secretary of the Navy and the Department of the Navy staff and would welcome the opportunity to work with the committee to evaluate the issue of public-private competition and whether it should be a preferred means of sourcing commercial activities.

Question. Do you believe that public-private competition results in significant savings to the Department of Defense regardless of which side wins the competition?

Answer. I have not reviewed any specific data in this area, so I cannot provide an answer. If confirmed, I would welcome the opportunity to work with the Department of the Navy staff and the committee to evaluate such competition.

Question. OMB Circular A–76, which establishes the guidelines for outsourcing most government functions, is slated for scrutiny by a congressionally-mandated panel of government and private experts in this area. The panel, chaired by the Comptroller General, is scheduled to report to Congress with specific policy and legislative reforms and recommendations for changing the way the government conducts out-sourcing decisions and implements them.

What is your view of the current A–76 process?

Answer. If confirmed, I would be happy to participate in the review by the congressionally-mandated panel to evaluate and improve the process.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. I believe that the work of the above-mentioned panel may be useful in developing alternatives that may achieve the benefits of public-private competition.

BASE CLOSURES

Question. The President's February 2001 budget blueprint document states that "with 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently".

Do you believe that we need more base closures?

Answer. I am aware that the Secretary of Defense has expressed a desire to conduct more base closures. I support that conclusion.

Question. Do you believe the Navy has excess infrastructure that uses resources that could be applied to higher priorities within the Department of the Navy?

Answer. Any discussion of where there may be excess capacity must await the completion of the Quadrennial Defense Review. That will identify a vision of how the Department of Defense must be reshaped to meet the threats of today and tomorrow to our Nation. Implementing this new defense vision will likely involve a shift in the focus and priorities of the Military Departments, including its supporting shore establishment.

Question. Based on your service on the Base Closure Commission, do you have any suggestions on how to improve the base closure process?

Answer. Although the base closure process established by the Defense Base Closure and Realignment Act is fundamentally sound, if confirmed, I will work closely within the Department of Defense and Congress to further refine the process in light of the experience gained from previous closure rounds. Any specific suggestions, however, would be premature before considering the results of the Department of Defense's ongoing reviews and the changes they are likely to recommend.

Question. Based on your extensive experience from all aspects of the process—as a military commander, a member of the 1993 Base Closure Commission, and as head of the Greater Kelly Development Corporation—do you believe the process established by the Defense Base Closure and Realignment Act of 1990 is a fair and effective way to reduce excess military infrastructure and return the property to local authorities?

Answer. Yes.

Question. In your view, would changing the base closure process to exempt some bases from the independent commission's review make the process more or less open, fair, and stressful to communities with military installations?

Answer. Any changes to the base closure process must remain open, objective, and fair to all communities. If confirmed, I will consider any proposed changes to improve the process.

VIEQUES

Question. For the past 2 years, Naval forces deploying from the East Coast of the United States have been unable to conduct live-fire training on the Navy's training range on Vieques, Puerto Rico, which has degraded the readiness of these forces to execute their wartime missions.

In your view, to what extent are the difficulties the Navy is having with respect to training on Vieques unique to this particular situation and to what extent might these difficulties be an example of future problems at other training ranges?

Answer. Not having been closely involved with the issues surrounding Vieques, I do not know if this is unique to this situation. If confirmed, this issue will be high on my priority list.

Question. The Navy has been looking for an alternative to Vieques for 2 years without success to date. Do you believe there are any alternatives available to replace the range of training capabilities the Navy and Marine Corps have at the Atlantic Fleet Weapons Training Facility ranges on and around Vieques?

Answer. I understand the Secretary of the Navy has established a broad study to examine the possibilities.

Question. In your view, how difficult will it be to find new training areas unencumbered by restrictions imposed by neighboring populations, civilian air or sea traffic, or the need to protect sensitive environmental areas or endangered species should the need arise to replace or expand our training ranges in the future?

Answer. It will be challenging. Encroachment is an issue at many military facilities, not just training ranges. If confirmed, I will work to seek appropriate solutions.

Question. If confirmed, what actions would you propose to ensure that this kind of problem does not prevent the Navy and Marine Corps from effectively training and operating both at home and abroad?

Answer. If confirmed, I would propose that Navy and Marine Corps continue to be good neighbors and stewards of their ranges. I will work hard to build and nurture healthy partnerships that respect defense and community needs.

REAL PROPERTY MAINTENANCE

Question. The military departments have consistently struggled to maintain their base infrastructure. The backlog of real property maintenance has remained high whether budgets were increasing or decreasing, and the military is far behind industry standards for maintaining and modernizing its facilities.

Are there any new approaches to this issue that you believe could help the Navy move toward a solution of this perennial problem?

Answer. I believe the solution lies in a combination of reducing any excess infrastructure consistent with the recommendations of the Quadrennial Defense Review, and a commitment to maintain the remaining infrastructure using commercial benchmarks and practices.

ENVIRONMENTAL ISSUES

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, and the assignment of radio frequency spectrum away from the Department of Defense.

In your opinion, how serious are these problems for the Department of the Navy?

Answer. I understand encroachment is a very serious problem that is having a negative impact on training and testing. I understand these impacts include decreased days for testing and training, restrictions on the location and timing for testing and training, and limitations on the types of training available. The cumulative effect can diminish readiness.

Question. If confirmed, what role do you expect to play in addressing these challenges and what actions would you propose to take to address them?

Answer. If confirmed, I will work with the Secretary of the Navy, the other military components, the Office of the Secretary of Defense, and other Federal agencies to assess the issue from a broad policy perspective and resolve a number of specific encroachment issues. I will also work closely with Congress on potential changes to existing laws to clarify those laws with respect to the proper balance between environmental protection and military readiness.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Do you believe that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. Yes. In many respects, the Department of the Navy is just like any other big business and must give priority to complying with environmental requirements.

It is vital that the Navy and Marine Corps comply with environmental protection requirements and budget appropriately. If confirmed, I also will look for opportunities to be proactive rather than reactive. For example, achieving compliance through pollution prevention is the preferred method of achieving compliance.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. In general, no. Most of the activities of the Navy and Marine Corps, particularly those associated with operating installations, can and must comply with environmental laws like the private sector. However, application of some environmental laws and regulations to unique military training actions should be examined and may require some regulatory accommodations to ensure national security.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that Federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. In general, yes. There may be circumstances where environmental regulations must be tailored to accommodate a unique military mission or special circumstances related to military training while balancing the need to ensure good environmental stewardship.

Question. The Department of Defense faces a bill for the clean-up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars, and could well be in the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. If confirmed, I will work with the other Services and the Office of the Secretary of Defense, in consultation with Congress, to solve this critical question.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such clean-up)?

Answer. It makes sense that better technology will provide more reliable and cost effective solutions for UXO remediation. If confirmed, I plan to address this issue in collaboration with my military department counterparts and the Defense Science Board.

ENERGY EFFICIENCY

Question. Executive Order 13123 lays out a number of specific steps that agencies should take to promote energy conservation. These include the use of energy savings performance contracts, utility energy efficiency contracts, and other contracts designed to achieve energy conservation; conducting energy efficiency audits for approximately 10 percent of an agency's facilities each year; and exploring opportunities for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching.

Do you support the use of these energy conservation approaches?

Answer. Yes

Question. Are there other steps that you would take, if confirmed, to promote energy conservation by the Department of the Navy?

Answer. If confirmed, I will pursue a combination of investment strategies using appropriated and private sector funding to accomplish energy saving projects.

Question. Do you believe that the energy conservation goals established in the Executive Order are achievable?

Answer. Yes

INTEGRATION OF INSTALLATIONS WITH LOCAL COMMUNITIES

Question. The Department of Defense is in the midst of an effort to increase the Basic Allowance for Housing to eliminate out-of-pocket housing costs for military families who choose to live off base. This policy is intended to encourage more military families to live off base and reduce the demand for government housing. In recent years, outsourcing of base operations functions on military installations has increased substantially. Secretary Rumsfeld has proposed examination of additional contracting out in certain areas, including the operation of commissaries. All of these policies tend to increase the integration of the military into the local community and increase the non-military population on our bases.

At the same time, force protection concerns are leading the military services to take steps to close or restrict access to military installations and to build force pro-

tection measures into the construction of schools and other non-military facilities on those installations.

What do you believe is the appropriate level of integration, or separation, between military installations and the surrounding local communities?

Answer. This is a question of risk based on many factors. If confirmed, I will strive to ensure that military core capabilities are protected as necessary, and still seek the appropriate level of integration between military installations and the surrounding communities.

DAVIS-BACON ACT

Question. 40 U.S.C. Sec. 276a, commonly known as Davis-Bacon, requires that for every contract in excess of $2,000 involving construction, alteration, and/or repair of public buildings or public works, the prevailing wage in that state shall be paid. When the contract cost-floor was set in the 1930s, $2,000 was a substantial sum of money, however, inflation during the intervening years has eroded the value of the dollar to the point were there is virtually no project that is not covered by Davis-Bacon.

If confirmed, would you support raising the contract threshold to a more current standard before Davis-Bacon can be invoked?

Answer. Yes

Question. In your personal opinion, what would be an appropriate contract cost before Davis-Bacon should apply?

Answer. One approach is to raise the Davis-Bacon threshold to the "simplified acquisition" threshold, which is currently $100,000. I understand that another approach currently under discussion is to raise the threshold to one million dollars. If confirmed, I will work with the other Services and the Secretary of Defense, in consultation with Congress, to support an appropriate new threshold.

INSTALLATION MANAGEMENT

Question. One of the obvious handicaps to the implementation of the Family Housing Privatization initiative was the lack of specialists in real estate and financial management throughout the Department of Defense. A similar shortfall is said to exist in the area of business managers and installation managers.

If the Navy is experiencing similar shortfalls, should these positions be filled with contract or civil service personnel? Please explain.

Answer. If confirmed, this will be a matter that requires my review and attention.

Question. As the Navy enters a new era of defense reform and business practices, does it have a program to ensure it has a cadre of real estate and business managers?

Answer. I am not aware of any comprehensive program focused on these areas. If confirmed, I intend to ensure the Department has a workforce that is properly sized and has the necessary skills to reap the savings and efficiencies sought through privatization.

SHIP DISPOSAL

Question. In its December 2000 report to Congress on the Ship Disposal Project, the Navy expressed a commitment to eliminating any environmental risks posed by its inactive ships by reducing the size of the Inactive Fleet. A decision regarding a long-term ship scrapping program was deferred, however. The communities in which these vessels are berthed recognize that the potential for environmental and navigational problems increases with the length of time they are stored.

Do you believe that it is important to develop a budget and long-term procurement strategy for ship disposal to dispose of these ships in an efficient and responsible manner, while considering the full range of competitive contracting procedures?

Answer. Yes. If confirmed, I will work on such a strategy with the Assistant Secretary of the Navy (Research, Development, and Acquisition), who has responsibility for ship disposal

Question. If confirmed, how would you propose to approach this problem?

Answer. If confirmed, I expect to provide advice regarding environmental, safety and health issues to the Assistant Secretary of the Navy (Research, Development, and Acquisition). The objective will be to ensure that any ship disposal actions are done in full compliance with environmental, safety, and occupational health laws.

RESEARCH ON MARINE ENVIRONMENT

Question. Tensions between Navy fleet operations and protection of the marine environment is an area that has been characterized as one of several environmental encroachment issues. Some of these tensions may be resolved through continued support for investments in science and technology.

If confirmed, would you support the Navy's ongoing research efforts in this area?

Answer. Yes. I understand that the Navy funds numerous research projects and programs to better understand the issue of sound in water and its effect on the marine environment. I support continuing this work so that the Navy can continue to operate and train while still being good stewards of the marine environment.

Question. How else might you propose to resolve these tensions?

Answer. I believe the Navy must use the best available science, keep the public properly informed, and continue to keep its process open and available for oversight by regulators.

AIRSPACE MANAGEMENT

Question. Commercial air traffic is expected to increase 6 percent annually, and military airspace use will also increase with the next generation of high performance weapon systems. As a result of the pressures associated with commercial air traffic congestion, noise, and other environmental concerns, the acquisition and use of special use airspace has evolved into a challenging endeavor for all of the military departments.

If confirmed, how would you view your role in addressing these issues?

Answer. The Nation's airspace is a limited resource that commercial aviation, general aviation, and military aviation must continue to share safely and efficiently. If confirmed, I will work closely with the other military services, the Office of the Department of Defense, and the Federal Aviation Administration to find ways to ensure the availability of special use airspace necessary to conduct the military training and testing that is necessary to defend the Nation while at the same time recognizing the interest of other airspace users.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Navy (Installations and Environment)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

BRAC ENVIRONMENTAL CLEANUP

1. Senator WARNER. Mr. Johnson, in its report on *Issues and Alternatives for Cleanup and Property Transfer of Base Realignment and Closure (BRAC) Sites,* dated August 1, 2000, the Institute for Defense Analyses noted that despite Department of Defense efforts to accelerate the program by working with effected communities and with Congress, property transfer is taking too long and goals are not being met. Many BRAC acres have not yet been transferred. These problems are compounded by recent indications that there are funding shortfalls for BRAC cleanup in the fiscal year 2002 budget, about $92 million in the Navy account and $55 million in the Air Force account. The lack of progress in the transfer of BRAC properties and inadequate funding support within the military departments make it difficult to support future rounds of BRAC.

How do you propose to address the effect of the fiscal year 2002 shortfalls in the Navy BRAC account?

Mr. JOHNSON. If confirmed, I will make the transfer of BRAC properties a priority. I will work with the Secretary of the Navy, as well as the Navy and Department of Defense Comptrollers, and the appropriate committees to ensure that the high priority shortfalls are included in the budget.

2. Senator WARNER. What role do you expect to play in addressing the need to renegotiate cleanup milestones and to address concerns regarding delayed property transfers?

Mr. JOHNSON. If confirmed, I will do my best to ensure that Navy meets all agreed milestones. I am committed to make the transfer of BRAC properties to those communities that have long been strong supporters of the defense of our Nation a priority. Before I acquiesce to renegotiating agreed to milestones, however, I will work with the Secretary of the Navy, as well as the Navy and Department of Defense Comptrollers, and the appropriate committees to ensure that the high priority shortfalls are included in the budget and do not impede property transfer.

ENVIRONMENTAL ENCROACHMENT

3. Senator WARNER. Mr. Johnson, based on the testimony provided by the Services at the Readiness and Management Support Subcommittee hearing on March 20, 2001, it appears that the time is right for the development and implementation of a comprehensive strategy that addresses both the individual and the cumulative effects of environmental encroachment issues.

How do you propose to facilitate the development and implementation of a comprehensive strategy intended to address readiness concerns related to these encroachment issues?

Mr. JOHNSON. I am committed to developing a comprehensive strategy for balancing military readiness with environmental stewardship. In many cases we have done so well with the latter that there is potential for it to adversely to affect the former. Accomplishing this balance will require Department of Defense engaging Federal and state environmental protection agencies to assess the issue from a broad policy perspective and resolve a number of specific encroachment issues. I will also work closely with Congress on potential changes to existing laws to clarify those laws with respect to the proper balance between environmental protection and national security.

FAMILY HOUSING IMPROVEMENT

4. Senator WARNER. The Department of Defense has established 2010 as a goal to bring up to standard the family housing for our military families. The vast majority of the existing family housing is more than 30 years old and has had very limited renovation due to fiscal constraints. Although the Department has made progress toward achieving the 2010 goal, the bulk of the improvement effort will have to be funded and enacted under your leadership, assuming you are confirmed.

Based on what you know of the department's ongoing efforts to improve military family housing, do you believe the 2010 goal is achievable and are you committed to that goal?

Mr. JOHNSON. Based on what I have observed, the Department of the Navy can achieve the 2010 goal. If confirmed, I would like to see us do it sooner.

FACILITY CONDITIONS

5. Senator WARNER. The condition of our military facilities is deplorable. After years of insufficient resources for the construction of new facilities or the maintenance of those in existence, many of the buildings in which our military personnel live and work have deteriorated to an unacceptable level.

What actions will you pursue to correct this problem?

Mr. JOHNSON. I believe the solution lies in a combination of reducing any excess infrastructure consistent with the recommendations of the Quadrennial Defense Review, and a commitment to maintain the remaining infrastructure using commercial benchmarks and practices.

ENCROACHMENT

6. Senator WARNER. Some of the most significant issues that will impact the readiness of the Armed Forces as we enter the 21st century could be categorized as out-

side encroachment upon military resources. This encroachment includes environmental constraints on military training ranges, local community efforts to obtain military property, airspace restrictions to accommodate civilian airlines, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

What actions will you propose to ensure that encroachment does not prevent the Armed Forces from effectively training and operating both at home and abroad?

Mr. JOHNSON. In my experience, past responses to what we now call encroachment were frequently issue-specific and not focused on long-term objectives or coordinated with others facing similar challenges. I believe two types of actions are necessary. First, we must assure that our forces assess our training operations to ensure we are in full compliance where possible. Where full compliance may not be possible consistent with our national security mission, I would work with Congress to seek clarifications to appropriate laws.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

FAMILY HOUSING IMPROVEMENT

7. Senator THURMOND. The Department of Defense has established 2010 as a goal to bring up to standard the family housing for our military families. The vast majority of the existing family housing stock is more than 30 years old and has had very limited renovation due to fiscal constraints. Although the Department has made progress toward achieving the 2010 goal, the bulk of the improvement effort will have to be funded and enacted under your leadership, once confirmed.

Based on what you know of the departments ongoing efforts to improve the military family housing stock, do you believe the 2010 goal is achievable and are you committed to that effort?

Mr. JOHNSON. Based on what I have observed, the Department of the Navy can achieve the 2010 goal. If confirmed, I would like to see us do it sooner.

67-YEAR REPLACEMENT STANDARD

8. Senator THURMOND. The Department of Defense has a dismal record in funding the repair and replacement of its infrastructure. Under the historic funding profile, it would take more than 200 years to replace the existing infrastructure. The prevailing industry standard is to replace its facilities on a 57-year cycle. Secretary Rumsfeld, concurrent with his budget submission, has established a 67-year replacement standard for DOD facilities and has established a funding profile to support this standard.

Although funding is key, proper management of the assets is critical if the Department is to achieve this goal. Based on your knowledge of how the Department currently manages its facilities, what management improvements would you recommend.

Mr. JOHNSON. I believe the solution lies in a combination of reducing any excess infrastructure consistent with the recommendations of the Quadrennial Defense Review, and a commitment to maintain the remaining infrastructure using commercial benchmarks and practices.

BASE CLOSURES

9. Senator THURMOND. One of the more significant issues that this committee will face this year is legislation authorizing additional base closures to more closely match facility capacity with existing force structure. As you may know, the mere threat of a base closure causes concern and turmoil with the communities that have a long and historic association with our military installations.

Since each of you, if confirmed, will have a significant role in any future base closures I would like your views on how we can minimize the impact of the base closure process on our communities?

Mr. JOHNSON. I believe a successful base closure process involves a constant balancing of military needs with those of the civil sector. Each community is of course different, which precludes using a single approach. Therefore, I believe we must maintain a reasonable level of discretion at every stage. Complimenting that must be a firm commitment to provide adequate funding to avoid having current year budget deficiencies from becoming the driving decision force. I think this flexibility, together with the knowledge gained during the recent rounds, will go a long way towards minimizing impacts on specific communities.

UTILITY PRIVATIZATION

10. Senator THURMOND. The Defense Reform Initiative requires the military departments to privatize all utility systems not later than September 30, 2003, except those exempt for unique security reasons or when privatization is uneconomical. Although the issue of privatization is driven by the fact that the department avoids the near term cost of modernizing the utility systems, there is concern regarding the long-term implications. These concerns are cost growth and being held hostage to future contract negotiations.

Based on your knowledge of the utility privatization effort, what are your concerns regarding the total reliance on contractors to provide utility services?

Mr. JOHNSON. I am fully committed to applying better business practices in managing the shore infrastructure. By privatizing our installation utility system there is the ability to focus our resources on core warfighting missions. The private sector is fully capable to manage our utility systems and will likely make gains in efficiency. There is an extensive selection process and only the most qualified municipal utilities and private sector contractors will be invited to participate in the sale and utility service contracts. We are very early in the utility privatization process. We plan on applying lessons learned from our first privatization effort and make changes where necessary.

PRIORITIES

11. Senator THURMOND. Mr. Johnson, the Navy, as have all the other Services, has significant problems with the readiness of its facilities. Although funding is certainly an important factor in resolving this problem, so is setting the appropriate priorities in regard to constructing new facilities versus the repair of existing facilities.

If confirmed as the Assistant Secretary of the Navy for Installations and Environment, what will be your priorities to improve our facilities?

Mr. JOHNSON. If confirmed, I will establish priorities consistent with those of the Secretary of Defense and the Secretary of the Navy.

CONTRACTING REFORM

12. Senator THURMOND. In Secretary Rumsfeld's recent testimony before the Senate Armed Services Committee, he stressed the need to reform the outdated management and acquisition processes in the Department of Defense. As a result of that testimony, Senator Allard and I contacted the Secretary concerning the innovative contracting mechanism being used by the Army for the environmental restoration of the Rocky Mountain Arsenal. According to information I have received, this innovative approach has produced impressive results. It will reportedly reduce program costs by $200 million and the project completion time by 3 years, while maintaining planned annual expenditures of approximately $70 million with a competent, yet reduced, Government core oversight team. I have also been informed that the contractor has received numerous accolades due to the meaningful small business involvement they have cultivated.

I believe this is an innovative and dynamic concept that can be applied through the Armed Services, especially at the Corps of Engineers that will allow each of you to quickly and efficiently adopt best commercial practices. In other words, this contracting model may yield dramatic and immediate savings for the Department.

Do you believe that the Department could benefit from contracting reform?

Mr. JOHNSON. Yes. The Navy has been a leader in the use of innovative contracting for the cleanup and transfer of BRAC property. I support reforms that improve efficiency and reduce costs.

13. Senator THURMOND. Will you commit to studying the Rocky Mountain Arsenal Program Management Contract in order to evaluate its applicability to other projects in your Department?

Mr. JOHNSON. Yes, I will consult with my counterpart in the Army and determine the suitability for use in the Navy.

REAL PROPERTY MAINTENANCE

14. Senator THURMOND. Mr. Johnson, as a former commander I know you are familiar with the demands on the resources allocated to your command. One of the resources that is most frequently diverted from its intended purposes is the O&M

funding allocated for the repair and maintenance of our facilities. As a result of this diversion and underfunding, our facilities are in a dismal state of repair. To preclude any further diversion there has been support for fencing the repair and maintenance accounts.

What is your position regarding the fencing of the RPM account?

Mr. JOHNSON. I believe we need to maintain financial flexibility during program execution to handle unexpected events.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

15. Senator COLLINS. Mr. Johnson, regionalization/shore installation management concerns were brought to my attention in the Northeast region back in the March timeframe. I would like to know how things are going with this effort. As such, please provide an answer to the following:

What types of change management strategies were employed at affected installations to transition the consolidation of base operating support functions?

Mr. JOHNSON. I'm not familiar with the details of the planning and execution of regionalization/shore installation management. If confirmed, this will be a matter that requires my review and attention.

16. Senator COLLINS. Mr. Johnson, were standard operating procedures (SOPs) or concepts of operations (COOs) developed to track the consolidation of base operating support functions at each of the military installations?

Mr. JOHNSON. I'm not familiar with the details of the consolidation of base operating support functions. If confirmed, this will be a matter that requires my review and attention.

17. Senator COLLINS. Mr. Johnson, what metrics are being used to ensure that the consolidation of base operating support functions is reaching the proposed targets/goals?

Mr. JOHNSON. I'm not familiar with the details of the consolidation of base operating support functions. If confirmed, this will be a matter that requires my review and attention.

18. Senator COLLINS. Mr. Johnson, what has the projected and actual savings/cost avoidance been with regionalization in each of the naval regions?

Mr. JOHNSON. I'm not familiar with the details of the planning and execution of regionalization/shore installation management. If confirmed, this will be a matter that requires my review and attention.

19. Senator COLLINS. Mr. Johnson, what have been some of the lessons learned with the transition? What have been the actualized benefits of the process?

Mr. JOHNSON. I'm not familiar with the details of the planning and execution of regionalization/shore installation management. If confirmed, this will be a matter that requires my review and attention.

20. Senator COLLINS. Mr. Johnson, what has the impact been on the workforce?

Mr. JOHNSON. I'm not familiar with the details of how regionalization has impacted the workforce in the Northeast Region. If confirmed, this will be a matter that requires my review and attention.

21. Senator COLLINS. Mr. Johnson, how has regionalization affected the existing labor agreements already negotiated or established at each of the military installations?

Mr. JOHNSON. I'm not familiar with the details of how regionalization affected existing labor agreements in the Northeast Region. If confirmed, this will be a matter that requires my review and attention.

[The nomination reference of H.T. Johnson follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
June 28, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

H.T. Johnson, of Virginia, to be an Assistant Secretary of the Navy, vice Robert B. Pirie, Jr., resigned.

[The biographical sketch of H.T. Johnson, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF HANSFORD T. (H.T.) JOHNSON

H.T. Johnson has over 41 years of service to our Nation in front-line leadership and planning experience in the military, public, and business sectors. He grew up in Aiken, SC, attended Clemson College, and was the outstanding graduate in thermodynamics and aeronautics in the first class (1959) of the U.S. Air Force Academy. In 1989, he became the first graduate of the Air Force Academy to be promoted to General (four stars). Continuing his education, H.T. received a Master's Degree in Aeronautics from Stanford in 1967 and an MBA from Colorado in 1970. He furthered his military education at the U.S. Army Command and General Staff College in 1972, the National War College in 1976, and the Advance Management Program at Dartmouth in 1980. He qualified as a "Professional Engineer" in Colorado and as a "registered principal" with the National Association of Security Dealers.

He was a forward air controller in Vietnam and flew 423 combat missions. After the combat tour, he served as an Assistant Professor of Aeronautics at the Air Force Academy. After serving in Air Force Plans and attending the National War College, H.T. joined the Strategic Air Command and served as a Wing Commander and in SAC Plans. During a period of defense downsizing (1982–1985), he led the team that successfully rebalanced the Air Force programs in the $100 billion annual Air Force Budget. H.T. led Strategic Air Command operations in 1985 and directed the refueling and strategic reconnaissance forces during Coronado Canyon, the bombing of Libya. He then became the Vice Commander in Chief of the Pacific Air Force. In late 1987, he became the Deputy Commander in Chief of the Central Command during Earnest Will, the U.S. reflagging of Kuwaiti oil tankers and escort operations in the Persian Gulf. He was intimately involved in all of the conflicts with Iran during the escort operations. In 1989, H.T. served as Admiral Bill Crowe's Director of the Joint Staff, Joint Chiefs of Staff.

As Commander in Chief of the U.S. Transportation and the Military Airlift Commands, H.T. worked directly for Secretary of Defense Dick Cheney; Chairman of the Joint Chiefs Gen. Colin Powell; and Air Force Chief of Staff Gen. Larry Welch in leading all transportation components of the Army, Navy, and Air Force (which he also commanded). His Air Force command provided all airlift and special operations forces for the extremely effective Just Cause invasion of Panama. He very successfully implemented Total Quality Management in the Military Airlift Command. All military and commercial aspects of the Operation Desert Shield/Storm movement of troops, equipment, and supplies to and from the Persian Gulf were led by him and his commands. This was the most concentrated movement in American military history—moving the equivalent of Richmond, Virginia across the world in 4 months.

After retirement from the Air Force, H.T. joined USAA Capital Corporation, part of one of the largest and most successful financial services organizations in America. He was responsible for providing non-insurance services to USAA members through the USAA Federal Savings bank (selected as the Best Bank in America by Money Magazine), the USAA Investment Management Company, the USAA Real Estate Company, and USAA Buying Service. These companies managed $13 billion in USAA insurance portfolios, over $16 billion in mutual funds, $10 billion bank, and $1 billion in real estate holdings.

While at USAA, President Bush and Secretary of Defense Dick Cheney appointed him to the 1993 Base Realignment and Closure Commission. When the 1995 Commission closed Kelly AFB, H.T. was appointed to lead the Greater Kelly Development Corporation (GKDC). The GKDC was charged with transforming the closing $7.5 billion Kelly Air Force Base with a workforce of 19,000 into a thriving industrial park employing in excess of 21,000 workers.

He served as an Executive Vice President and Chief Operating Officer of the Credit Union National Association (CUNA) in Madison, Wisconsin. Until reaching

65, H.T. served as the President and CEO of EG&G Technical Service and later of EG&G when purchased by The Carlyle Group. EG&G provides the full range of management, scientific, technical, operational, and support services to both government and commercial customers. H.T. is active in the Air Force Association's Aerospace Education Foundation, the National War College Alumni Association Board, Falcons Landing Air Force Retired Officers' Community Board, and the National Presbyterian Church.

H.T. and his wife of 41 years, Linda, live in McLean, Virginia. They have a son, a daughter, and six grandchildren.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by H.T. Johnson in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Hansford Tillman Johnson.

2. **Position to which nominated:**
Assistant Secretary of the Navy (Installations and Environment).

3. **Date of nomination:**
June 28, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 3, 1936; Aiken, SC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Linda Ann Whittle.

7. **Names and ages of children:**
Richard Tillman Johnson, 41; Elizabeth Ann Johnson McCombs, 39; David Michael Johnson, Deceased, 1998.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
1947–1953—Aiken High School.
1953–1955—Clemson College.
1955–1959—U.S. Air Force Academy, BS—Engineering Science.
1965–1966—Stanford University, MS—Aeronautics.

1968–1970—University of Colorado, MBA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Associate, Burdeshaw Associates, Ltd., Bethesda, MD, 2001 to Present.

President & CEO, EG&G Technical Services, Gaithersburg, MD, 1998–2001.

Executive VP and Chief Operating Officer, Credit Union National Association, Madison, WI, 1997–1998.

Chair, President & CEO, Greater Kelly Development Corp, San Antonio, TX, 1996–1997.

Vice Chair of Board and President & CEO of USAA CAPCO, USAA, San Antonio, TX 1992–1996.

Commissioner, Base Realignment and Closure Commission, Washington, DC, 1993.

Commander in Chief, United States Transportation Command and Military Airlift Command, 1989–1992.

Director, Joint Staff (JCS), Washington, DC, 1988–1989.

Deputy Commander in Chief, United States Central Command, Tampa, FL, 1987–1989.

Vice Commander in Chief, Pacific Air Force, Hickam Air Force Base, HI, 1986–1987.

Deputy Chief of Staff for Operations, Strategic Air Command, Omaha, NE, 1985–1986.

Director of Programs and Chair of Air Staff Board, Headquarters, U.S. Air Force, Washington, DC, 1983–1985.

Deputy Director of Programs and Chair of the Program Review Committee, Headquarter U.S. Air Force, Washington, DC, 1982–1983.

Other Air Force Positions, 1959–1982.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Associate, Burdeshaw Associates, Ltd., Bethesda, MD.

Director, Aerospace Education Foundation, Arlington, VA.

Vice President, National War College Alumni Association, Washington, DC.

Chairman, Air Force Retired Officers Community (Falcon's Landing), Sterling, VA.

Trustee, Johnson Family Trust (family/personal trust).

Trustee, Johnson Charitable Remainder Trust (family/personal trust).

General Partner, John Whit Limited Partnership (family/personal partnership).

President, Tillin Charitable Foundation (family/personal foundation).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

National March of Dimes Board, 1994–1997.

Alamo Bowl (Post Season football), 1995–1997, Chair in 1995.

U.S. Air Force Academy Association of Graduates, 1959 to Present.

Air Force Association, 1959 to Present.

Air Force Academy Sabre Society, 1995 to Present.

Order of Daedalians, 1970 to Present.

National Defense Transportation Association, 1989 to Present.

The Marine Society of the City of New York, 1990 to Present.

Airlift/Tanker Association, 1990 to Present.

Stanford Alumni Association, 1967 to Present.

Alexis De Tocqueville Institution, 1993–1997.

Free Trade Alliance of San Antonio, 1993–1997.

Santa Rosa Children's Hospital, San Antonio, TX, 1993–1996.

Cancer Therapy and Research Center, San Antonio, TX, 1993–1997.

St. Mary's University, Business School Advisory Council, San Antonio, TX, 1993–1995.

Texas Research and Technology Foundation, San Antonio, TX, 1993–1997.

University of Texas at San Antonio Development Board, 1994–1996.

Torch Club, San Antonio, TX, 1993–1997.

American Institute of Aeronautics and Asgronautics, 1968–1992.

Dominion Country Club, San Antonio, TX, 1992–1999.
Falcon Foundation, U.S. Air Force Academy, 1992–1998.
Club Giraud, San Antonio, TX, 1992–1996.
The Tower Club, Tyson's Corner, VA, 1999–2001.
Falcons Landing, Air Force Retired Officer Community Board, 2001 to Present.
Aerospace Education Foundation, 1999 to Present (If confirmed, I will resign.)
University Methodist Church, San Antonio, TX, 1992–1997.
National Presbyterian Church, 2000 to Present.
World Affairs Council of Washington, DC, 2001 to Present.
Order of the Caribou, 2000 to Present.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

POLITICAL CONTRIBUTION

(since March 1996)

Date	Amount	Recipient	Comment
3/28/96	$1,000	Dole for President.	
7/15/96	$250	Texans for Henry Bonilla.	
10/21/96	$250	Friends of John Shields.	
3/25/97	$500	Friends of Chris Dodd	Luncheon in San Antonio
9/17/98	$1,000	Alan Mollohan	On behalf of EG&G
2/24/99	$1,000	Kennedy for Senate	On behalf of EG&G, Home office in Wellesley, MA
3/13/99	$500	Charlie Gonzalez	On behalf of EG&G
3/13/99	$500	Texans for Henry Bonilla.	
5/9/99	$100	Bush for President.	
2/10/00	$250	McCain 2000	On behalf of EG&G
3/2/00	$250	George Allen.	
2/22/00	$1,000	Gore for President	On behalf of EG&G, Energy sector group
3/30/99	$500	Thornberry for Congress	On behalf of EG&G
4/1/00	$500	Bush for President.	
4/12/00	$5,000	EG&G PAC	Initial contribution to PAC
6/27/00	$200	RNC Victory 2000.	
8/8/00	$100	Lazio 2000.	
9/7/00	$500	RNC Victory 2000.	
9/11/00	$200	Alan Mollohan	On behalf of EG&G
3/11/01	$500	RNC.	
5/31/01	$100	Texans for Henry Bonilla.	

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Outstanding Graduate in Aeronautics and Thermodynamics at U.S. Air Force Academy.
Defense Distinguished Service Medal with two oak leaf clusters.
Distinguished Service medal.
Silver Star.
Legion of Merit with two oak leaf clusters.
Distinguished Flying Cross with two oak leaf clusters.
Defense Meritorious Service Medal.
Air Medal with 22 oak leaf clusters.
Presidential Unit Citation.
Navy-Marine Corps Presidential Unit Citation.
Joint Meritorious Unit Award.
Air Force Outstanding Unit Award with "V" device and three oak leaf clusters.
Air Force Organizational Excellence Award.

Combat Readiness Medal.
National Defense Service Medal.
Armed Forces Expeditionary Medal with service star.
Vietnam Service Medal with three service stars.
Humanitarian Service Medal.
Republic of Vietnam Gallantry Cross with Palm.
Republic of Vietnam Armed Forces Honor Medal, First Class with service star.
Republic of Vietnam Campaign Medal.
Command Pilot.
Navigator.
Parachutist.
Qualified as a Professional Engineer.
Qualifed as a Registered NASD Securities Broker.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Series of articles written while Commander in Chief of U.S. Transportation and Military Airlift Commands in associated weekly newspapers, 1989–1992.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

No relevant speeches.
Many speeches given while in the Air Force.
Speaker at 1999 Wright Memorial Dinner.
Speaker at Air Mobility training in 2001.
Speaker on Military Role in Diplomacy at Sheppard Center Elder Hostel in 2001.
Lecturer on cruises to Persian Gulf (1997 & 1998) and Vietnam (2000).

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

HANSFORD T. JOHNSON.

This 29th day of June, 2001.

[The nomination of H.T. Johnson was reported to the Senate by Chairman Levin on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

[Prepared questions submitted to Nelson F. Gibbs by Chairman Levin prior to the hearing with answers supplied follow:]

JULY 25, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

NELSON F. GIBBS.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

What is your view of the extent to which these defense reforms have been implemented?

What do you consider to be the most important aspects of these defense reforms?

Answer. I fully support Goldwater-Nichols Act and agree with its goal. The Act has improved the organization of the Department of Defense and provided focus on the capabilities of the military to conduct its operations. I believe the act has strengthened the advice provided the Secretary of Defense and has increased the ability of the military departments to integrate their capabilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not aware of specific proposals that are contemplated. If enacted, I would fully support any changes that resulted from the legislative process.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. The duties and functions are varied and cross a large spectrum of the Air Force mission. Central elements include providing quality housing to Air Force members and their families, a critical part of which is privatization. Privatization also extends to strategic outsourcing and utilities infrastructure. Environment, safety, and occupational health as well as airspace and range issues are also a function I will assume if confirmed. Base closure and realignment matters fall within the assistant secretary for installations and environment. If confirmed, I will also exercise oversight of the Air Force logistics system.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe my many years at the senior level with Deloitte & Touche and my experience as the Corporate Controller for Northrop Grumman Corporation will translate well into performing the duties of Assistant Secretary, if confirmed. My professional and educational background in civil engineering, financial services, and accounting coupled with my corporate experience at Northrop Grumman will allow me to quickly move into the role of Assistant Secretary, if confirmed.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. No. I am confident in my ability to do the job now.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. I would expect Secretary Roche to prescribe the duties and functions commensurate with the position and consistent with those specified in law.

Question. In carrying out your duties, how will you work with the Secretary of the Air Force, the Under Secretary of the Air Force, and the Deputy Under Secretary of Defense (Installations and Environment)?

Answer. As Secretary Roche stated in his response to questions, as part of his leadership team, I will, if confirmed, assist the Under Secretary of the Air Force,

the General Counsel, the other Assistant Secretaries of the Air Force, along with the Air Force Chief of Staff in forming a close relationship with the Deputy Under Secretary of Defense (Installations & Environment). I will make teamwork and information sharing a top personal priority.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. Enhancing our ability to carry out the Air Force mission in the most cost-effective method will always be a priority. Ensuring access to our training ranges and airspace is critical to preparing the warfighters for the ultimate tasking. Improving our family housing and the utility infrastructure and overseeing an immense logistics system will occupy a great deal of my time as well, if confirmed.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will establish broad parameters in all matters within my jurisdiction in order to allow competent people to carry out their tasks with efficiency and within the guidelines of the Air Force mission. These parameters will include improvements in financial analysis; leveraging the funds we do have available and working closely with others both within and out of government who influence Air Force installations, the environment, and our access to airspace and ranges.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. The heart of any organization is its people and I want to ensure that I have the right mix of civilian and military personnel with the right skill sets to perform the tasks within the Assistant Secretary's office. Many of the actions within my office would require the expenditure of large sums of money and are mandated by both Congress and Department of Defense. These actions must be executed with precision. I will do so if confirmed.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will work hard to establish a personal and professional relationship with both members of Congress and their staff and the DOD officials directly responsible for matters within the jurisdiction of my office. I will work closely with the Secretary and Under Secretary of the Air Force to enhance the skill levels of all our civilian and military personnel. Timeliness will be critical to all actions within my purview.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. Broad parameters will include innovative thinking; cost effectiveness, relationship building; treating people right; and of course doing everything possible to assist the Air Force warfighting mission and our people and families who carry out that mission.

HOUSING PRIVATIZATION

Question. Congress has repeatedly expressed its support for improving military family housing. In recent years the Department of Defense and Congress have taken significant steps to improve family housing. However, it will take many more years and a significant amount of funding to meet the Department's housing needs. An alternative option that was created to speed the improvement of military family housing and relieve base commanders of the burden of managing their family housing is the housing privatization program. If confirmed for the position of Assistant Secretary of the Air Force (Installations and Environment) you will have a key role in any decisions regarding military family housing.

What are your views regarding the privatization of family housing?

What is your view of the structure and general goals of the Air Force's current housing privatization program? Do you think the program should be continued, and if so do you believe the program should be modified in any way?

Why do you believe the pace of Air Force housing privatization has been so slow?

The Army has contracted for a major housing privatization effort at Fort Hood, Texas using a request for qualifications (RFQ) process instead of the more traditional request for proposals (RFP) process.

What are your views on the relative merits of these contracting approaches?

The Department of Defense has established 2010 as a goal to improve all of its military family housing.

Do you believe the Department of the Air Force can achieve this goal?

Answer. The Air Force housing initiatives are critical to the men, women, and families of the Air Force. If confirmed, I will review this matter in depth to ensure our military members and their families are provided quality housing so that they may better go about conducting the Air Force mission.

COMPETITIVE SOURCING

Question. Over the past several years, DOD has increased its reliance on the private sector to perform activities that are commercial in nature, including many functions relating to running and maintaining our military installations.

What approach would you recommend to balance the need to maintain necessary decision-making functions and technical capabilities in the government's civilian workforce, including the knowledge necessary to be a "smart buyer," and skills such as civil engineering within the military, with the savings that may be available from outsourcing?

Answer. If confirmed, I will continue to work with my staff and welcome the opportunity to work with the committee to evaluate the effectiveness of outsourcing.

Question. Do you support the principle of public-private competition as the preferred means to make the "sourcing" decision for such functions?

Answer. If confirmed, I will work the issue of sourcing decisions with the Air Force and, if requested, with this committee.

Question. Do you believe that public-private competition results in significant savings to the Department of Defense regardless of which side wins the competition?

Answer. I will evaluate the issue of public-private competition and whether it does generate greater savings. I will be most happy, if confirmed, to share my thoughts with this committee at a later time.

Question. OMB Circular A–76, which establishes the guidelines for outsourcing most government functions, is slated for scrutiny by a congressionally-mandated panel of government and private experts in this area. The panel, chaired by the Comptroller General, is scheduled to report to Congress with specific policy and legislative reforms and recommendations for changing the way the government conducts outsourcing decisions and implements them.

What is your view of the current A–76 process?

Answer. I believe that the on-going Commercial Activities Panel, directed by Section 832 of the 2001 NDAA, is a good venue in which to address issues associated with the A–76 process and if requested, I will provide any necessary input to the panel.

Question. Are there other effective alternatives to achieve the benefits of public-private competition?

Answer. If confirmed, I will evaluate all effective alternatives to public-private competition and if requested, communicate my views to this committee.

BASE CLOSURES

Question. The President's February 2001 budget blueprint document states that "with 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently".

Do you believe that we need more base closures?

Answer. If confirmed, I will support the Secretary of Defense's position on issues associated with the evaluation of the efficient use of facilities.

Question. Do you believe the Air Force has excess infrastructure that uses resources that could be applied to higher priorities within the Department of the Air Force?

Answer. Recent testimony of the Secretary of Defense, as well as the service secretaries and the service chiefs referred to excess capacity. If confirmed, I will support the Secretary in his decisions on this matter.

Question. Do you believe the process established by the Defense Base Closure and Realignment Act of 1990 is a fair and effective way to reduce excess military infrastructure and return the property to local authorities?

Answer. I am a firm believer in the legislative process and will support any decision that process yields.

Question. In your view, would changing the base closure process to exempt some bases from the independent commission's review make the process more or less open, fair, and stressful to communities with military installations?

Answer. If confirmed, I will carefully consider any proposed changes to improve the process. In general, I believe that any proposed changes must ensure that the process remains open, objective and fair to all communities.

REAL PROPERTY MAINTENANCE

Question. The military departments have consistently struggled to maintain their base infrastructure. The backlog of real property maintenance has remained high whether budgets were increasing or decreasing, and the military is far behind industry standards for maintaining and modernizing its facilities.

Are there any new approaches to this issue that you believe could help the Air Force move toward a solution of this perennial problem?

Answer. If confirmed, I will take a fresh look at approaches to this issue and if requested, share my views with this committee.

ENVIRONMENTAL ISSUES

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include population growth near military installations, environmental constraints on military training ranges, airspace restrictions to accommodate civilian airlines, and the conflicts with civilian users over the use of radio frequency spectrum.

In your opinion, how serious are these problems for the Department of the Air Force?

If confirmed, what role do you expect to play in addressing these challenges and what actions would you propose to take to address them?

Answer. If confirmed, I will take a key Air Force role in addressing encroachment associated with military installations, ranges, and airspace. These are readiness issues and I clearly understand their importance.

Question. The Department of Defense makes it a practice to request funding only for those environmental compliance areas that are already out of compliance and subject to an enforcement action, and those that will be out of compliance before the next budget cycle.

Do you believe that continuing funding for this type of environmental cleanup is critical to maintaining a positive relationship with local regulatory authorities and the communities around our military bases?

Answer. I believe that maintaining a positive relationship with the regulatory authorities and local communities is important to our entire environmental cleanup program.

Question. Do you believe that the Department of Defense should be exempt from the application of the environmental laws?

Answer. No.

Question. Do you support the basic principle of the Federal Facilities Act and other laws that Federal facilities, including DOD facilities, should be subject to the same standards as comparably situated civilian facilities?

Answer. Yes.

Question. The Department of Defense faces a bill for the clean-up of unexploded ordnance (UXO) that is at least in the tens of billions of dollars, and could well be in the hundreds of billions of dollars. At current funding levels, it has been estimated that it would take the military services several thousand years to remediate UXO problems on a DOD-wide basis.

What do you believe would be an acceptable time period for cleaning up unexploded ordnance problems throughout the Department of Defense?

Answer. If confirmed, I will work with the Air Force and with my service counterparts and DOD to establish a methodology for solving this most complex problem.

Question. Do you believe that increased investment in UXO remediation technologies would be likely to produce more effective and efficient remediation processes and substantially reduce the Department's long-term clean-up liability (and the time required to complete such clean-up)?

Answer. If confirmed, I will review this long-term liability issue both with the Air Force and with my service counterparts and DOD.

ENERGY EFFICIENCY

Question. Executive Order 13123 lays out a number of specific steps that agencies should take to promote energy conservation. These include the use of energy savings performance contracts, utility energy efficiency contracts, and other contracts designed to achieve energy conservation; conducting energy efficiency audits for approximately 10 percent of an agency's facilities each year; and exploring opportuni-

ties for energy efficiency in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching.

Do you support the use of these energy conservation approaches?

Answer. I support energy conservation, and if confirmed, I will review the entire Air Force effort in this area.

Question. Are there other steps that you would take, if confirmed, to promote energy conservation by the Department of the Air Force?

Answer. I will address the issue in detail if confirmed.

Question. Do you believe that the energy conservation goals established in the Executive Order are achievable?

Answer. If confirmed, I will attempt to meet all goals established by Presidential Executive Order.

INTEGRATION OF INSTALLATIONS WITH LOCAL COMMUNITIES

Question. The Department of Defense is in the midst of an effort to increase the basic allowance for housing to eliminate out-of-pocket housing costs for military families who choose to live off base. This policy is intended to encourage more military families to live off base and reduce the demand for government housing. In recent years, outsourcing of base operations functions on military installations has increased substantially. Secretary Rumsfeld has proposed examination of additional contracting out in certain areas, including the operation of commissaries. All of these policies tend to increase the integration of the military into the local community and increase the non-military population on our bases.

At the same time, force protection concerns are leading the military services to take steps to close or restrict access to military installations and to build force protection measures into the construction of schools and other non-military facilities on those installations.

What do you believe is the appropriate level of integration, or separation, between military installations and the surrounding local communities?

Answer. If confirmed, I will address this very complex issue in detail.

DAVIS-BACON ACT

Question. 40 U.S.C. Sec. 276a, commonly known as Davis-Bacon, requires that for every contract in excess of $2,000 involving construction, alteration, and/or repair of public buildings or public works, the prevailing wage in that state shall be paid. When the contract cost-floor was set in the 1930s, $2,000 was a substantial sum of money, however, inflation during the intervening years has eroded the value of the dollar to the point were there is virtually no project that is not covered by Davis Bacon.

If confirmed, would you support raising the contract threshold to a more current standard before Davis-Bacon can be invoked?

In your personal opinion, what would be an appropriate contract cost before Davis-Bacon should apply?

Answer. If confirmed, I will review the issues associated with the Davis-Bacon Act and consult with senior Air Force leadership for their views.

INSTALLATION MANAGEMENT

Question. One of the obvious handicaps to the implementation of the Family Housing Privatization initiative is the lack of specialists in real estate and financial management throughout the Department of Defense. A similar shortfall is said to exist in the area of business managers and installation managers.

If the Air Force is experiencing similar shortfalls, should these positions be filled with contract or civil service personnel? Please explain.

As the Air Force enters a new era of defense reform and business practices, does it have a program to ensure it has a cadre of real estate and business managers?

Answer. If confirmed, I will address the issue of real estate and financial management specialists and illicit the views of senior leaders in the Air Force.

AIRSPACE MANAGEMENT

Question. Commercial air traffic is expected to increase 6 percent annually, and military airspace use will also increase with the next generation of high performance weapon systems. As a result of the pressures associated with commercial air traffic congestion, noise, and other environmental concerns, the acquisition and use of special use airspace has evolved into a challenging endeavor for all of the military departments.

If confirmed, how would you view your role in addressing these issues?

Answer. I view my role as working closely with senior Air Force civilian and military leaders to address this critical readiness issue.

UNEXPLODED ORDNANCE CLEANUP AND TECHNOLOGICAL DEVELOPMENT

Question. Unexploded ordnance (UXO) and other by-products of test and training activities can cause environmental contamination and safety concerns that may trigger restrictions on military testing and training. The technology presently available to address these issues is labor intensive and not cost effective, but technological advancements have shown promise. The Air Force's budget request for fiscal year 2002 does not contain any funding to support such critical environmental technology investments.

If you are confirmed, how would you propose to address this issue?

Answer. If confirmed, I will address this issue within the Air Force, with my service counterparts and DOD representatives.

ENVIRONMENTAL ENCROACHMENT

Question. Some of the Service Chiefs have asserted that they spend more money each year complying with environmental regulations than they spend on training. In visits to military installations, committee members have observed first hand the barriers to training caused by compliance with environmental regulations.

If confirmed, what steps would you take to reduce the cost to the Department of environmental compliance?

If confirmed, how would you propose to facilitate the development and implementation of a comprehensive strategy to address readiness concerns related to these encroachment issues?

Answer. Environmental costs, readiness, and encroachment are issues I will address, if confirmed.

OVERSEAS INSTALLATIONS

Question. The Air Force maintains a network of bases to support our forward deployed forces. In testimony before the Senate Armed Services Committee, both the Supreme Allied Commander, Europe, and the Commander, United States Forces, Korea, stated that the installations in their commands are in serious need of repair. The implication of these statements is that overseas installations are not faring well in the funding allocation process.

In your view, what share of resource allocation should go to our overseas bases?

Answer. If confirmed, I will study resource allocations for all installations in the Air Force and determine if special circumstances are warranted.

67-YEAR FACILITY REPLACEMENT GOAL

Question. One of Secretary Rumsfeld's more significant goals is to fund facility replacement on a 67-year standard, rather than the almost 200-year cycle on which the Department is currently operating. Although this standard is still short of the industry standard of 57 years, it will significantly increase the readiness of our military installations.

In your view, is it realistic to hold the Air Force to such a standard when there are fluctuating budget demands and priorities?

Other than increased funding for military construction and repair and maintenance, what other tools would you suggest the Department employ to achieve the 67-year replacement goal?

Answer. If confirmed, I will review all issues associated with infrastructure replacement from both an installation and cost standpoint. Installation upgrades are clearly a part of both readiness and quality of life.

MODERNIZATION/NEW MISSION COSTS

Question. All components, including both active and Reserve Forces, face the challenge of providing facilities required for a new weapon system or the assignment of a new mission. This is especially challenging to the Reserve components, which have been assigned new missions or weapons systems and then expected to fund the new facilities from their limited military construction funds.

Do you believe the funding for new equipment support facilities should be programmed as part of any given program's acquisition cost?

What are your views on the assignment of new missions to the Reserve components without specifically programming the funds in the military construction program to support those missions?

Answer. New weapon systems and new missions and their impact on infrastructure for the active, Reserve and Guard forces will be an agenda item should I be confirmed.

BRAC ENVIRONMENTAL CLEANUP

Question. There are funding shortfalls for Base Realignment and Closure (BRAC) cleanup in the fiscal year 2002 budget, including about $92 million in the Navy account and $55 million in the Air Force account. Such funding shortfalls adversely effect cleanup milestones, undercut the timeliness and value of property transfers, further harm communities already impacted by base closure, and threaten the overall credibility of the BRAC process.

If confirmed, how would you propose to address the effect of the fiscal year 2002 shortfalls in the Air Force BRAC account?

What role do you expect to play in addressing the need to renegotiate cleanup milestones and to address concerns regarding delayed property transfers?

Answer. BRAC environmental cleanup shortfalls would be an issue within my authority and if confirmed, I will attempt to resolve this issue to the satisfaction of the Air Force and the local communities.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force (Installations and Environment)?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

ENVIRONMENTAL CLEANUP

1. Senator WARNER. Mr. Gibbs, in response to advance questions regarding funding shortfalls for Air Force BRAC cleanup you indicated that, subject to confirmation, you would attempt to resolve this issue to the satisfaction of the Air Force and the local communities.

If confirmed, what role would you expect to play in renegotiating cleanup schedules and addressing concerns related to delayed property transfers?

Mr. GIBBS. The Air Force has a strong record of supporting the cleanup requirements at BRAC installations that are needed to support communities. I would work with the Department of Defense and Congress to fully fund the cleanup requirements needed to facilitate property transfer.

FAMILY HOUSING IMPROVEMENT

2. Senator WARNER. The Department of Defense has established 2010 as a goal to bring up to standard the family housing for our military families. The vast majority of the existing family housing is more than 30 years old and has had very limited renovation due to fiscal constraints. Although the Department has made progress toward achieving the 2010 goal, the bulk of the improvement effort will have to be funded and enacted under your leadership, assuming you are confirmed.

Based on what you know of the department's ongoing efforts to improve military family housing, do you believe the 2010 goal is achievable, and are you committed to that goal?

Mr. GIBBS. I consider the housing needs of our Air Force men and women and their families area top priority and I am fully committed to achieving the 2010 goal.

FACILITY CONDITIONS

3. Senator WARNER. The condition of our military facilities is deplorable. After years of insufficient resources for the construction of new facilities or the maintenance of those in existence, many of those buildings, in which our military personnel live and work, have deteriorated to an unacceptable level.

What actions will you pursue to correct this problem?

Mr. GIBBS. I agree the rundown state of our bases is caused by years of reduced facility funding that has lead to a steady deterioration in Air Force infrastructure. Previous underfunding of military construction and operation and maintenance required the Air Force to develop "work-arounds," which impacted combat capability, operational efficiency, and quality of workplace environment. Although we continue to operate and support the world's premier aerospace force, we cannot correct overnight the negative impact reduced funding has had on the infrastructure. I agree with another round of base closures and realignments to balance Air Force manpower and force structure with infrastructure. Done right, the Efficient Facilities Initiative (EFI) provides a vehicle for properly sizing our infrastructure to our force structure and allows us to reallocate critical funds to force modernization, readiness and quality of life issues. We will continue the use of public and private resources to accelerate the rate at which we revitalize our inadequate housing inventory to meet DOD and Air Force goals to fix all inadequate housing by 2010.

ENCROACHMENT

4. Senator WARNER. Some of the most significant issues that will impact the readiness of the Armed Forces as we enter the 21st century could be categorized as outside encroachment upon military resources. This encroachment includes environmental constraints on military training ranges, local community efforts to obtain military property, airspace. restrictions to accommodate civilian airlines, and many others. Unless these issues are effectively addressed, our military forces will find it increasingly difficult to train and operate at home and abroad.

What actions will you propose to ensure that encroachment does not prevent the Armed Forces from effectively training and operating both at home and abroad?

Mr. GIBBS. Encroachment at our installations, ranges and airspace is a serious and growing challenge to the Air Force. Encroachment issues are complex and involve multiple Federal, State, tribal, and local agencies, as well as Congress and the public. We continue to work with state regulators and local communities to ensure we have the flexibility to base aircraft at installations that have access to ranges and airspace. We must monitor activities outside our fencelines and engage with local communities including at our overseas locations. The Air Force has found that where we have good relationships with regulators, we have been able to develop cooperative strategies that allow the AF to accomplish its mission while at the same time providing the necessary stewardship of our natural and host county natural resources.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

MILITARY FAMILY HOUSING STOCK

5. Senator THURMOND. The Department of Defense has established 2010 as a goal to bring up to standard the family housing for our military families. The vast majority of the existing family housing stock is more than 30 years old and has had very limited renovation due to fiscal constraints. Although the Department has made progress toward achieving the 2010 goal, the bulk of the improvement effort will have to be funded and enacted under your leadership, once confirmed.

Based on what you know of the department's on going efforts to improve the military family housing stock, do you believe the 2010 goal is achievable and are you committed to that effort?

Mr. GIBBS. I give great weight to the housing needs of the Air Force men and women and therefore am fully committed to achieving the 2010 goal.

FACILITIES MANAGEMENT

6. Senator THURMOND. The Department of Defense has a dismal record in funding the repair and replacement of its infrastructure. Under the historic funding profile, it would take more than 200 years to replace the existing infrastructure. The prevailing industry standard is to replace its facilities on a 57-year cycle. Secretary

Rumsfeld, concurrent with his budget submission, has established a 67-year replacement standard for DOD facilities and has established a funding profile to support this standard. Although funding is key, proper management of the assets is critical if the Department is to achieve this goal. Based on your knowledge of how the Department currently manages its facilities, what management improvements would you recommend?

Mr. GIBBS. The Air Force's challenge remains unchanged—balancing shortfalls among our priorities of people, readiness, modernization, and infrastructure. Increases in defense spending provided last year were helpful in meeting most pressing needs—however, those increases do not meet all of the needs. As the Air Force has sought to accomplish its various goals, it made a conscious decision to fund people, readiness and modernization at the expense of the infrastructure programs.

I see few management actions not already implemented that would significantly improve management of facility assets. However, there is one management action the Air Force is currently working on that has tremendous asset management potential. The Air Force's Next Generation Installations (NGI) approach could be the primary asset management tool to assist the Air Force in meeting the Secretary's 67-year replacement standard for facilities. NGI is a system that provides information regarding Air Force installations, missions, and quality of life. NGI can: expedite and facilitate fact-based decisions by making data visible and accessible; identify needed data that is not available; and most importantly, enable actions.

BASE CLOSURES

7. Senator THURMOND. One of the more significant issues that this committee will face this year is legislation authorizing additional base closures to more closely match facility capacity with existing force structure. As you may know, the mere threat of a base closure causes concern and turmoil within the communities that have a long and historic association with our military installations.

Since each of you, if confirmed, will have a significant role in any future base closures I would like your views on how we can minimize the impact of the base closure process on our communities?

Mr. GIBBS. Once recommended closures are approved, we will work with the communities as we have in the past to minimize the impacts. The proposed Efficient Facilities Initiative (EFI) incorporates the lessons we learned from the past four rounds of closures and includes such things as no cost economic development conveyances and transfer-leaseback authority. I believe the team the Air Force has in place is extremely competent and familiar with all the concerns that will be voiced by communities. I will ensure our Base Conversion Agency responds equally aggressively to any new base closure and realignment round.

UTILITY PRIVATIZATION EFFORT

8. Senator THURMOND. The Defense Reform Initiative requires the military departments to privatize all utility systems not later than September 30, 2003, except those exempt for unique security reasons or when privatization is uneconomical. Although the issue of privatization is driven by the fact that the department avoids the near term cost of modernizing the utility systems, there is concern regarding the long-term implications. These concerns are cost growth and being held hostage to future contract negotiations.

Based on your knowledge of the utility privatization effort, what are your concerns regarding the total reliance on contractors to provide utility services?

Mr. GIBBS. The Air Force is taking a measured approach to utility privatization. They have come to realize that in many cases utility privatization does not make good business sense and has limited private sector interest. Due to readiness constraints and economics, not all utility systems will be eligible for this program and of those eligible, all will necessarily be privatized.

I do have a few specific concerns regarding the total reliance on contractors to provide utility services. First, total reliance on contractors could adversely affect the Air Force's ability to beddown expeditionary forces. The Air Force's internal ability to beddown forces in bare-base environments, especially in the area of utility services i.e. water, sewerage, electrical and HVAC could be lost. Contracting out utility service results in the loss of "blue-suiters" capable to accomplish expedient utility service in a contingency environment.

Another concern is the utility industry voiced problems with saturation caused from too many solicitations open simultaneously. In Dec. 1998, DepSecDef directed the Services to privatize all eligible utility systems by Sept. 30, 2003. As of June

30, 2001, 23 of the 1,590 DOD-owned utility systems had been privatized and solicitations had been issued for another 702 systems. This leaves 701 systems to be solicited before Sept. 30 (excluding 164 sitemaps declared exempt or found to be uneconomical to privatize). The utility industry and I are also concerned about the quality of some solicitations: some are too vague, others too prescriptive. I will address these qualitative issues.

ENVIRONMENTAL CONCERNS

9. Senator THURMOND. Mr. Gibbs, there has been a concerted effort to restrict overflight by high performance aircraft of vast regions in the West because of environmental concerns. I believe that if we permit this limitation to go into effect, it will have a significant detrimental impact on the training of our flight crews.

In your view what steps should the Air Force take to ensure continued access to these open-training spaces?

Mr. GIBBS. Maintaining continued access to ranges and airspace is absolutely critical; the ability to train aircrews is the reason we have the air combat edge. It is well acknowledged that America's military air superiority in the past was not only based on our technological superiority but also on our ability to produce superbly trained aircrews. In the past few years, as our technological advantage has diminished, our ability to train has served us well. In the coming years, our ability to modify ranges and airspace will be critical to maintaining Air Force readiness. The goal is to meet evolving military needs while addressing and resolving, to the maximum extent possible, public concerns and federal, tribal, state, and other agency issues. The Air Force has adopted a spirit and practice of flexibility and willingness to adapt without compromising operations. Sustainable access to ranges benefit many stakeholders and I realize the importance of establishing and maintaining permanent relationships with all of them. They understand that the ranges contain significant cultural and natural areas, are used for grazing and crop production, and allow hunting or other forms of outdoor recreation. So they are generally very supportive of the Air Force and our mission.

MOTH-BALLED INSTALLATIONS

10. Senator THURMOND. Although we all understand the need to close military installations, it is important that we keep in mind that once we eliminate the base structure it will difficult, if not impossible, to replace. We should all be particularly concerned about the Army because its forces need vast land areas for maneuvers and training.

Mr. Gibbs, in view of this concern, could you give us your personal views on mothballing valuable installations rather than disposing of them as is the current practice?

Mr. GIBBS. Because the DOD evaluation process for identifying bases to close will place primary emphasis on the military value both now and in the future, installations selected for closure should not need to be mothballed.

There are a number of considerations that suggest mothballing would not be a practical option for the Air Force. If the DOD proposed legislation is enacted, the Efficient Facilities Initiatives (EFI) provides specific authorities to help us deal with unneeded facilities on installations that do not have flying or missile missions. In these cases, we would not need or want to mothball these facilities.

With respect to our flying and missile mission bases, mothballing would not be a practical solution for several reasons. Unused real estate rapidly becomes unusable. We can preserve buildings and utilities. But runways, parking aprons, taxiways, and missile silos are subject to rapid deterioration that would be prohibitively costly to maintain in useable condition.

Mothballing the airspace associated with the particular base would be an even more significant problem. If needed, we would transfer the training and range airspace to other installations, but the airspace immediately around the installation would be much harder to withhold from other uses. Normally, airspace associated with a base is not mothballed. When an Air Force unit no longer has a use for airspace, that airspace is offered to another Air Force unit or the other DOD services for their use. If the DOD no longer needs the airspace, it's returned to the National Airspace System.

In addition, if we mothball installations, we would also have to have procedures and funding to preserve and return them to operational status at some unknown time. Finally, mothballing property would also prevent its use by other parties imposing an unrecoverable economic burden on the communities.

CONTRACTING REFORM

11. Senator THURMOND. In Secretary Rumsfeld's recent testimony before the Senate Armed Services Committee, he stressed the need to reform the outdated management and acquisition processes in the Department of Defense. As a result of that testimony, Senator Allard and I contacted the Secretary concerning the innovative contracting mechanism being used by the Army for the environmental restoration of the Rocky Mountain Arsenal. According to information I have received, this innovative approach has produced impressive results. It will reportedly reduce program costs by $200 million and the project completion time by 3 years, while maintaining planned annual expenditures of approximately $70 million with a competent, yet reduced, Government core oversight team. I have also been informed that the contractor has received numerous accolades due to the, meaningful small business involvement they have cultivated.

I believe this is an innovative and dynamic concept that can be applied through the Armed Services, especially at the Corps of Engineers that will allow each of you to quickly and efficiently adopt best commercial practices. In other words, this contracting model may yield dramatic and immediate savings for the Department.

Do you believe that the Department could benefit from contracting reform?

Mr. GIBBS. Yes, we believe the Department of Defense and the Air Force would greatly benefit by contracting reform.

ROCKY MOUNTAIN ARSENAL PROGRAM

12. Senator THURMOND. Will you commit to studying the Rocky Mountain Arsenal Program Management Contract in order to evaluate its applicability to other projects in your Department?

Mr. GIBBS. The Air Force is currently evaluating the benefits of several innovative contracting initiatives for environmental cleanup. If I'm confirmed, we will include the Rocky Mountain Arsenal program management contract concept and consider the lessons in contracting learned at Rocky Mountain Arsenal for possible application to our cleanup projects, particularly large, complex, multi-year projects.

[The nomination reference of Nelson F. Gibbs follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 12, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

Nelson F. Gibbs, of California, to be an Assistant Secretary of the Air Force, vice Keith R. Hall.

[The biographical sketch of Nelson F. Gibbs, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF NELSON F. GIBBS

Nelson F. Gibbs is currently the Executive Director of the Cost Accounting Standards Board within the Office of Management and Budget, Executive Office of the President.

Mr. Gibbs spent almost 30 years with the accounting firm of Deloite and Touche. He began with them in 1962 and worked as a general management and financial systems consultant for clients in government, manufacturing, aerospace and defense and financial service industries. In the 1970s, he was an audit partner in the Audit Division and in 1982 became director of Audit Operations in Los Angeles and a member of the Accounting and Auditing Executive Committee. In 1986, he was promoted to Lead Client Service Partner and became a Senior Partner in Tokyo in 1988.

Mr. Gibbs left Deloite and Touche in 1991 to become the Corporate Controller for the Northrop Grumman Corporation, a position he held for the next 8 years until he left at the end of 1999 to assume his current position.

A native of Rochester, NY, Nelson Gibbs is a 1959 graduate of Clarkson University in Potsdam, NY, where he was awarded a Bachelor of Civil Engineering. He was commissioned a Second Lieutenant in the U.S. Army upon graduation, serving until he resigned his commission in 1961. In 1962, he was awarded a Master of Science, Industrial Management, from Purdue University in Lafayette, Indiana.

Mr. Gibbs is also a Certified Public Accountant in California, and resides in Washington, DC.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Nelson F. Gibbs in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Nelson Frederick Gibbs.

2. **Position to which nominated:**
Assistant Secretary of the Air Force.

3. **Date of nomination:**
July 12, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
January 8, 1938; Rochester, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Priscilla (Scheib) Gibbs.

7. **Names and ages of children:**
Nelson E. Gibbs, 35; Jennifer G. Bauer, 32; Claire E. Gibbs, 31.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Benjamin Franklin High School, Rochester, NY, 1950–1955, Diploma, 1955.
Clarkson University, Potsdam, NY, 1955–1959, Bachelor of Civil Engineering, 1959.
Purdue University, W. Lafayette, IN, 1961–1962, Master of Science in Industrial Management, 1962.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Executive Director, Cost Accounting Standards Board, U.S. Government, Washington, DC, Sept. 1999–present.

Vice President and Controller, Northrop Grumman Corporation, Los Angeles, CA, June 1991–Sept. 1999.

Partner, Deloitte and Touche, Los Angeles, CA and Tokyo, Japan, August 1962–May 1991.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Co-Chairman,Cost Accounting Standards Board Review Panel, 1998–1999.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Institute of Management Accountants, California Society of Certified Public Accountants, Jonathan Club, Lakeside Golf Club.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

None.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

I agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

NELSON F. GIBBS.

This 13th day of July, 2001.

[The nomination of Nelson F. Gibbs was reported to the Senate by Chairman Levin on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

NOMINATION OF GEN. JOHN P. JUMPER, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND TO BE CHIEF OF STAFF UNITED STATES AIR FORCE

WEDNESDAY, AUGUST 1, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Cleland, Ben Nelson, Carnahan, Warner, and Inhofe.

Committee staff member present: David S. Lyles, staff director.

Majority staff member present: Madelyn R. Creedon, counsel.

Minority staff members present: Romie L. Brownlee, Republican staff director; Charles W. Alsup, professional staff member; Judith A. Ansley, deputy staff director for the minority; Brian R. Green, professional staff member; Carolyn M. Hanna, professional staff member; Ambrose R. Hock, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Cord A. Sterling, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Thomas C. Moore, Michele A. Traficante, and Nicholas W. West.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Eric Pierce, assistant to Senator Ben Nelson; Neal Orringer, assistant to Senator Carnahan; Brady King, assistant to Senator Dayton; Wayne Glass, assistant to Senator Bingaman; J. Mark Powers, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders and Charles Cogar, assistants to Senator Allard; Arch Galloway II, assistant to Senator Sessions; and Jeff Prichard, assistant to Senator Lott.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. The committee will come to order. We meet today to consider the nomination of Gen. John P. Jumper to be Chief of Staff of the United States Air Force. General Jumper, on behalf of the entire committee I welcome you, I congratulate you

on the nomination, and I greet you and your family as you prepare to undertake this new service to this Nation.

It's customary at these hearings that we also address the families, because they are such a critical part of your success and of your future efforts. The Jumpers are no strangers to sacrifice. The Air Force runs in the family. General Jumper is the son of an Air Force general. He and his wife Ellen are the proud parents of three children, two of whom are Air Force officers. Mrs. Jumper, welcome to the committee and I thank you for the sacrifices which you have always made in support of your husband and your larger Air Force family.

General Jumper, I think you're the father of three daughters?

General JUMPER. Yes sir.

Chairman LEVIN. I am also the father of three daughters, so one of the questions I will not ask you, at least in open session, is where the decision making authority rests in your family.

General JUMPER. I appreciate that Mr. Chairman.

Chairman LEVIN. The 17th Air Force Chief of Staff will inherit the strongest Air Force in the history of air power. The men and women of today's Air Force look to their chief to guide and to motivate them as they meet the many missions which America asks of them: from conducting sorties over the Balkans and the dangerous skies over Iraq, to deterring aggression on the Korean Peninsula, to providing the critical air lift in humanitarian operations from Africa to Southeast Asia. The next chief of staff will also inherit an Air Force facing the unique challenges that come with preparing for the new challenges of a new century.

How can the Air Force continue its transformation into an expeditionary aerospace force that balances the heavy demands on the force with the stability and the predictability that our airmen and their families need to stay in the Air Force? How can the Air Force continue its transformation into an aerospace force to include a cadre of skilled space professionals capable of preserving America's freedom of action and superiority in both air and space?

During these twin transformations, and given the high pace of operations, how can the Air Force ensure an attractive quality of life that recruits and retains the high quality personnel and families who are the backbone of the force? How can the Air Force achieve needed savings to help fund these transformations when, as General Ryan recently told this committee, the Air Force is overbased for the force structure that we have today?

General John Jumper is well-qualified to lead the Air Force as it confronts these and other challenges. A military assistant to two secretaries of defense, Secretary Dick Cheney and Secretary Les Aspin, and a special assistant to then-Air Force Chief of Staff Ron Fogleman, General Jumper is well-known to this committee. A Vietnam vet and a decorated pilot, General Jumper understands the dangers that our forces face every day. A commander of two major Air Force commands, General Jumper is a calm and skillful leader in times of crisis, such as during Saddam Hussein's 1994 mobilization near Kuwait and the 1999 air war over Kosovo. In his most recent assignment as commander of Air Combat Command, General Jumper has displayed the vision and the leadership qualities demanded of a member of the Joint Chiefs of Staff.

General Jumper has responded to the committee's pre-hearing policy questions and our standard questionnaire, and these responses will be made a part of the record. The committee has a long tradition of relying on the frank and candid advice of senior military officers when they testify before this committee, even when those views may differ from the policies of the administration in office at the time. When General Jumper was asked whether he would give his personal views before any duly constituted committee of Congress, he responded that he would, in fact, do so.

I want to thank you for that and the other commitments that you've made, General, and to note that this committee counts on the best possible military advice from you and from our other senior military officers in the Department of Defense.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. That was a very fine introduction. I shall not try to duplicate it. I ask unanimous consent that my statement be placed in the record.

Chairman LEVIN. It will be.

Senator WARNER. I'd like to touch on one or two points, though. I'm very proud that this wonderful family are really constituents in many ways, and that the nominee today is a VMI graduate. Of course, Gen. George C. Marshall came from VMI, after General Peay, another four star. VMI has a curriculum and standards that very closely match those of our three distinguished service academies. Year-after-year it turns out a number of very fine officers. Many go on active duty.

In visiting with the nominee yesterday, he told me 10 percent of his graduating class lost their lives in Vietnam as young officers. So, VMI takes its place in history. All across the Nation today VMI graduates are wishing they were in that seat with you. We're very proud of you, General.

General JUMPER. Sir, thank you sir.

Senator WARNER. Mrs. Jumper, who's been by your side all these many years, you would not, as you said yesterday, have been able to achieve your successes without strong family support.

General JUMPER. Yes sir.

Senator WARNER. I think we should reflect today on Gen. Mike Ryan who will step down the first week in September. Mike Ryan's father was Chief of Staff of the Air Force when I was privileged to serve in the building as Secretary of the Navy. What a fine family tradition he had, and superb leadership.

I remember so well, Mr. Chairman, the times when we as a committee met to receive the testimony of the service chiefs regarding budget battles. General Ryan would speak very forthrightly. General, as you well know, in your capacity you'll be called before this committee to give your personal, professional opinion on issues. At times, the chiefs have had opinions at variance with the Chairman of the Joint Staff and indeed the Secretary of Defense. It has happened in the past and I expect it may happen on your watch, and we'll receive that testimony.

As I said, Mr. Chairman, he has a most impressive career. My statement details that. Yesterday in the course of our discussions

we talked about the current status of fighter aircraft and your grave concern about the need for the F–22 to restore America's capability to maintain air superiority over a battlefield. Also the extent to which other elements of our military, most particularly the ground forces and such associated naval forces that may be involved, are severely limited in their ability to fulfill their mission unless we have air superiority.

I notice in the background the former chief of the Air National Guard just gave me a thumbs up on that comment. The Air Guard plays a vital role and I hope you continue to foster the role of the Air Guard. There's very little distinction in capabilities between an Air Guard and regular aviator today.

So you're taking on with your family a great challenge. We look forward to it. As a Virginian, I express my tremendous pride in your being selected by our President and recognized as the man most capable to lead our Air Force for the next 4 years.

Thank you Mr. Chairman.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

Welcome, General Jumper, and congratulations on your nomination. I start with a bit of history. Most people probably do not know that General Jumper—if confirmed—will be the first VMI graduate to serve as Chief of Staff of the Air Force, and the first VMI graduate since Gen. George C. Marshall to serve as chief of a military service. Today is a proud day for VMI—and particularly for its Class of 1966.

General Jumper, you are extraordinarily well-qualified for this important billet and your nomination comes at a critical juncture in the history of the United States Air Force. I do not make that statement lightly. In a changing world marked by newly emerging threats, extraordinary competition for resources, including the services of highly motivated and skilled men and women, and the requirement for transformation of our Armed Forces, the future course of the Air Force may well be determined during your tenure.

Your qualifications to assume the duties of Chief of Staff of the Air Force are impressive: command pilot with over 4,000 flying hours; combat experience in the cockpit in Vietnam; and Commander, Allied Air Forces Central Europe, during the Kosovo air campaign. You have commanded a fighter squadron, two fighter wings, and the 9th Air Force. You know the inner workings of the Pentagon from your service as Deputy Chief of Staff for Air and Space Operations, as Special Assistant to the Chief of Staff for roles and missions, and as Senior Military Assistant to two Secretaries of Defense (Cheney and Aspin). As Commander, Air Combat Command, at Langley Air Force Base, Virginia, you have successfully headed the premier organization in the world for training, equipping and maintaining combat-ready forces for rapid deployment.

General Jumper, you and I have seen the Air Force transition from large standing forces to smaller, highly lethal and rapidly deployable units. We have seen the advent of Goldwater-Nichols and its application in Operations Desert Shield and Desert Storm and in the Balkans. We have seen the Air Force mission change from what General Ryan has called "set-piece deterrence of a reliable enemy" into a mission that must be highly flexible, and able to respond rapidly to unpredictable threats.

The United States Air Force is the pre-eminent aerospace force in the world today. Dominance of the air is key to successful operations on the land and at sea. Potential adversaries are making ever-increasing investments in advanced aircraft and integrated air defense systems, including surface-to-air missile systems, to challenge our dominance in this part of the three-dimensional battlespace. We must always stay one step ahead.

We look forward to your comments on how the Air Force can maintain the technical edge currently provided by our aerospace forces in the years ahead.

Mr. Chairman, I look forward to supporting this nomination. I believe General Jumper will be an outstanding Chief of Staff of the Air Force.

Chairman LEVIN. Thank you very much Senator Warner. Any other opening statements?

General Jumper, do you have an opening statement?

STATEMENT OF GEN. JOHN P. JUMPER, USAF, NOMINEE, CHIEF OF STAFF, UNITED STATES AIR FORCE

General JUMPER. Sir if you permit me, I do. I'd like to thank you, Mr. Chairman, members of the committee. I'm honored to be here today as nominee for the post of chief of staff of the United States Air Force. I'm humbled by the trust and confidence demonstrated by President Bush in forwarding my nomination, and I'm thankful for the support of the Secretary of the Air Force, Jim Roche, and Secretary of Defense Rumsfeld.

Allow me also, Mr. Chairman, to express my gratitude to you and to the committee for arranging these hearings so promptly in the stiff legislative agenda you all are putting up with over these last few days. If confirmed, Mr. Chairman, I will embrace the privilege of continued service to our Nation with all the energy at my command. Sir, I intend to follow the objectives put forth by Secretary Rumsfeld and Secretary Roche. Expressed in my own way, those include: transformation, readiness, retention and recapitalization.

In transformation, we will continue the work started by General Mike Ryan to transition fully to an Air Expeditionary Force (AEF) structure. This puts predictability into the lives of our people. It includes the ability to fully incorporate the Guard and the Reserve into our operations. Today, Mr. Chairman, as you know fully 25 percent of our deployed forces are from the Guard and the Reserve. This is a level of support that is higher than during the middle of Desert Storm, and they sustain that now on a daily basis. It's a source of great pride to the United States Air Force in its total force concept.

In transformation, as you said Mr. Chairman, we have to prepare for new threats posed by theater ballistic missiles and the threats those pose to anti-access; terrorist threats, both at home and abroad that we have to look forward to. Our job in the United States Air Force, as I see it Mr. Chairman, is to make sure that we leverage our technological edge to ensure that we have the best asymmetrical advantage in warfare.

What we bring to the table and what we bring to the joint fight with our other service colleagues is stealth, standoff, precision, information technology and space. Perhaps nowhere greater is that leverage available to us than in space. In that regard, Mr. Chairman, the Air Force has fully embraced the findings of the Space Commission. General Ryan and Secretary Roche are implementing provisions of those recommendations as we speak. If confirmed sir, I will continue to do the same thing.

In terms of readiness, this is the heart and soul of our capability to perform today's mission, and it emphasizes the imperative to keep one foot in today's world as we look forward to transformational technologies. Sir, we need to recapture our ability to fly all of our flying hour programs. We need to recapture the capability to fix our airplanes. For the first time in 5 years, Air Combat Command will fully fly its flying hour program. When you put the pilots in the air and the maintainers feel the pride of fixing those air-

planes, you improve your retention. I thank you, Mr. Chairman, and members of the committee, for your support over the last 3 years. We have infused more than a billion dollars into the spare parts problem, and we are beginning to reap the benefits of that now. I thank the committee for that.

In the area of retention, we are a retention force in the United States Air Force. We depend on retaining the highly-skilled people that we train. It hurts when you lose a sergeant with 8 years of experience, because it takes 8 years to replace that sergeant. The emphasis that the committee has placed on housing, pay, and bonuses has helped very much in that regard, Mr. Chairman. We thank the committee for their efforts and their support.

As far as the Air Force, sir, if I am confirmed we will continue to also emphasize the intrinsic values of service to Nation. Often when guys like me say "quality of life," what's heard out there is higher standard of living. But quality of life is more than just a higher standard of living, it's a higher standard for your whole life. Our youngsters out there look only for the opportunity to be a part of something that's bigger than they are.

Mr. Chairman, I know that you, Senator Warner, and others visited over in Europe during the Kosovo crisis. You walked the flightlines and the battlefields of that war-torn area. You saw our great, young Americans—Active, Reserve, Guard—performing. They were no less committed than any generation of Americans has ever been committed. They look for leadership, and when you give them that leadership they perform with all the patriotism and commitment of any generation.

Finally, sir, in terms of recapitalization, we need your help and I hope to confer with you in the future, if I'm confirmed, to recapitalize a force that now has an average aircraft age of 22 years. If we are able to procure everything that's on the books now, in full quantity, in 15 years the average age of our aircraft will be 30 years of age. We need to recapitalize our force, not only in terms of force structure, but in terms of technology. I fear that our technological edge is waning.

I know that Senator Inhofe and Senator Warner have heard me say this before, but in our testing of some foreign aircraft—and I can't go into details at this level—but our best pilots flying their airplanes beat our best pilots flying our airplanes every time. I'd be honored, Mr. Chairman, to give you the details of the tests that went into that.

But it does go forth to emphasize the need for the F–22. The F–22 not only beat the things in the air, but the F–22 with the supercruise capability will also be able to penetrate the highest defenses that we know are coming down the road. It will enable the B–2 bomber to come into the daytime for the first time. In that regard, we also need to recapitalize our bomber force and continue to modernize so that our long-range strike assets can communicate en route to targets and have the ability to carry larger loads into the target area.

Mr. Chairman, if I'm confirmed I can think of no greater honor than to lead the greatest Air Force in the world. Our people are our greatest asset. They ask only that their sacrifices be appreciated, that they have the resources to do their job, and that when

they win they're able to do so by a score of 100 to nothing for their Nation. I thank this committee for providing the resources to bring us these great young people, great Americans one and all. I vow that if I am confirmed I will continue to do everything in my power to earn the right to lead them.

Mr. Chairman, I'd like to offer my detailed written statement for the record, and sir, I'm prepared to answer any questions from you.

Chairman LEVIN. It will be made part of the record, thank you.

[The prepared statement of General Jumper follows:]

PREPARED STATEMENT BY GEN. JOHN P. JUMPER, USAF

Thank you Mr. Chairman. I am honored to be here today as nominee for the post of Chief of Staff of the United States Air Force. I am humbled by the trust and confidence demonstrated by President Bush in forwarding my nomination and am thankful for the support of Secretary of the Air Force Jim Roche and Secretary of Defense Rumsfeld. Allow me also, Mr. Chairman, to express my gratitude to you and to the committee for arranging this hearing so promptly. If confirmed, Mr. Chairman, I will embrace the privilege of continued service to our Nation with all the energy at my command.

Mr. Chairman, if confirmed I intend to follow the objectives put forth by Secretary Rumsfeld and Secretary Roche that include transformation, readiness, retention, and recapitalization.

The word "transformation" has become commonplace today. However, we believe that during the course of our relatively brief history the United States Air Force has been on a consistent course of transformation. True to form, during most of the decade of the 1990s the Air Force was in an especially intense period of transformation. Indeed, we completely reshaped ourselves from a Cold War configuration that had us focused on a Warsaw Pact invasion of Europe into an agile force able to respond quickly in the contingency world we live in today. General Mike Ryan has led the creation of our Aerospace Expeditionary Forces (AEF). The AEF is a rotational force construct that allows Air and Space forces to respond rapidly throughout the spectrum of conflict and has produced a deployment rhythm that provides our Airmen predictable rotation schedules around which to include time for family, off-duty education and leave. The AEF is the tool we need to manage an Air Force that has decreased in size by 35 percent over the past 10 years while contingency taskings have increased by 300 percent. If confirmed, I will continue to maximize the many benefits of our AEFs in order to provide our warfighting commanders in chief potent capabilities to produce the effects they need.

Transformation also includes how we deal with an uncertain future. We have learned throughout the conflicts of the 1990s how America values the benefits of asymmetrical advantage. Our Nation's Air Force provides many of the tools that lever our technological superiority and produce asymmetrical advantage. Stealth, standoff, precision, information dominance, and space are examples of these leveraging technologies. In Air Combat Command we have developed a concept called Global Strike Task Force that combines the attributes of stealth; the horizontal integration of manned, unmanned and space platforms; the art and science of prediction; and real-time command and control. The asymmetrical advantage of these capabilities will combine with those of the other services to overcome emerging anti-access challenges. In addition, many of these technologies will enable capabilities against other new types of threats such as terrorist activity. If confirmed, I will continue to pursue operational concepts and capabilities that leverage our asymmetrical advantage.

Perhaps the greatest opportunity to leverage asymmetrical advantage is space. The Commission to Assess National Security Space Management and Organization, chaired by Secretary Rumsfeld, focused the Air Force on its unique competencies in space and the need for the Air Force's leadership role. General Ryan and Secretary Roche have been fully engaged in implementing the commission's recommendations. If confirmed, I will continue to advance the work of developing a space culture. The Air Force will also work with the other services and agencies to insure proper levels of support for their space requirements and the robust integration of space into joint warfighting.

Readiness in the Air Force will continue to require our focused attention. At the beginning of the decade of the 1990s, as we entered Operation Desert Storm, 95 percent of our Air Force combat units were in the top two categories of readiness. Since 1996 we have seen that number drop to 68 percent. Likewise, the Mission Capable

(MC) rate for our fighter aircraft at the beginning of Desert Storm was 88 percent; by the year 2000, the MC rate for fighter aircraft was 75 percent. These trends were clearly the result of budget pressures that, when combined with the difficulties of aging aircraft, resulted in inadequate spare parts and sustainment engineering for our combat forces. In addition, an important factor in readiness is the maintenance of our bases' infrastructure, an area that has been neglected over the past decade. With the help of Congress and support from this committee, we have arrested the decline in some of these areas and are beginning to see some positive trends. If confirmed, I will work with Secretary Roche to keep our aircraft combat ready, and to give our Airmen on the flight line the resources and facilities they need to do their job. Retention also improves when our Airmen are able to take pride in their workplaces and their high mission capable rates that accompany safe and reliable aircraft.

There can be no doubt that the quality of our Air Force is directly attributable to the quality of the men and women who volunteer to serve. That quality has to be sustained in the people we recruit and, more importantly, in the people we retain. With the help of incentives supported by Congress, in fiscal year 2000 the Air Force achieved its recruiting goal of more than 34,000 new Airmen. In fiscal year 2001 we are at 101 percent of our goal to date, all without lowering our recruiting standards. Retention issues are also improving but are more difficult. Pilot retention is especially difficult. Improvements in readiness enhance the retention of pilot and flight line maintenance skills. Just as buying spare parts keeps the airplanes flying, a fully funded flying hour program keeps the pilots in the air—right where they want to be. I deeply appreciate the commitment made by Congress to fully fund our flying hour program. This year, for the first time in 5 years, Air Combat Command will have the resources to fly its full program. We in the Air Force also appreciate the incentives provided by the Congress that have helped offset the lure into civilian life inspired by a vibrant economy. Dual-career families and extended time away from home remain issues. If confirmed, I will join with the Secretary of the Air Force to promote the values of service to country while working to keep an appropriate balance of compensation for those who serve.

This committee is well aware of the need we have to recapitalize our force both in air and space. In space, for example, I believe the acquisition of space-based radar will be critical to the integrated constellation of air and space-borne sensors. This will allow us to combine the persistence of airborne systems with the high ground of space. In the air, the F–22 will be crucial to our ability to "kick down the door" with the Global Strike Task Force. Many have characterized the F–22 as strictly an air-to-air fighter, but the main strength of the F–22 will be its unique ability to combine stealth and supercruise to penetrate and precisely bomb future surface-to-air missile systems. The leverage of the F–22 will allow us to bring stealth into the daytime. The F–22, combined with the B–2 and F–117, will provide 24-hour stealth as the F–22 both protects the force and suppresses the most difficult threats. This does not detract from the F–22s air superiority capability. We fully understand the capabilities of the next generation of potential threat aircraft, specifically the SU–27 and SU–30 series of fighters-airplanes that have been produced, are available, and are being actively marketed. They outperform our current generation F–15 and F–16. The F–22 will provide us another generational leap over these aircraft and anything we see on the horizon. At the low end of the fighter modernization mix is the Joint Strike Fighter (JSF) which for the first time will provide persistent stealth over the battlefield for the agile and rapidly emerging targets that require close proximity for timely response.

The modernization of our Air Mobility fleet is critical as we set goals of improving the C–5 Mission Capability rate and properly sizing our Air Mobility force. We also face critical aging issues with our Boeing 707 airframe fleet that includes KC–135 tankers and surveillance platforms that now average 40 years of age. If confirmed, I would ask Secretary Roche to support a plan for transition to a new, more reliable airframe.

Long range strike modernization, that is, modernization of the B–1, B–2 and B–52, has also suffered from inadequate funding. Our plan continues to emphasize data-link communication for enroute retargeting and threat information; full integration of precision weapons; and reliability upgrades to control operating costs. The stealthy B–2 will continue to be our leading long-range penetration capability; the B–1 will be our heavy hauler in a medium threat environment; and the B–52 will provide needed stand-off capability. If confirmed, I will continue to pursue the investments needed to sharpen the "teeth" of our long-range strike assets.

Unmanned aircraft will continue to evolve. The PREDATOR UAV will be modernized with laser designation capability as we continue to field the current production version. Global Hawk will also continue its development. The UCAV will emerge as

a conventional weapons capable UAV. If confirmed, I will continue to support-as I have in the past-operational concepts that include comprehensive use of unmanned vehicles as they continue to prove their capabilities.

Finally, Mr. Chairman, Secretary Rumsfeld and Secretary Roche have both testified to this committee about the need for acquisition reform and the increasing amounts of time required to develop, test and field systems. I have told Secretary Roche, from my position as Air Combat Command commander, that I believe at least one part of acquisition reform is requirements reform—requirements that are crafted by the operators to pass to the acquisition community. I believe we can close the wide gap that currently exists between the requirements and acquisition process and work together for greater efficiency. If confirmed, I will undertake that task.

Mr. Chairman, allow me to restate my gratitude to you and the committee. I can think of no greater honor than to lead the greatest Air Force in the world. Many on this committee traveled through Europe during Operation Allied Force and saw first hand our superb men and women at work. You saw a generation of young Americans, who many think incapable of commitment, dedication or patriotism. You saw, as I see every day, a generation no less committed, dedicated or patriotic than any generation that ever served their Nation. They only ask that their sacrifices be appreciated, that they have the resources to do their job, and that when they win they can do it by a score of 100–0 for their Nation. I thank the committee for providing the resources to bring us these great young Americans and I vow that I will continue to do everything in my power to earn the right to lead them.

Thank you.

Chairman LEVIN. We call on Senator Warner first.

Senator WARNER. I thank you, Mr. Chairman. I'm just going to ask that my questions be put in the record. But I do want to lead off with a subject we talked about yesterday, and that's the unmanned programs that are becoming increasingly vital to our national security. You share that objective of this committee and its legislation.

Also yesterday, you told me in a very dramatic way about the concern you have about control of the airspace over a battlefield today. I think you just touched on it.

General JUMPER. Yes sir.

Senator WARNER. Namely that, unless we move ahead—hopefully successfully on a technological basis with the F–22 program and the Joint Strike Fighter—we'll be yielding that ground to control the airspace above a battlefield. Isn't that your professional judgment?

General JUMPER. That's correct.

Senator WARNER. I thank the Chair and members of the committee. Good luck to you. You'll have my support.

General JUMPER. Thank you, sir.

Chairman LEVIN. Thank you Senator Warner. General, my impression of the fiscal year 2002 budget is that the Department of Defense has put a lot of money in personnel, readiness, and quality of life programs, which we have also emphasized, as you point out. But where there is a shortfall is in the area of modernization. That seems to have been put off until next year in that budget request. Would you say that's an accurate assessment?

General JUMPER. Sir, I would and I have not been close to the budget process in my position at Air Combat Command. But yes sir, I would agree with that assessment.

Chairman LEVIN. Can you give us an assessment as to whether, if the Air Force budget request for next year stays about where it is this year in real terms, what impact that would have on your modernization plans?

General JUMPER. Well sir, we will continue to have disconnects, especially in our bomber force, as we try to upgrade our bomber force. We will continue to have disconnects in our ability to repair our bases and the working facilities for our people. As a matter of fact, it's that piece of the budget that goes to the very bottom and we use that to pay a lot of the other bills. It will definitely stall our ability to recapitalize ourselves, Mr. Chairman.

Chairman LEVIN. The February budget blueprint document of the president states that: "With 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently". Do you believe that the Air Force has excess infrastructure that uses up resources that could be better applied elsewhere?

General JUMPER. I do, Mr. Chairman.

Chairman LEVIN. You made reference to recapitalization of our bomber fleet. According to the 1999 report, it says the following: "Based on current operating procedures, attrition models and service lives, the total bomber inventory is predicted to fall below the required 170 aircraft fleet by 2037." The report also highlights the range of modernization efforts that will be needed in the near-, mid-, and long-terms to keep bombers flying through 2040. On the Air Force priority list for unfunded items, there is a priority for upgrades to our bombers. The cost of that would be $800 million. That would keep our B–52s going through the year 2040, as I remember the report.

General JUMPER. That's correct Mr. Chairman.

Chairman LEVIN. Which would mean that their life would be extended to 80 or 90 years. These are the B–52Hs. That is what the Air Force hopes for, is that correct?

General JUMPER. That's correct Mr. Chairman.

Chairman LEVIN. Now you made reference to the average age of our bombers. That age is going to be even greater the way we're going, but it seems at least in terms of the first blush at looking at the Air Force needs, you want the B–52Hs at least to be in service for another 40 years, which means that the age of our fleet will continue to grow. But that's what the Air Force wants, if we provide you the upgrades.

Now can you explain to us how we're going to tell those pilots and their families that hey—we won't be doing it, somebody sitting here in 29 years will be doing it—"You're going to be flying a B–52H, which is now 60 years old, but hey, back there in the year 2001, they wanted it that way." Why do you want it that way?

General JUMPER. Yes, Mr. Chairman, it is counter-intuitive. We benefit, Mr. Chairman, from the way they built airplanes back in the 1960s before the advent of computer-aided design. Not knowing all we know about structures today, they over-built them by two or three times. So the structure of the B–52, at the rate we fly it today, is very sound out to those years. I might add, Mr. Chairman, that as you well know there is very little on the B–52 that is as old as the airframe itself, as we continue to upgrade and modernize the avionics. Also, we don't put that airframe, the B–52 airframe, into the high-threat areas. The B–52 in its balance of capabilities across our bomber force, we use to stand-off, and primarily the use of cruise missiles. In that way, it does not go as much in harms

way as the other more penetrating bombers do. So it's taking advantage of this over-engineering of the 1960s, sir, that allows us to do this. We want to take full advantage of the capability of that airframe. It's a very good long-range asset.

Chairman LEVIN. Is it also then, in summary, a very different plane that would be flying 20 years from now or 30 years from now, than the one that is flying now?

General JUMPER. Absolutely right sir, as we continue to upgrade them.

Chairman LEVIN. I'm just trying to help out those Senators that will be sitting here 20 years from now.

General JUMPER. I understand.

Chairman LEVIN. They'll be able to look back at a record and say, "Hey, that chief of staff said that's what we ought to be doing."

General JUMPER. Yes sir, I understand.

Chairman LEVIN. I'm just trying to lend a hand to those future Senators of America.

General JUMPER. It is counter-intuitive.

Chairman LEVIN. On to the missile defense budget request, General. There's a proposal for a $3 billion increase for missile defense, which would be a 57 percent increase over the current fiscal year. At the same time, we're decreasing the investments in certain other critical areas, such as procurement, science and technology. In your view, are we risking putting a disproportionate level of resources into those missile defense programs?

General JUMPER. Mr. Chairman, I would say that first of all, the Secretary of Defense's detail plan on missile defense has not been rolled out. I certainly wouldn't want to pre-empt his conclusions in that regard. What I would say, sir, is that I agree that it's going to mean some very tough trade-offs. My belief is that we need to make sure that the technologies that emerge with regard to national missile defense have to prove themselves worthy as we invest in those into the future, because the trade-off will be very difficult indeed.

Chairman LEVIN. Thank you, my time has expired. At this time I would ask unanimous consent that the statement of Senator Thurmond be placed in the record.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman.

Mr. Chairman, I join you in welcoming General Jumper as the committee considers his nomination to be the next Chief of Staff of the United States Air Force. In his more than 35 years of distinguished service to our nation, he has served as a fighter pilot during the Vietnam War, as a staff officer both on the Air Staff and Joint Staff, as the Commander of the United States Air Forces in Europe, as Commander, Air Forces Central Europe, and most recently as the Commander of the Air Combat Command. I believe it would be difficult to find a more qualified officer to take charge of our Air Force and lead it through the transformation that all our services must undergo in order to meet the ever-changing threats of the post-Cold War era.

General Jumper, I recall your tour as Commander of the 9th Air Force at Shaw Air Force Base. I know all your friends in South Carolina, especially the Sumter area, join me in congratulating you on your nomination. We wish you success and hope you will not forget your tour in our great State.

Thank you, Mr. Chairman.

Chairman LEVIN. Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman. I'll just start off by saying I can't think of anyone in America who is better qualified for the job that you are pursuing than you are, General Jumper. We're very proud that you're willing to do this, and that your family is willing to do this.

One of the things you pointed out in your oral statement was the significance of fixing an aircraft. That leads me into the depot situation. Of course, we went through some depot rounds. We went from five air logistics centers down to three, three that were operating at 100 percent if you're taking an 8 hour operation. I agree with that because we have to protect a surge capability in times of war. On the other hand, our three depots are really in a kind of bad repair. A lot of it is World War II technology and there's a need to upgrade these facilities. What is your thought about the future of our depots and about our need for the depots—whether we use 50/50 or any other criteria—to have that capability, not just on existing, but on new platforms, of doing it internally in a core basis?

General JUMPER. Senator, the founding notion behind the depots is that we have a capability within our service to surge and to repair when needed and in times of crisis. I see no reason to erode that philosophy in any way and I'm committed to that philosophy. If I'm confirmed, sir, there's a lot I do not yet know about the depot issues. With your indulgence and permission I'd like to make the same commitment that Secretary Roche made, to make early on in my tenure, if I am confirmed, visits to the depots.

Senator INHOFE. Good, that would be very helpful. Secretary Roche did go with me out to Tinker Air Force Base and we were able to extract from him his feelings, which are essentially what you just articulated. In the area of encroachment, this is a problem. We have four major areas. One I'm very familiar with is environmental encroachments, because I served on the Environment and Public Works Committee. We see what's happening not just in the Air Force but services all around. Second, urban sprawl. Third, the spectrum problem that's up. Fourth, what's happening with our ability for live ranges.

I'd suggest the problems that we're going through right now in Vieques are not just the Navy's and the Marines' problems, they're your problems. Because if we allow a bunch of law-breaking renegades to kick us off of ranges that we own, we're going to have a very serious problem around the world on all of our ranges, and domestic ranges, too. When you are confirmed, how are you going to handle some of these encroachment problems?

General JUMPER. Senator, that's a tough one. The environmental issues are tough enough. The only way that we've been successful working with this is that we dedicate people to the job of coordinating with the interested parties.

The tribal issues in the West, the environmental issues, we remain in daily face-to-face contact with the concerns of those and we try to address those one at a time. The encroachment issue is a creeping issue. We can't afford to wake up one morning and discover that encroachment prevents us from launching our live ammunition training out of Nellis Air Force Base, for instance.

The only way that we've been successful working this is to stay engaged. When we bring on the new systems that require greater stand-off, like the F–22, new weapons in the B–2, this is going to be a more and more difficult problem and will require greater and greater attention.

Senator INHOFE. One aggravating problem is that the better the job we do, the more the problem. Certainly some of our ranges down in Senator Cleland's area—just to defend the red-cockaded woodpecker on some of our ground training ranges, we're doing such a good job that their expected habitat is actually growing, which takes up more of our training space. So it is a problem that's getting worse.

You've addressed the F–22 and the necessity to get in some new platforms. One of the characteristics you have that I appreciate so much, and I say this in all honesty, is your willingness not to be politically correct. A couple of years ago it took a lot of courage for you to admit that our platforms, contrary to public belief, are not the best out there; that our air-to-air F–15 is inferior, in many ways, to the SU–27. Our air-to-ground F–16 is inferior in many ways, in maneuverability, range, range detection and radar detections, than the SU–30.

Yet, we've seen just in last week's paper "China Signs $2 Billion Deal for Russian Fighter Jets". So this equipment that's out there, that's better than ours, is on the open market. China may have somewhere around 240 SU–27s and SU–30s, not delivered, but ordered—some delivered. We don't know the exact number, but it's growing every day. So this is a proliferation.

There's no reason I can see that Iran, Iraq, and other countries wouldn't have access to this superior equipment. I'd like to have you at least make an expression to this fact so that all of America will hear that this modernization program is absolutely essential. Up until recent years we've always had the best.

We had a friend of mine here during the last hearing from the Vietnam era who had done 288 missions. He said, "Whether it was the F–4, F–100, F–105 or the A–6 or an A–4, we knew during that time that we had the best equipment." So what are your thoughts about our relative advantages at this date?

General JUMPER. Thank you for that question Senator. We talk often about skipping a generation of technology. As you saw first hand in Operation Allied Force, the pilots from the Air Force, the Navy and the Marine Corps that we put over downtown Belgrade during the height of that war had over 700 surface-to-air missiles shot at them. I can guarantee you that it didn't occur to one of them at the time that this technologically inferior country down here was so inferior that we didn't have to worry about those 700 surface-to-air missiles. We did.

As we progress into this next generation this F–22 puts us as far ahead of anything that we know is coming down the road, as the F–15 did over the MiG–21 25 years ago. We have had, Senator, two new bombers before we've had the last new fighter. We've fielded two new bombers before we've had the last new fighter. That's why we put the emphasis now on the F–22, not to the denigration of the other platforms, but just because of the necessity to upgrade.

The F–22 will enable us to kill the most difficult SAMs. It will allow us to bring stealth into the daytime for the first time. This is the generation of technology we need to lever this technological advantage.

Senator INHOFE. Thank you very much. My time is expired but I have more for the second round. Thank you sir. Thank you Mr. Chairman.

Chairman LEVIN. Senator Nelson.

STATEMENT OF SENATOR E. BENJAMIN NELSON

Senator BEN NELSON. Thank you, Mr. Chairman. General, congratulations on your nomination. The Air Force is of vital importance not only to our country but, on a very parochial basis, to the state of Nebraska because of Offutt, the Fighting 55th located in Nebraska.

One of the concerns that everyone expresses with regard to the military is recruitment and retention. I think you've heard me raise the point before, and I shall do it again today, about the importance of total force and a Total Force Initiative that's in place in a number of installations around the country today, but particularly in the 55th. The relationship between the Air National Guard and Nebraska—that I had the privilege of heading as Governor of Nebraska for 8 years and have some familiarity with it in that capacity—the relationship between the Air Guard, the Air Reserve and the regular military and what we can do to make sure that all components of the Air Force are integrated in a meaningful, cost-effective and helpful manner to help with the retention of those sergeants that had been trained for 8 years that are now lost, and the pilots that had countless thousands of dollars invested in their skill levels. I'm interested in your attitude toward this and what plans you may have not only to retain what we're doing with Total Force Initiative today, but how you may be planning to expand it as the chief of staff?

General JUMPER. Senator, thank you for that. We are well aware of how well that works in the 55th. That's a model, actually, for where we need to go.

Sir, in the Reserve Forces today we have more than a third of our strike capability in between the Guard and Reserve. It's not only the support forces but it's the combat forces that are very much integrated with the active duty. I know Secretary Roche is anxious to find new ways to take advantage of the great skill that goes from our active duty Air Force and into our Guard and Reserve units, skill that can be used to train our youngsters.

We're right now about 60 to 70 percent manned in the proper skill levels in our maintenance force in the active duty. A lot of these skilled maintainers go out and go into the National Guard and Reserve. There are ways to take advantage of that skill and integrate it into our active units and Secretary Roche is pledged to find those ways. We have had some tests in some of our fighter units, and we will continue to test with maintenance capability as well on the right mix and how we do this. So, I am very proud, sir, of the United States Air Force and its Total Force effort and the way we continue to find new ways to take advantage of the great experience we have in our National Guard and our Reserve.

Senator BEN NELSON. It's encouraging to note that when you are dealing with active and Reserve and Guard units, that the pride of the Air Force can be in the solidarity of the program rather than in competition among the units. So, continuing to upgrade the training and the skill levels of those outside the active forces is obviously very important so that we don't end up with any inferior mix of the forces.

General JUMPER. Yes Senator, I'd be honored if I could come over and have you share those ideas with me, because we're looking for ways to do just that.

Senator BEN NELSON. I appreciate it, thank you very much. Thank you Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Cleland.

STATEMENT OF SENATOR MAX CLELAND

Senator CLELAND. Thank you very much. General, we appreciate your service to our country. I appreciate your willingness to tackle this tough job. I might say to my fellow members on the committee if you want to really see the extent to which General Jumper was involved in the Balkan War and was the eyes and ears of the NATO commander, General Wesley Clark, just read a book called *Waging Modern War*. I agree with Senator Inhofe, I think we are blessed. No one is better prepared than you are, coming right from the battlefield to lead the Air Force and our American military into a new era of how we wage modern war.

One of the great lessons of that war that General Clark brought to our attention was that we took the use of precision munitions to a new level, as he testified about a year ago. My concern is that this budget does not address the shortfall. Could you tell us what is the current shortfall, generally, in what is called war reserve munitions, especially precision guided munitions?

General JUMPER. Yes Senator, in the current budget we have attempted to fix some of our training munitions shortfalls, but we continue to be behind in procuring our most beneficial precision munitions; complicated by the expenditure rate of over 5,000 of these weapons in Operation Allied Force and also we continue every day to expend a certain number of weapons in Iraq in Northern and Southern Watch, in retaliation to offensive action on the part of the Iraqis. The combination of these episodic contingency operations, like Operation Allied Force, and sort of the daily expenditure rate, has kept us from being able to replenish the spares that we need.

Senator, if I'm confirmed this is going to be a major point of emphasis for me as we replenish. I will tell you, there's another problem we have that we're going to have to address, and that is with the advent of these new precision munitions. We're not sure yet how we're going to train with these joint standoff weapons that are very expensive, whether we're going to have to do it with a synthetic training device in a simulator of some type, and how we're going to actually be able to practice with live munitions in the air. It's a problem we're going to have to address. If I'm confirmed, Senator, I'm going to take both those issues on very aggressively.

Senator CLELAND. Well, you certainly have my support in this regard. I would hope that you'd just continue to share with us all that you feel strongly about that we might help you in waging modern war, if we have to do that, and being successful. The whole precision munitions issue, I think, is a critical one.

Let me just move on. There are a couple of parochial issues in Georgia other than the red-cockaded woodpecker. I wish it was that simple. The decision on the B–1 for Warner Robins was like a B–1 bombing raid, left $70 million worth of infrastructure standing and devastated some 800 to 1,000 people. So our people there are still trying to recover from that raid. May I say that I appreciate your willingness, voluntarily, to come down with me to Warner Robins and see that facility for yourself.

The issues of depot maintenance that Senator Inhofe raised have been issues that we have been jointly struggling with for a long, long time simply because we believe together that any military service needs a basic, fundamental, core capability without which we cannot wage modern war. We cannot sustain ourselves on the battlefield once we get in a conflict or crisis. It's kind of a no-brainer to us and we've had a number of years here trying to deal with that question. Of course, Warner Robins is deeply involved as one of the great three ALCs that support our Air Force.

May I say that, in terms of Warner Robins, it maybe is a microcosm in terms of one base of how you go to war in a modern way. The old JSTARS program, coming out of Warner Robins, the whole emphasis on increased surveillance and reconnaissance on the battlefield that General Clark wanted to see, that you've testified for, is there. The whole issue of the F–22—there's not been a bigger supporter of the F–22 since day one since I got here 5 years ago. I believe in air dominance. I believe in first-see, first-fire, first-kill.

There's been no bigger booster of the C–130J program, the ability to move to a theater with great lift capability. We know we're going to have to move. The Army is actually sizing its transition divisions and forces to the C–130 itself. Again, the way we wage modern war.

I stand fully behind you in your effort to upgrade and innovate so that we maximize our leverage, as you point out, our technology in every way to minimize our risk and our carriers. I want everyone to know that this whole discussion on the B–1 is not some retrograde movement. We would like to just take care of the people that have invested their lives in this effort. We hope that when you come to Warner Robins you can have some insight as to what new missions these wonderful people might enjoy.

May I just get you on the record on a couple of points? Retention. It seems to me that when you spend $6 million to train a pilot, or that great NCO who has had 8 years in the service and is really beginning to pay back in leadership skills and everything else for the training you invested in him, it's a crying shame for those 8- to 9- to 10-year veterans to bail out of the military, many with tears in their eyes. Saying what? Not that they don't like their job, but their family needs begin to take precedence.

One of those family needs is education. We have some legislation that we'll be putting forward to make the GI Bill more family-friendly, to allow that service man or woman a choice of having

that spouse and their kids pick up at least half of their unused benefits. Is that something that is in agreement with your thinking of some of the arrows in your quiver that you need to help with the retention challenge?

General JUMPER. Senator, as you and I have discussed before, we have a saying that we recruit the member but we retain the family. I am familiar with the Montgomery GI Bill and its provisions, and in my personal opinion that is exactly the sort of thing that helps us retain that family and keep that skilled member in our United States Air Force, yes sir.

Senator CLELAND. Thank you very much for your service to our country. Thank you very much Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cleland.

Senator Carnahan.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. Thank you, Mr. Chairman. I want to welcome you here today General Jumper. Certainly your experience and your innovation in reshaping the Air Force makes you an exceptional candidate, and I commend you for that.

General JUMPER. Thank you.

Senator CARNAHAN. The B–2 has an impeccable track record, as was evidenced by the Kosovo operation. In prior testimony General Ryan indicated that the B–2 is "a centerpiece of our capability to project power now and it will be in the future." I certainly believe that statement to be true and I hope that the B–2 will further be used strategically to close the Air Force's access gap to Central, East and Southern Asia. Would you agree with this?

General JUMPER. I would, Senator, indeed. The B–2 in the performance and operation of Allied Force was better than any of us thought. I took great pains personally at the very beginning of that conflict to make sure that the B–2, the B–52 and the B–1 were part of that conflict.

With regard to the B–2, Senator, we have $3.7 billion over the Future Year Defense Plan invested in the B–2 for its survivability, its lethality and its supportability, $300 million in 2002. It does not do all that we would like to do with the B–2. But what it does do is it begins a program where we'll be able to take the aircraft from the current load of 16 precision guided or near-precision guided munitions up to 80 near-precision guided munitions. We think that this increase in lethality is going to help us with the fixed target problem that we have and enable us to, in combination with the F–22, handle any threat we see out there in the future. I appreciate your support for this marvelous airplane, Senator.

Senator CARNAHAN. Secretary Roche, when he was testifying here before this committee, indicated that in our future force F–22s may be required to escort the B–2 in battle. I understand that you have been developing a concept for such deployments in your Global Strike Taskforce plan. Would you describe the circumstances under which they would require such a force?

General JUMPER. Thank you for that question, Senator. We've developed a concept at Air Combat Command called Global Strike Taskforce which is a concept that will try to integrate us with the other services. As a matter of fact, I'm working closely with the

Navy, the Army and the Marine Corps so that we can develop jointly this concept.

Essentially what it does is it combines the attributes of stealth, as I've described before the F–22 and the B–2, to bring the B–2 into the daytime. The second element of it is that it describes an architecture for the horizontal integration of manned platforms, unmanned platforms and space platforms. When I say manned, I don't just mean airplanes, I also mean eyes on the ground with our special operations forces. When I say unmanned, I don't just mean UAVs, I mean unattended ground sensors and the technology that brings. Of course, combined with the high ground of space.

When you combine the persistence of the airborne platforms with the high ground of space, you have no place to hide. We would integrate these at the machine level, at the digital level, so we don't have human beings that have to interpret the digits in order for us to get precise target location and precise identification. That's the second element.

The third element is that we re-engineered the way we do our intelligence, so we refined and advanced the art of prediction. Right now our intelligence is based on a collection mentality. What we are trying to do is advance the art of prediction so that we are using our ISR assets during combat more to confirm that which we predicted than for pure discovery.

Finally, Senator, the concept provides for us to take the product of this information and provide what I call decision quality data to the commander on the ground, so that commander can take full advantage of these digital interfaces to get rapid decision quality data to decide whether you're going to strike the targets or make the next move or not, sensitive to the rules of engagement and the other sensitivities that go along with modern warfare. We're trying to advance this notion as the second phase of our transformation in the United States Air Force, and our contribution to joint transformation with the other services.

Senator CARNAHAN. If the B–2 will be escorted by F–22s, it seems to me that the B–2 will require the enhancement of its communication ability to make it more interoperable with other aircraft. I understand that some of the upgrades that were cut in the 2002 budget would have honed these capabilities for the B–2.

General JUMPER. Senator, you're exactly right.

Senator CARNAHAN. Would you explain the importance of upgrading the B–2s communications?

General JUMPER. It is on our top unfunded priority list to try and get those back. We fully intend to re-address this as we prepare the 2004 Program Objective Memorandum (POM). But in the trade-offs that had to be made we opted for the lethality first, and that's the incorporation of the new generation of 500 pound precision-guided munitions that will allow us to carry 80 on the airplane. These are tough tradeoffs, Senator, and we were forced to make them. I would hope to be able to come over and consult with you on ways to deal with this problem.

Senator CARNAHAN. Thank you Mr. Chairman.

Chairman LEVIN. Thank you Senator Carnahan. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. Three or four times you've had to use that term "tough tradeoffs." I don't want those

tradeoffs to be that tough. I don't think that we're adequately funded to take care of all of our needs. These things we're trading off are really critical. I'm glad Senator Carnahan brought up this thing on the upgrades, the Link-16. If we're going to fully utilize the opportunity that we have we're going to have to get it upgraded and get it in proper order.

Back when I was important, before the Democrats took control of the United States Senate, I was the chairman of the Senate Armed Services Subcommittee on Readiness and Management Support for about 5 years. I was able to visit virtually every installation of all the services around the world, or at least I tried to. I remember so well when I was looking at some of these problems that have to do with pilot retention and other things too; when out in the desert we had dropped from six Red Flag exercises down to four. Now, I'd like to hear your professional opinion, because I have heard this from the pilots. A lot of the things I've heard from the pilots you don't hear in these hearings up here. But in terms of their being able to keep their skills honed, do you think we should get back up to six Red Flag exercises?

General JUMPER. Senator, I do. The biggest advantage we have, and you and I have discussed this before, is our edge in training. Every air force in the world out there that could contend against us in some way is trying to figure out a way to deal with and beat the United States Air Force. This training edge that we have is one that we absolutely have to keep. It's absolutely precious to us. By the way, we are still the best trained air force in the world, make no mistake about it.

Senator INHOFE. This is when you use our pilots flying their aircraft, their pilots flying our aircraft, we beat them every time, in spite of problems we're having with modernization?

General JUMPER. The good news is when we go up against these aircraft it's their pilots flying their airplanes and that's what gives us the advantage. I agree with you completely, Senator, we should get back up to six Red Flag exercises.

Senator INHOFE. OK, Senator Carnahan brought up the Global Strike Taskforce. Is there anything more that you want to say about that?

General JUMPER. No sir. I think I've explained it and our efforts to try to—the main thing I want to emphasize is our efforts to try and coordinate this. It's an operational concept with the other services. This is not just the United States Air Force.

Senator INHOFE. OK. Getting back now to retention, I think Senator Cleland is right. It costs so much less to retain than to retrain. There are so many villains out there. It's not all one thing. They like to say the economy's good and the airlines are attracting these people. But it has been my experience that most of the pilots that we have in the Air Force and the Navy are there because they want to be the best, they want to defend their country. There's a deep sense of patriotism and pride in what they do. I remember one time a pilot when I guess it was at Corpus Christi Naval Air Station, he stood up and he said, "Well, this country has lost its sense of mission," thinking about some of these deployments that they didn't feel really related to their skills and their abilities. The programs that we have, the SRB, the Selective Re-enlistment Bo-

nuses, and the pilot bonuses, are they working? Are they helping? How much are they helping?

General JUMPER. Sir, on the pilot side it's too early to tell. But yes, they are indeed helping. On the enlisted side we for the first time this year will meet our goal in the first term retention.

Senator INHOFE. That's 55.6 percent?

General JUMPER. Fifty-five percent. The 75 percent and the 95 percent we attempt to get in the second term in the career. We're still going to be two or three or four percentage points short. But it's improving so I'm encouraged in this regard. I will tell you, Senator, there's another category of people out there that make it very encouraging. In fiscal year 2001 we expect to get 1,000 airmen back into the service who got out over the last few years. I tell the story of a young sergeant I met in Kuwait who told me the story of going out to work for a video graphics firm. It's exactly the job he wanted. He went out to California. He was making twice as much money as he had when he left. When he arrived he determined that the people he was working with were only staying as long as it took to be offered a higher salary, and then going to the next job. They didn't want to make friends. They didn't want the comraderie that he was used to in the Air Force. He said, "I couldn't get back in the Air Force quick enough." We see more and more of that, Senator, as time goes on. I'm encouraged by these things, but we are not over the hill yet.

Senator INHOFE. That would be interesting to see how that factors in statistically, because I'd like to believe that too. I think if they see that we're going to get back into a more intensified training and the things that originally attracted them to the services, perhaps that will have that same effect that you're mentioning.

General JUMPER. If you can indulge me for just another second Senator, when you go to Lackland Air Force Base at our basic training, you'll see the same scene at every graduation. You'll see some mother or father standing there being shaken by one of these young airmen saying, "Yes mom, it is me." They don't recognize their child after the basic training experience because they come out, as these young Americans I described before, no less patriotic, committed, dedicated, than any generation of Americans that ever served.

Senator INHOFE. I know that's true. Well in this day and age the necessity of dealing, of training and fighting wars in an integrated way with the other services, as well as the allied environment, what types of efforts are underway to ensure that the Air Force is able to successfully integrate with the other services and nations, and what role would the Joint Strike Fighter play in this?

General JUMPER. The Joint Strike Fighter brings stealth, persistent stealth, over the battlefield for the first time. This is necessary, as opposed to the targets that I described before, the Global Strike Taskforce, those are largely fixed targets that you use to what I call kick down the door to create the conditions for access. The Joint Strike Fighter is the persistence force. That's the one that stays over the battlefield to do things like close air support when the troops come ashore, time critical targeting, and to handle those critical targets that emerge very quickly that you can't deal with with a bomber that's 3,000 miles away. So we think that the Joint

Strike Fighter is also critical to our future capability. We look forward to that.

Now as far as the allies and the other services go, the alliance part is the toughest because as we go through this horizontal integration of space assets, and as I described before, much of that is classified and not available, not accessible to our allies. We've got to work around this and part of our effort with Global Strike Taskforce is to create this Air Operations Center structure that puts the classification at the proper level for us to share with our allies. This is going to be a big part, because when we go to war we go to war as a coalition or we go to war as an alliance. This happened throughout the decade of the 1990s and we've got to be ready for it. We're working on that very hard, Senator.

Senator INHOFE. That reminds me of another thing. During Kosovo, and during the target selection process, on many occasions I was up at Ramstein when they were going through this thing, and these target decisions by committees is something that really bothered me. I'm hoping if we get ourselves in a mess like that again that we can go in with the understanding, with our allies, if you want us in we've got to make these decisions—some way to streamline that process. My time has expired and I just will say to you I look forward to and it will be my honor to be serving with you in your new capacity.

General JUMPER. Thank you, Senator.

Chairman LEVIN. Thank you, Senator Inhofe. The 1999 White Paper on the long-range bombers, which has been referred to, emphasized the role that bombers are going to play in the Aerospace Expeditionary Force as follows: "Long-range bombers with their global range, massive firepower, and stealth integrate with air superiority, support, and other strike aircraft to form a synergistic force that is at the core of a lean, lethal, tailored, and rapidly responsive AEF, as was recently demonstrated in Operation Desert Fox." Now the report assumes, I believe, that bombers are going to operate mainly from the United States. Are operations from the United States consistent with assumptions which are made about the operating life of the bombers?

General JUMPER. Mr. Chairman, if you'll allow me, our concept calls actually for forward deployed bomber assets in these contingencies, at our bases in England and Diego Garcia and other places that are specified as bomber bed-down bases. We want to include the B–2 in this forward deployment capability and we are now, as you're aware sir, developing a shelter that will allow us to do the stealth maintenance on the B–2 in forward locations. When we do put these bombers forward we get greater sortie rates out of them and they're much more useful to us. When we have to, for surprise—strategic surprise—we can operate these airplanes from the continental United States. You saw us do this in Operation Allied Force where the B–2s flew as long as 17 hours one way, 34 hours round trip in some cases, 3 days on an airplane essentially to go back and forth.

Chairman LEVIN. Without the capability of retargeting.

General JUMPER. Yes sir. Well, we developed actually during the course of the battle. I was frustrated with our inability to retarget, so I went to Whiteman Air Force Base myself and sat down with

the young captains and we figured out how to do it. We created a very meager, flexible targeting capability which is exactly the type we're trying to expand, as was explained earlier, and become more sophisticated.

Chairman LEVIN. That's helpful. Is the assumption about the life of the bombers then that there will be these forward deployments?

General JUMPER. Yes sir, indeed.

Chairman LEVIN. Could you give us your views on the appropriate role for space assets and the use of space in the future?

General JUMPER. Yes sir. As I said before, I think our greatest leverage lies in space and we are familiar with Secretary Rumsfeld's work with the Space Commission and we embrace the findings of that commission. I know Secretary Roche and General Ryan are putting those provisions into effect. My perspective as the commander of Air Combat Command has been from the perspective of the impact on the battlefield. I look at systems like SBIRS and other ISR platforms that are in space, and see the benefit of being able to take the high ground of space to always fill in the blanks for our other ISR assets.

I also see the threat emerging, the threat that allows you to take your Visa card and dial up an address on the Internet and get a picture, almost instantly, of anywhere you want on the Earth. This is going to impact our ability to provide strategic surprise. We're going to have to learn to deal with this problem in our space control mission in the future. Because we won't be able to hide our intent to deploy into airfields, or the fleet hovering out there over the horizon, or Norm Schwartzkopf's left hook in Operation Desert Storm. We're going to have to be able to deal with this in the future. Mr. Chairman, I have not been deeply involved in this in my position at Air Combat Command, but if I am confirmed this will be a subject of primary concern for me in the future.

Chairman LEVIN. Senator Warner has led an initiative in the committee to increase the contribution of unmanned systems to our operating forces with the goal of contributing one third of our operational deep strike aircraft capability by the year 2010. I think there's wide-spread support for that approach in this committee. In order to achieve that objective the Defense Department will have to do an awful lot more in the next 4 years to position the Air Force and the other services to achieve that goal. Can you tell us your reaction to that goal and if you support it? Even if you don't, assuming the goal is adopted by the civilian authorities, how you would achieve that goal? What steps would you take?

General JUMPER. Mr. Chairman, I'm the guy who's supposed to fear UAVs the most. I'm the white-scarf fighter pilot that everybody says hates UAVs. As you may be aware, Mr. Chairman, I've worked personally very hard to accelerate the Global Hawk. I'm the guy who had us install Hellfire missiles on the Predator UAV, and we've tested over a dozen shots of the Hellfire missile off the Predator.

I do not fear UAVs, especially the UCAV which promises to give us great leverage in the suppression of enemy air defenses with its stealth capabilities. I would like personally to pursue the marriage of the UCAV with directed energy weapons to see if this promising technology would combine well with UCAV to pay off, which I

think it will. I don't know, Mr. Chairman, if the goal of one-third is correct or not. We have to work very hard on the concept of operations to make sure that we don't disturb other necessary elements of our readiness.

For instance, if the concept for UCAV is to put them into boxes and load them aboard C–5s or C–17s, we've got to make sure that the balance of airlift is proper. We have to make sure that when we get there, if you have to reassemble them and then test fly them, that we don't then jeopardize our ability to rapidly react by having that requirement at the other end. If we decide to fly them across the ocean we have to work on things like automatic air refueling and ways to get through airspace, etcetera. These are things that we have to work on.

None of these are insurmountable, but we have to make sure we've got the concept of operations correct, along with our commitment. But, Mr. Chairman, I hope I have demonstrated personally my commitment to UAVs. I'm committed, if I'm confirmed, you can count on the fact that commitment will continue.

Chairman LEVIN. That's a very thoughtful answer and you are extraordinarily well-prepared for the job to which you will be hopefully promptly confirmed. We again thank you for your service to this Nation, for your future service. We thank your family. We will hope to get your nomination acted upon soon.

General JUMPER. Yes sir.

Chairman LEVIN. We'll see if we can't get this confirmed just as quickly as humanly possible around here. We will stand adjourned with that optimistic note.

General JUMPER. Thank you, Mr. Chairman.

[Whereupon, at 4:40 p.m., the committee adjourned.]

[Prepared questions submitted to Gen. John P. Jumper by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. My experience has shown that these reforms have been institutionalized and made part of the daily operations, oversight, and management of the Department of Defense in general and the U.S. Air Force in particular. I am aware that the sweeping changes produced by Goldwater-Nichols require continued diligence to ensure full compliance with the intent of the legislation.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. Goldwater-Nichols has been remarkably successful in getting the Services to work together as a Joint Team. For a decade and a half now, we've been a much more effective instrument of national security policy due, in part to the clearly defined position and authority of the Chairman, Vice Chairman, and combatant commanders.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their

missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Almost 15 years of experience under Goldwater-Nichols has meant significant changes in the way the Defense Department operates. I am certain that legislative changes could provide further improvements. However, I would prefer reserving judgment on this until after I have studied any specific proposals and acquired some experience as a member of the JCS. At that time, I would be pleased to share my thoughts with the committee as appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Air Force Chief of Staff?

Answer. The Chief of Staff of the Air Force organizes, trains, and equips America's Air Force to best provide the Secretary of Defense and the combatant Commanders in Chief the forces they need to accomplish our national security objectives.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. It has been my distinct honor to serve on Active Duty in the United States Air Force for more than 35 years. During this time, I have been privileged to serve at every level of command, culminating with my current duties at Air Combat Command, overseeing all combat airpower based in the continental United States. My experience in the Pentagon as Deputy Chief of Staff for Air and Space Operations, and my earlier tours as Senior Military Assistant to the Secretary of Defense and as a Deputy Director for Pol-Mil Affairs on the Joint Staff provided me with a firm foundation in military operations at the tactical, strategic, and operational levels. My tour of duty as Commander, U.S. Air Forces in Europe, during the Kosovo conflict was particularly crucial in crystallizing my views on the effective employment of airpower in a Joint and Allied effort. My background provides extremely good preparation for the critical duties of Air Force Chief of Staff.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Air Force Chief of Staff?

Answer. A complete understanding of current Air Force and Defense Department issues is essential to my ability to discharge these important duties. Since my nomination, I have taken action to enhance my knowledge of such issues, and I pledge to diligently continue to study the broad national security issues that will require my attention if I am confirmed.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. I believe Secretary Roche will expect me to continue the efforts and initiatives of Gen Ryan in enhancing the readiness and resources of the Air Force, and to focus on the re-capitalization needed for our aging aircraft fleet. I also believe Secretary Roche will expect me to engage in the Quadrennial Defense Review discussions that will shape our strategy and force structure for the next decade. I pledge to work these issues alongside my colleagues in the other services.

Question. In carrying out your duties, how will you work with the following:

The Secretary of Defense.

Answer. I will work closely with the other members of the Joint Chiefs of Staff to provide the best possible military advice for the Secretary of Defense. As Chief of Staff, I will diligently work to ensure the readiness of air forces to accomplish the aerospace side of the Secretary's Defense Planning Guidance.

Question. The Secretary of the Air Force.

Answer. Americans are rightfully proud to have the world's preeminent aerospace force. I will work very closely with the Secretary of the Air Force to ensure we meet our Air Force Vision: Global Vigilance, Reach, and Power.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. I will assist the Chairman in formulating military advice as a member of the JCS. I will diligently advise the CJCS on the capabilities of the Air Force and its preparation to support military operations by combatant commands. I will advise the President, NSC, and Secretary of Defense on matters within my expertise as required.

Question. The Vice Chairman of the Joint Chiefs of Staff.

Answer. I will assist the Vice Chairman to execute duties prescribed in statute and otherwise as directed by the Chairman or Secretary of Defense. I will advise the Vice Chairman of the capabilities and future requirements of the Air Force. I will also assist the Vice Chairman when he or she performs the duties of the Chairman because of a vacancy in the Office of the Chairman or in the absence or disability of the CJCS.

Question. The Chiefs of the other services.

Answer. I will cooperate and work closely with the Chiefs of our other services to help them carry out their responsibilities as members of the Joint Chiefs of Staff. I will seek to encourage synchronization of service capabilities to better produce the effects desired by our CINCs.

Question. The Air Force Vice Chief of Staff.

Answer. Like most commanders, I view my Vice as the person who has the insight and confidence to tell me when I'm wrong. I'll rely on my Vice for candid, resourceful counsel on the multitude of complex issues we face. I'll also expect my Vice to complement my efforts in communicating key Air Force issues.

Question. The Commander in Chief, U.S. Space Command.

Answer. I intend to support the efforts of CINCUSSPACECOM, to ensure America's interests are both protected and advanced in space. Space offers tremendous potential for our country and I will work very closely with my colleagues in U.S. Space Command as we implement the recommendations of the Space Commission.

Question. The Commander in Chief, U.S. Transportation Command.

Answer. I view TRANSCOM as absolutely indispensable to our Air Force, from the way it moves a young airman's family between duty stations, to its ability to project our forces into harm's way with the sustainment necessary to protect our people and win the fight. I'll work with the CINC to improve our ability to do these things.

Question. The Commander in Chief, U.S. Strategic Command.

Answer. I will keep the Commander in Chief U.S. Strategic Command advised of the readiness of the air forces to support Strategic Command operations.

Question. The Commander in Chief, U.S. Special Operations Command.

Answer. Clearly an area of critical importance, I'll ensure that the Air Force is providing the CINC with the right equipment and fully trained people to execute these demanding missions. As with the other officials named above, a forthright dialogue is the way to get that done.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Air Force Chief of Staff?

Answer. As we continue to refine our National Security Strategy and National Military Strategy our Expeditionary Aerospace Forces (EAFs) must continue to evolve to include the robusting of our low density high demand assets. Our greatest challenge remains the requirement to advance new capabilities while maintaining the robust readiness required to meet day-to-day warfighter requirements. It is imperative we develop our Global Strike Task Force (GSTF), a kick-down-the-door force that will assure access and aerospace dominance for all our joint forces, yet our current aging airframes must be sustained at a level enabling rapid response to any present threat. We will continue to address the challenge of retaining our skilled personnel, as well as meeting the needs of our deteriorating base infrastructure.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Day-to-day readiness of our aging aircraft fleet depends on continued robust funding of spare parts, aggressive efforts to enhance retention of skilled personnel, and engaged unit leadership on our flight lines. I plan on focusing much of my efforts on these three essentials. Moreover, I plan to actively pursue implementation of the Global Strike Task Force concept alongside my fellow service chiefs so as to provide the Department a compelling joint capability that incorporates the key lessons of the 1990s and addresses the emerging threat.

Question. What do you consider to be the most serious problems in the performance of the functions of the Air Force Chief of Staff?

Answer. Because the Chief of Staff is primarily responsible for providing properly trained and equipped forces to the Combatant Commanders, the most serious problem facing us today is adequate resources to accomplish that task. No matter how you slice it, the Air Force needs more funding to provide the essential tools to our warfighting commanders. Without recapitalization of our aircraft fleet, we face a downward spiral in capability that will affect the options available to the National Command Authority. Furthermore, without recapitalization we can never achieve the savings, both in dollars and American lives that could be realized through the completion of the AEF concept and the implementation of capabilities like the Global Strike Task Force.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I recognize that fiscal realities will constrain the funds available to us and I'm prepared to aggressively manage the funding entrusted to the Air Force to ensure we get the absolute maximum in combat power for every dollar of the taxpayer's money we spend. The Air Staff cannot do this alone, however. I will tell subordinate commanders, at all levels, that I consider sound fiscal management an integrity issue. We can accept nothing less from those who spend the funds. The immediate timeline for solutions has already been dictated by the budgeting process—we already know what we can buy and when. Obviously, I would hope to affect that process in the long term by continuing to keep this administration and Congress informed of our needs.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues, which must be addressed by the Air Force Chief of Staff?

Answer. I intend to follow the objectives put forth by Secretary Rumsfeld and Secretary Roche that include transformation, readiness, retention, and recapitalization.

Transformation, because the Air Force is inherently transformational—constantly adapting ourselves to new threats and leveraging new technology in order to posture ourselves to face the challenges of an uncertain future.

Readiness, because it is the heart and soul of our ability to perform our mission on a day-to-day basis, and is the hallmark of our combat capability.

Retention, because we can only be successful through the energy and dedication of skilled and motivated personnel.

Recapitalization, because we must recover from a decade-long spending hiatus to provide the tools our Airmen need to fly, fight and win.

STRATEGIC AIRLIFT REQUIREMENTS

Question. What is the biggest challenge for the Air Force in meeting strategic airlift requirements and what would you do, if confirmed as Chief of Staff of the Air Force, to meet that challenge?

Answer. The largest challenge remains the reliability of the C–5 Fleet and the modernization of this fleet. If confirmed, I will place a strong emphasis on the AFs 2-phase program to modernize the C–5. Phase I is an Avionics Modernization Program that replaces unreliable and unsupportable avionics components. Phase II is a reliability and re-engining program providing for commercial replacement of the aircraft's powerplants and the replacement of "bad actor" hydraulic, landing gear, and fuel system components among others. The resulting goal of this program is a 75 percent mission-capable rate for the C–5 fleet.

Question. The Air Force has completed, but has not made available to the committee, the Outsize/Oversize Analysis of Alternatives for strategic lift aircraft. That analysis is required for Congress to evaluate possible alternatives for providing strategic airlift.

If confirmed, when do you intend to forward that analysis to Congress?

Answer. The Outsize/Oversize Analysis of Alternatives is currently in final coordination with AMC/CC. We intend to forward the study to Congress following the OSD Strategic Review and QDR.

MOBILITY REQUIREMENTS STUDY

Question. What priority would you place on carrying out the strategic airlift recommendations of the Mobility Requirements Study (MRS–05)?

Answer. MRS–05 provided the most in-depth analysis of airlift requirements to date; CJCS, Service Chiefs, and CINCs agreed to the airlift requirement of 54.5 MTM/D. However, MRS–05 did not resolve the fleet mix. The Outsize/Oversize Analysis of Alternatives (O/O AoA), the OSD Strategic Review, and the QDR will address the most effective and fiscally responsible fleet mix. The AF is awaiting firm

follow-on requirements as well as requirements derived from MRS–05, O/O AoA, and the QDR before negotiating follow-on contracts.

STRATEGIC FORCES

Question. Do you believe that the United States should retain a strategic Triad of offensive nuclear forces for deterrent purposes?

Answer. Yes.

Question. Do you believe the current Air Force bomber roadmap is sufficient to sustain a bomber force to perform its strategic nuclear missions?

Answer. Yes, the Next Generation Bomber Study demonstrates how modernization of the bomber fleet will provide new bomber equivalent capability at significantly less cost. However, as a part of the DOD's National Military Strategy Review all force structure and modernization priorities are being re-evaluated. The Air Force needs a minimum of 157 bombers (B–52, B–1, B–2) at their *full capability* to employ a *variety of weapons* across the full spectrum of conflict.

INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE (ISR)

Question. On a recurring basis, regional Commanders in Chief (CINCs), express significant concern about the responsiveness and availability of intelligence, surveillance and reconnaissance (ISR) assets to support their respective theaters, both in peacetime and during conflict. A review of recent budgets indicates relatively modest investment in the airborne ISR assets CINCs are most concerned about, compared to the large investment in national level ISR assets.

In your view, is the investment strategy in theater level and national level ISR assets appropriately balanced?

Answer. Yes. There are important modernization and acquisition priorities for both theater- and national-level ISR assets. If confirmed, I will work to ensure that the needs of the regional CINCs are appropriately reflected in the Air Force budget.

Question. In view of the risks associated with manned reconnaissance, as pointed out by the recent EP–3 incident, what is your vision for ISR in the future, both manned and unmanned?

Answer. We will continue to move forward with manned, unmanned and space reconnaissance assets, but will look to better integrate the information collected by horizontal integration of all of these assets. This combination of manned, unmanned and space platforms will talk together at the digital level to resolve ambiguities of target location and target identification. Together, they will provide the right information to predict the enemy's intentions and successfully execute air operations to defend national interests.

INFORMATION DOMINANCE

Question. As you are well aware, Joint Vision 2020 identifies information dominance as a key enabler of mission success. This is especially true for precision strike operations, wherein full situational awareness and assured communications are critical. Information operations and information assurance assume key roles in current and future warfare.

What is your view of the role of information operations in current and future military operations?

Answer. Information Operations personnel are part of our new warrior class, an integral arm of the Air Force, and information operations in synchronization with traditional kinetic means, will remain a critical element of our strategy to fight and win future conflicts.

Question. Are you satisfied with the unity of effort within the Air Force and within the Department of Defense towards integrating information operations into overall military operations?

Answer. The Department of Defense has done an excellent job of focusing on the discipline of Information Operations. As technology develops and there are more available, reliable means of communications, there will be new opportunities and challenges faced by DOD. The Air Force will continue to work with all DOD agencies to seek out better ways for exploiting those opportunities and protecting our systems from adversary countries' efforts to do the same. In particular, we must bring IO to the operational and tactical levels of war.

JOINT RESPONSE FORCES

Question. A recurring theme in the on-going strategic review and Quadrennial Defense Review has been the need for standing joint task forces or joint response

forces that habitually train together and can quickly respond to support contingencies around the world.

Do you believe that there is a need for such joint response forces?

Answer. The concept of joint response forces is still in proposal stage and I have only limited exposure to the details of the proposal. I'm certainly willing to study any concrete proposal along these lines or to offer my views on how best to proceed. I believe that the current Title 10 system, refined under Goldwater-Nichols, has proven its worth and yielded real success. The Services operate effectively to provide trained, equipped, and ready forces for the specific needs of the combatant commanders. There may be a place for a standing Joint Task Force (or Joint Response Force) Headquarters, consisting of command and planning elements organized under a warfighting CINC and exercised jointly by USCINCJFCOM. However, that requires further study and coordination with the services.

Question. What implications does this concept have for the way the Air Force is currently organized, including strike assets, global response assets, and ISR assets?

Answer. The AEF provides the current Air Force construct for organizing and presenting forces to combatant commanders. Air Expeditionary Force (AEF) packages represent capabilities designed to produce the effects every CINC calls for while helping us better manage the tempo of our personnel and equipment. If a new joint response force concept were created, the Air Force would perform our role within the existing EAF construct.

Question. What improvements are needed in current Air Force and joint command and control systems to support such a concept?

Answer. We are very focused on development of a horizontally-integrated Command and Control, Intelligence, Surveillance, and Reconnaissance (C^2ISR) system that will link together space, manned, and unmanned platforms using machine-level conversations to produce decision quality information for commanders and target quality information for cockpits. This system, by its very nature, will include and integrate all service C^2ISR capabilities. Such a system would also enhance the effectiveness of a Joint Response Force if it were to come to pass.

OFFICER MANAGEMENT ISSUES

Question. We consider promotions to general and flag officer ranks as identifying military officers for very senior positions that should be filled only by officers with the very highest moral and ethical values.

Do you believe the officer corps has confidence in the integrity of the officer promotion system in the Air Force?

Answer. Yes.

Question. What role do you expect the Air Force Chief of Staff to play in the officer promotion system?

Answer. Title 10 calls for the SECAF to oversee the officer promotion process and govern all promotion board actions. I will advise the secretary as he seeks to ensure only the highest caliber individuals are nominated and promoted.

Question. What role do you expect the Air Force Chief of Staff to play in the general officer management and nomination process?

Answer. I will engage in continuous collaboration with the secretary on the management and nomination of general officers with the goal to ensure only those officers who possess the highest standards will be nominated. U.S.C. Title 10 guides the SecAF and CSAF in the management of general officers, which I intend to use as a starting point for guaranteeing that USAF senior leaders remain the best possible officers in the USAF.

Question. If confirmed, what steps will you take to ensure that only the most highly qualified officers are nominated for promotion to general and flag officer rank?

Answer. The Air Force has already taken several important steps to ensure our system is fair and effective. Throughout the last decade, revisions in our promotion system have withstood scrutiny from both outside and inside the Air Force. I will make certain my predecessors' efforts to improve the promotion system remain viable and I will provide the best possible advice to the SecAF as part of my U.S.C. Title 10 responsibilities. I will work this particular issue energetically, and will help guarantee my staff and that of the secretary maintains an open dialogue with this committee on these critical general officer matters.

PROTECTED COMMUNICATIONS

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the armed forces as reprisal for making a protected communication. By definition, protected communications include communica-

tions to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. I strongly support the statutory prohibition on taking retaliatory personnel actions against those who make protected communications. I believe any such retaliation strikes at the heart of honest discourse that must occur between airmen and their leaders, inside and outside the chain of command. In Air Combat Command, my Inspector General has made investigation of all IG complaints, including reprisal, a priority.

Question. If confirmed, what actions will you take to ensure that senior Air Force leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. If I am confirmed, I will do three things to ensure Air Force members remain confident they will be protected when they make these types of communications: (1) I'll ensure every airman and civilian member of the Air Force understands their right to make these statements and to be afforded the protections of the statute, where necessary; (2) I'll devote the needed resources to permit the Inspector General to properly investigate allegations of reprisal whenever they occur; and (3) I'll stress to commanders the importance of acting appropriately to punish those found to have engaged in reprisal.

OPERATING TEMPO

Question. The services have been very concerned in recent years about the impact of the pace of operations, or "ops-tempo," on the quality of life of our people in uniform and specifically on their willingness to reenlist.

What steps do you plan to take to address the Air Force opstempo concerns?

Answer. We are stretched too thin and are wearing people and equipment out. Sustained operations tempo is a major factor in recruiting and retention efforts. It has taken its toll on the force—which is still deploying over 3 times more often despite the drawdown—a total force now 67 percent (AD now 60 percent) of its former size. High ops-tempo also compounds challenges of an aging fleet, by putting additional stresses on airframes that already require extensive maintenance to maintain mission capable status. High ops-tempo, downsizing, and other factors have placed us in a position of doing more with less. The Air Reserve component is integral to reducing Active Duty ops-tempo, however, high operations rates also challenges ARC recruiting and retention. The Expeditionary Aerospace Force (EAF) brings much needed predictability and stability, incorporates total force, and provides for a reconstitution period, providing tools to better manage the force. The EAF construct determines how the Air Force is organized, trained and equipped, and provides the tools to better manage the force. Additionally, we are working with ANG and AFR to better manage the tempo of our operations.

RECRUITING AND RETENTION

Question. The Air Force achieved its recruiting goal for Active Duty personnel for fiscal year 2000 and projects that it will meet its Fiscal Year 2001 Active Duty recruiting objectives. The Air Force Reserve missed its fiscal year 2000 recruiting goal, and it does not appear that the Air National Guard will achieve its fiscal year 2001 goal.

What steps will you take, if confirmed, to assist the Air Force in meeting its recruiting and retention goals?

Answer. Your continuing support of our recruiting initiatives has helped us meet our recruiting goals without lowering our standards. That support included bonuses, adjusted pay initiatives, retirement reforms, and improvements in medical benefits, which helped us achieve our fiscal year 2000 recruiting goals, and has kept us on track again this year. We still need your help to attract the highest quality individuals into the military service. If confirmed, I will aggressively work with the appropriate agencies to ensure the AF continues to meet the recruitment goal, both in terms of quality and quantity.

In an effort to meet our recruiting goals, the Air Force held a comprehensive review of recruiting and accessions processes. One of the most important initiatives from this review was to increase our recruiter force. We increased the number of recruiter authorizations from 1,209 to 1,450 in fiscal year 2000, and we project 1,650 recruiter authorizations by the end of 2001. The Active Duty drawdown has also created an additional recruiting challenge for our Guard and Reserve components. As

a result, the Air Force Reserve is increasing its recruiting force in fiscal year 2001 by 50 recruiters (to 564), and the Air National Guard is adding 65 recruiters (to 413) over the next 3 years.

Furthermore, we launched a multi-faceted marketing campaign, including NASCAR, television and movie theater advertising. We are synchronizing our efforts through a newly established marketing and advertising office. Our ads depict the teamwork, dedication, and technological sophistication that characterize the Air Force. The Air Force Reserve and Air National Guard also launched a national campaign that includes television, radio, and outdoor advertisements. We also continue to emphasize to all our Air Force people that "We Are All Recruiters." With an emphasis on publicity and our own people telling the Air Force story, we broaden the Nation's awareness of the Air Force.

The Air Force is also expanding accession incentives. Enhanced enlistment bonuses are focused on 85 critical skills, which have resulted in and increase in 6-year enlistment from 11 percent in fiscal year 1998 to 55 percent in fiscal year 2000. In January of this year the AF Recruiting Service and the AF Directorate of Personnel began evaluating "signing bonuses" of up to $5,000 for Mechanical, Electrical and other designated skills to help meet recruiting goals during the hard-to-recruit months of February through May. We are considering several initiatives to attract more Reserve Officer Training Corps (ROTC) candidates, including offering cadets contracts after their freshman year rather than waiting until the end of their sophomore year, as well as recommending legislation to permit an officer accession bonus. We actively pursue the talent in our enlisted force through enlisted commissioning opportunities—we have nearly quadrupled the number of prior service commissioning accessions from 169 in fiscal year 1998 to 647 so far in fiscal year 2001. This program offers a great incentive for people who want to continue their Air Force career.

Question. Current projections indicate that the Air Force will not meet its 2nd- and 3rd-term retention goals and will miss its required end strength by 4,100.

Why do you believe the Air Force is having trouble retaining 2nd- and 3rd-term airmen?

Answer. The Air Force is recovering from several years of low retention rates from first-term airmen through career airmen. With your support we have extended reenlistment bonuses, increased housing allowances, and expanded the Montgomery GI Bill benefits, helping us to successfully turn the corner on first-term enlisted airmen retention. Part of the trouble with retaining second-term and career airmen is they have been overtasked year after year; collectively changing their mind to stay in the AF is more difficult than convincing a 1st-term airmen to give us a second chance. These airmen are the backbone of our enlisted force and they endure the increased load to train our new accessions plus carry out the day-to-day work required of experienced technicians. The AF increased total accessions to offset poor retention in an effort to meet end-strength goals. AF apprentice (3-level) manning is currently at 115 percent and journeyman (5-level) manning is at 80 percent. In the short-term, this significantly impacts our experience levels. Our journeyman, who make up the majority of 2nd-term reenlistments and a portion of the career reenlistment categories, are working hard to carry the load as we work to balance the experience within the force. If, however, we sustain our 1st-term reenlistment goal, these people will become tomorrow's experienced technicians and mentors, easing some of the experience inequities.

Question. If confirmed, what steps would you take to address this problem?

Answer. If confirmed, I will continue to fight against the key factors that cause low retention. These factors include wages, high operations tempo, quality of life issues, and leadership. The primary tool to mitigate low retention is the Selective Reenlistment Bonus, which offers a bonus to 76 percent of our enlisted skills. We continue to look for initiatives to improve retention. The AF held a Retention Summit composed of MAJCOM senior officer/enlisted representatives, AFPC and ANG reps—19 initiatives were approved, including Career Assistance Advisors, Patient Advocates, Retention Toolkit, enhanced Spousal Employment program and subsidized in-home childcare in support of extended hours. Four Red Team/Integrated Process Teams are now studying NCO Retraining, Enlisted Bonuses, Pay Structure and Montgomery GI Bill/Tuition Assistance.

Question. The Air Force has requested an end strength of 358,800 personnel, an increase of 1,800 over the fiscal year 2001 authorized end strength of 357,000.

Do you think the Air Force can achieve this increased end strength if it misses its fiscal year 2001 authorized end strength by more than 4000 airmen?

Answer. The requested end-strength is justified and we will increase accessions and improve our retention to meet our goals. People are our most vital resource, our most crucial readiness component. Our long-term goal is to stop the decline in

end-strength and start growth to size the force to support increased operations tempo. The Air Force has undergone a 38 percent decrease in end strength since fiscal year 1998. We base military end-strength needs on combat capability after rightsizing infrastructure, taking advantage of technology, reengineering functions, and competing non-military essential support functions. However, the number of peacekeeping missions, relief efforts and other military operations have steadily increased—driving the need to increase aircrews, maintainers and combat support. Also, updated manpower requirements models, driven by lessons learned from real-world operations, and stresses on the fleet due to aging aircraft and longer sortie durations, have resulted in increased manpower requirements.

Question. The Air Force is having difficulty retaining officers with skills that are in high demand in the private sector. This includes pilots, scientists, engineers, and communications computer systems officers.

If confirmed, what steps would you take to improve officer retention, particularly in these high demand areas?

Answer. For pilots, increased production and longer Active Duty service commitments improve overall accessions and the average time a pilot remains on Active Duty. With your help, the Air Force significantly improved the Aviation Continuation Pay (ACP) program. For both our pilots and non-rated officers, our AEFs are helping to manage operations tempo, and recent Quality of Life improvements have removed some of the "irritants" that drive quality people to other jobs in the civilian economy. The cumulative effect of bonuses, the improved rhythm of our AEFs and improvements in quality of life help our total retention efforts.

QUALITY OF LIFE ISSUES

Question. The Air Force has made significant strides toward improving the quality of life of its personnel. Despite these improvements there are still significant problems. By some estimates the Air Force must still revitalize over 58,000 housing units and an equally large number of barracks spaces.

In this period of constrained resources, if confirmed, how would you weigh the allocation of resources to modernization of the Air Force and improving quality of life?

Answer. People are our most vital resource. We must continue to maintain a balance between caring for our Airmen and paying for the tools needed for mission accomplishment. Your help over the years on pay, retirement and health care has been much appreciated. Quality of life issues are terribly important to attract and retain great people, but so is quality of service. Quality of service addresses the need to ensure we give our airmen the proper tools to do the tough jobs we ask them to do in places like Kuwait and Saudi Arabia and Turkey, in the no-fly zone enforcement where combat occurs on a daily basis. The same is true in the Balkans and Korea. Quality of service is not just about equipment with which they operate, but the ranges and hangers and buildings and shops in which we ask them to do their work. Therefore, I will work to ensure an effective balance between quality of life and modernization spending is maintained.

Question. Should the Air Force allocate more resources toward improving quality of life for our forces deployed overseas? If so, why?

Answer. Focus on quality of life is required for all of our forces, wherever they are stationed. As a result of my recent experience as COMUSAFE, I am aware of some the unique quality of life initiatives (COLA, DOD schools, etc.) that require particular attention. If confirmed I will ensure these special emphasis areas continue to be properly addressed.

Question. In your view, can and should our allies provide more support toward improving the quality of life of our military personnel and their families deployed in Europe and the Far East?

Answer. Our allies in the Far East and Europe already provide significant support to our forces overseas, and our regional commanders are actively engaged with our allied counterparts to ensure that level of support is sustained. Consideration of increased support should be addressed at policy level. If confirmed, I will work to keep appropriate policymakers informed of Air Force requirements for continued overseas support.

HOMOSEXUAL CONDUCT POLICY

Question. Do you support the current Department of Defense Homosexual Conduct Policy?

Answer. Yes, I support the current policy.

Question. If confirmed, do you plan to make any changes to the basic policy or its implementation? If so, what changes will you propose?

Answer. No, I don't plan to make any changes if I am confirmed. The Air Force/JA monitors all cases other than those at Basic Military Training School (BMTS). BMTS separations are mostly voluntary. The AF system for monitoring these cases has been praised by DOD and there have been only a handful of violations of the policy within the Air Force over the past 5 years, and those have been characterized by a lack of familiarity with the policy rather than through malice or prejudice.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Question. DOD considers the biological agent anthrax to be the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA approved vaccine.

If confirmed, will you support and enforce the Anthrax Vaccine Immunization Program if DOD reinstates it?

Answer. Yes.

Question. How do you believe the Air Force should respond to service members who refuse to take the vaccine when ordered to do so?

Answer. We should carefully educate our people on the very real danger posed by anthrax, and we should inform them of the safety and effectiveness of the vaccine. This is a force protection issue. We will continue to make experts available to answer any questions our service members have. In the past, almost everyone who has been fully informed of the threat and the protection afforded by the vaccine has chosen to be inoculated. For those few members who ultimately refuse an order to be vaccinated, appropriate disciplinary action should be considered. Any disciplinary response will be accomplished at the lowest appropriate level.

MONTGOMERY GI BILL

Question. Almost all new service members enroll in and contribute to the Montgomery GI Bill. Only about half use their benefits, and many do not use all of their entitlement. Many airmen say they would like to stay in the Service, but feel they have to leave so that they can provide for the education of their spouses and children. Some of these service members might stay in the service if they could transfer all or a part of their unused entitlement to GI Bill benefits to family members in return for a service commitment. Service Secretaries could use this retention tool selectively, just as they use reenlistment bonuses.

Do you support this approach?

Answer. Yes, I have always been a firm believer in the theory that we recruit the individual but retain the family. I see the transfer of educational benefits to family members as another way of helping us achieve our retention goals.

Question. If confirmed, will you give serious consideration to how the Air Force can use the transfer of unused GI Bill benefits to family members as a retention tool?

Answer. Yes, if confirmed I will work to package the transfer of these benefits in the manner that best meets the needs our airmen and our service's retention goals.

GENDER INTEGRATED TRAINING

Question. Basic training, which may be the single most important phase of an individual's life in the military, is structured and defined differently by each Service.

Do you believe the current DOD policy of allowing each of the services to establish its own policy for gender integration in Basic Training is effective?

Answer. Yes. Each of the Services has its own needs when it comes to basic training. I know that a great deal of time and effort has been devoted to find the right answers for the Air Force and I expect that work to continue. The essential element for me is that we must train our newest members to handle the physical and psychological tests that await our Air Force—our training program must address that squarely and I'm dedicated to achieving that objective.

Question. If confirmed, will you propose changes to Air Force policies? If so, what changes will you propose?

Answer. I am sure that I will gain additional perspective on this issue if I am confirmed as Chief of Staff but, at present, there are no immediate changes I would make in our basic training policies.

PRIORITIES IN TACTICAL AVIATION

Question. Over the past several years, the Senate Armed Services Committee has devoted substantial attention to the condition of tactical aviation. The committee

concluded that there are persistent and serious problems, including aging of the aircraft fleet, shortages of certain types of tactical aircraft, and inefficient production rates. There have been continuing concerns about the affordability of the overall tactical aviation modernization effort, focusing on the three major programs, F–22, the F/A–18E/F, and the Joint Strike Fighter.

Do you believe that all three tactical aviation modernization plans are affordable?

If not, what criteria should Congress use in deciding which programs should go forward?

Answer. Current fighters in the Air Force inventory are rapidly approaching obsolescence due to new fighter and air defense threats. At the F–22 Initial Operational Capability (IOC) date (Dec 05), the average age of the F–15C will be 26 years. Supportability is becoming very expensive in terms of maintenance and manpower costs. Many of our parts suppliers are moving on to commercial work. The F–22, a truly transformational design with its unique maneuverable stealth and supercruise, will provide rapid air dominance.

A–10 and F–16 survivability against advanced threats are also becoming an issue, and the F–16 is rapidly approaching the end of its service life. Additionally, we have planned to cross flow new technologies from the F–22 to the JSF, so it is critical to keep F–22 development on schedule to ensure JSF can affordably replace F–16 and A–10 prior to the end of their service lives. This mix is the most cost effective fiscal and operational solution to Air Force fighter modernization.

The Air Force has historically (fiscal years 1975–2005) averaged 16 percent of service Total Obligation Authority (TOA) on RDT&E and Procurement of aircraft. Procuring both the F–22 and the JSF, both of which are critical to our modernization, will expend less than this historical average. In its peak expenditure year, the F–22 encompasses just 5.6 percent of Air Force TOA or 1.7 percent of the DOD TOA, both of which are comparable to past modernization investment levels. If we committed the same percentage of national resources for the F–22 that we did for the F–15, we would be buying an inventory of 1000 F–22s.

F–22 PROGRAM

Question. Over the past several years, the F–22 program has been operating under a legislated production cost cap. This cap was based on the Air Force's assessment of what would be required to complete the buy of 339 aircraft. At the time, it was understood that there were other offices, including the Congressional Budget Office (CBO) and the Cost Analysis Improvement Group (CAIG) that had higher estimates of F–22 production costs. Over the past couple of years, the committee has believed that F–22 production would fit within the cost cap, largely due to Air Force assurances that the various cost estimates were beginning to converge.

This year, the Air Force estimate of production costs for the F–22 is up by roughly $2 billion. In such a circumstance, we should have expected that this increase would have indicated some further convergence of the cost estimates. Press reports, however, indicate that the independent cost estimates have begun to diverge from the Air Force estimate.

Why, in your opinion, are these cost estimates diverging?

Answer. F–22 funding projections are well within historic norms of spending for aircraft development and procurement as a percentage of AF TOA, and the AF is proactively managing costs to remain within Congressional caps.

Question. What steps should the Air Force take to ensure that it will be able to produce enough aircraft to meet the requirements for the program within the cost cap?

Answer. Currently, the F–22 program is structured around a buy of 339 aircraft. We are studying in this strategic review capabilities needed for the future, and what number of F–22s will meet those needs. The F–22 is a huge leap in capability—an airplane that can super-cruise at well above 1.5 Mach; has very good legs; has stealth capabilities that are revolutionary. So the need for this airplane is very clear. The numbers will be the question as we go through this review. It is in testing right now and doing very well. In fact, its signature, its capability to super-cruise, its avionics capability and its aerodynamic capabilities are as we predicted them and, in some cases, better. We are behind on testing, but we're not going to rush that at the expense of safety or missing something as we develop this airplane. Testing is something you don't want to rush. It's not something that you restrict to a timeline—you do this in a very structured way. Overall, the program is in very, very good shape.

MODERNIZATION

Question. At a recent committee hearing, Air Force officials testified that the F–22 will not be able to meet its congressionally-mandated cost caps for either development or production.

What are your views on cost caps in general, and, specifically, on the F–22 cost caps?

Answer. F–22 funding projections are well within historic norms of spending for aircraft development and procurement as percentage of AF TOA and the AF is proactively managing costs to remain within Congressional caps, but caps are currently constraining our testing. The F–22 flight-testing has been extremely successful—over 1260 hours, and the aircraft is demonstrating some revolutionary capabilities. Some delays have been encountered, due in part to late airframe deliveries, requiring additional time before initiating operational testing. To meet the additional costs associated with these delays, the Air Force recommends removal of the EMD cost cap. The actual development is 95 percent complete—EMD caps are currently constraining continued flight-testing.

Question. The Source Selection decision for the Joint Strike Fighter is scheduled in the near future.

Do you think the programmed quantities of the Air Force variant of this aircraft will be affordable?

Answer. The JSF program is focused on affordability. JSF will provide a lower cost, multi-role fighter—the bulk of the force and a compliment to the F–22. The quantity of aircraft purchased will help keep costs lower. In addition, our contracting strategy provides incentives to the contractor to meet affordability goals. Three of eight key performance parameters for this program directly target reductions to Total Ownership Costs. Cost as an independent variable (CAIV) has been used during development to balance cost and operational capability in established weapon system requirements; the CAIV process will continue to bean integral part of the JSF program, ensuring a next-generation fighter—in the numbers we require—at a price we can afford.

Question. What are your views on the future roles that will be played by Unmanned Combat Aerial Vehicles in the Air Force?

Answer. The UCAV will join the B–2, F–22 and JSF in our vision of an all stealth force. The UCAV holds great promise for the future. Many challenges remain in terms of how we operationalize its capability as we move into the future. UCAVs will allow us greater degrees of stealthiness to be able to operate against projected anti-access threat. If confirmed, I intend to see to the development of a low life-cycle cost, mission effective system design and demonstrate the critical technologies, processes, and system attributes for a UCAV weapon system as well as potential SEAD/Strike capabilities.

Question. In recent operations, it appeared a larger percentage of weapons used were precision-guided.

Answer. PGMs were highly effective in the Air War Over Serbia, resulting in decreased risk and limited collateral damage . The USAF employed over 5,289 precision munitions against nearly 64 percent of all desired impact points. The collateral damage rate was less than 0.1 percent.

Question. Are inventories of precision-guided weapons sufficient?

Answer. No. They are still well below desired inventory level and failure to increase stockpiles risks wartime shortfalls. Northern/Southern Watch and Allied Force significantly reduced inventory levels such that we must use War Reserve Munitions for training. Major acquisition programs will begin to increase precision inventories with the addition of JDAM, JSOW–B, and JASSM, however, serious shortfalls in standoff and legacy munitions persist through FYDP.

Question. What are the major developmental thrusts that are necessary to improve the accuracy and lethality of our weapons inventories?

Answer. I believe the JDAM, WCMD, JASSM, SDB, and ABL programs are the major developmental thrusts and these programs are on track.

F–22 EVENT-BASED DECISION MAKING

Question. The Air Force is required to manage the F–22 program on the basis of achieving certain milestones, rather than "graduating" when certain time on the calendar has elapsed. There have been delays in the testing program that will delay the start of operational testing by up to one year from the previously planned date. Nevertheless, there is still some risk that developmental testing may not be able to support operational testing even on this delayed schedule.

Can you assure the committee that the Air Force will not proceed to operational testing before the program has completed sufficient developmental testing?

Answer. Yes! If confirmed, I will be committed to ensuring the F–22 does not proceed to operational testing until sufficient developmental testing has been completed. It is critical that developmental testing be fully conducted in order to have the best possible capabilities ready for the operational testing. I will ensure the Air Force completes all necessary testing prior to certifying the F–22 is ready to enter DIOT&E.

UNMANNED AIR VEHICLES

Question. In the Fiscal Year 2001 Floyd D. Spence National Defense Authorization Act, Congress set a goal that within 10 years one-third of U.S. military operational deep strike aircraft would be unmanned. In addition, Congress invested an additional $50 million above the President's budget request in the Air Force Unmanned Combat Air Vehicle.

Do you support the 10-year goal of one-third of U.S. military operational deep strike aircraft being unmanned?

Answer. Yes. I fully support the AF/DARPA project that is underway and that was chartered to achieve that very goal. The focus today is on developing UCAVs for the SEAD/Strike mission; other potential UCAV roles we're exploring include directed energy, electronic attack, and ISR.

Question. Do you feel the current level of investment, the fiscal year 2002 President's budget request of $60 million, is sufficient to realize this goal?

Answer. No. Although combined DARPA and AF funding of UCAV through fiscal year 2003 exceeds $200 million, no funding exists in the President's budget beyond fiscal year 2003. Fielding 30 deep-strike UCAVs will require an additional $1.3 billion between fiscal year 2002–2007.

RESERVE COMPONENTS

Question. Although the Department of Defense claims a commitment to the "Total Force," some question this commitment. Those who question the Department's support of the Reserve components claim that the Reserve components do not receive an appropriate share of the defense budget and that they are not assigned appropriate missions. The most recent example of concern is raised by the Air Force proposal to retire the B–1 wings in the Air National Guard.

What is your response to these concerns?

Answer. I am a firm believer in the total force concept. We cannot complete our mission successfully without our Reserve component. The Air Force is a recognized leader in the integration of its Guard and Reserve Forces. The ARC is a full partner in the AFs corporate programming and budget process. Additionally, Guard and Reserve units participate in combat and combat support operations on a daily basis.

The decision to consolidate B–1s is a monetary one. The money saved from consolidating the B–1 units onto two bases will be used to bring the remaining B–1 fleet up to current modernization levels. With over $2 billion in unfunded requirements, we can pour that money back into modernizing the remaining B–1 fleet.

Question. What is the appropriate criteria for deciding on the appropriate missions and level of contribution from the Reserve components?

Answer. On a larger scale, to be relevant in the present and future AF, which is key to funding and survival, the ARC must at all times mirror their AD counterparts. If the missions ever separate into an ARC vs AD mission, then funding, organization, training, equipping, etc. becomes threatened.

From an AEF perspective: The appropriate criteria should be the same for the ARC as for any other Active Duty (AD) MAJCOM in the AF. If the ARC has a designed operational capability (DOC) statement tasking it to deploy F–16s to various theaters, the F–16 mission should be the same for the ARC as it is for the AD. If there is an air-to-ground, air-to-air, SEAD/DEAD mission, that criteria for that mission should be the same across the board.

The level has to be based on a measure of volunteerism and what the Reserve components do is look at their historical participation and project how long per person and how long can the ARC sustain that mission over time. Subjectively, with volunteerism, the ARC on ECS can handle about 10 percent of the total steady state mission for AEFs.

It is erroneous to dictate that it takes six ARC personnel for one AD person equivalent. By weapon system and position, on average for AEFs the ARC really is on a 1 for 3 or 1 for 4 level. It takes 3 to 4 people/volunteers to fill one Active Duty position for one 3-month AEF rotation. If there is a PRC, we're back to one for one. To clarify, there are not 3 to 4 reservists on station for one AD person. There is only one person there. So to do the job on a daily basis, it takes only one person, but over the entire span of the deployment, 3 or 4 people.

Question. Are the Reserve components used to the maximum extent practicable? If so, do they still have excess structure that can be eliminated?

Answer. The ARC annually participates in all major contingencies, exercises, and competitions. Additionally, it is the linchpin of our humanitarian and North American Air Defense efforts.

Question. Do you foresee any significant shift in the roles and missions currently performed by the Air National Guard and Air Force Reserve?

Answer. The ANG and AFR currently play an integral part in reducing Active Duty tempo and we will continue to look for additional ways to use them in support of AF requirements.

BASE CLOSURE

Question. The President's February budget blueprint document states that "with 23 percent in estimated excess infrastructure, it is clear that new rounds of base closures will be necessary to shape the military more efficiently."

Do you believe that we need more base closures?

Answer. Yes, BRAC is an integral part of readiness and modernization as infrastructure is reshaped to match changing mission needs and other requirements.

Question. Do you believe the Air Force has excess infrastructure that uses resources that could be applied to higher priorities within the Department of the Air Force?

Answer. Yes, the Air Force is over-based for the force structure we have today. We think that we can avoid significant costs in the out-years with a base closure process.

Question. Do you believe the process established by the Defense Base Closure and Realignment Act of 1990 is a fair and effective way to reduce excess military infrastructure and return the property to local authorities? What changes, if any, would you propose to this process?

Answer. The facts clearly support our burden of excess infrastructure. The BRAC is the only method by which we have fairly reduced our burden in the past; thus, I believe BRAC is effective. Changes to the BRAC process may be in order. Such changes would be products of legislation on which I am not yet in a position to comment.

Question. In your view, would changing the base closure process to exempt some bases from the independent commission's review make the process more or less open, fair, and stressful to communities with military installations?

Answer. Again, any changes to the BRAC process would be products of legislation on which I am not yet in a position to comment.

Question. Over the past several years, members of the Joint Chiefs of Staff have testified that there is excess defense infrastructure and requested Congress to authorize another round of base closure.

Do you believe that we have excess defense facilities and, if so, where does this excess capacity exist?

Answer. I will only speak for the United States Air Force, because I don't have insight into the other services' needs. I would say we as an Air Force are over 10 percent overbased.

BRAC ENVIRONMENTAL CLEANUP

Question. In its report on *Issues and Alternatives for Cleanup and Property Transfer of Base Realignment and Closure (BRAC) Sites,* dated August 1, 2000, the Institute for Defense Analyses noted that despite Department of Defense efforts to accelerate the program by working with effected communities and with Congress, property transfer is taking too long and goals are not being met. Many BRAC acres have not yet been transferred. These problems are compounded by recent indications that there are funding shortfalls for BRAC cleanup in the fiscal year 2002 budget of about $92 million in the Navy account and $55 million in the Air Force account. Such funding shortfalls adversely effect cleanup milestones, undercut the timeliness and value of property transfers, further harm communities already hurt by base closure, and threaten the overall credibility of the BRAC process.

Do you believe that adequate funding for BRAC cleanup should be an Air Force priority?

Answer. I believe it is important to keep BRAC cleanup on schedule for the benefit of the communities. The Air Force is committed to responsible environmental stewardship.

Question. What is your response to the shortfalls in the fiscal year 2002 budget?

Answer. If confirmed, I will work to alleviate shortfalls in the fiscal year 2002 budget in order to keep clean up on time and meet the program goals.

INVESTMENT IN INSTALLATIONS

Question. The military departments have consistently struggled to maintain their base infrastructure. The backlog of real property maintenance has remained high, whether budgets were increasing or decreasing. The military is far behind industry standards for maintaining and modernizing its facilities. Even the substantial increase in the Operation and Maintenance accounts in the fiscal year 2002 budget request does not provide sufficient funding to maintain the Air Force's facilities in their current status.

Are there any new approaches to this issue that you believe could help the Air Force move toward a solution of this perennial problem?

Answer. If confirmed, I will support BRAC to eliminate excess infrastructure. BRAC is an integral part of readiness and modernization as infrastructure is reshaped to match changing mission and other requirements. Other DOD initiatives should augment (not replace) BRAC.

Question. Traditionally, funding the upkeep of installations has been a low priority in the services' budgets. It is anticipated that after the completion of the current Quadrennial Defense Review, future budgets will devote a greater share of resources to modernization and transformation efforts.

Do you expect that funding for real property maintenance will decline even further once the QDR is completed?

Answer. It is too early to tell. But, if real property maintenance (RPM) continues to decline, we will feel the impact on readiness and retention. Our people deserve more than a 191-year plant replacement value rate for their facilities.

OUTSOURCING OF COMMERCIAL ACTIVITIES

Question. Over the past several years the Department of Defense has increased its reliance on the private sector to perform certain activities including equipment maintenance and facility operations.

Do you believe that the military services should retain a core capability to perform certain key support activities such as equipment maintenance?

Answer. Yes. In the Air Force, we have improved efficiency and saved money by privatizing areas such as utilities, housing, and demolition, and A–76 conversions have added to savings, but the Air Force must retain core capabilities for any support activities which have the potential to adversely affect our combat capability (such as for maintenance on equipment which is essential for deployment).

ENCROACHMENT ISSUES

Question. The Senior Readiness Oversight Committee is currently reviewing a group of readiness challenges it has characterized as "encroachment" issues. These include population growth near military installations, environmental constraints on military training ranges, airspace restrictions to accommodate civilian airlines, and the conflicts with civilian users over the use of radio frequency spectrum.

In your opinion, how serious are these problems for the Department of the Air Force?

Answer. Encroachment is a very serious problem for the Air Force. Maintaining continued access to our ranges, airspace and frequency spectrum is absolutely critical; in fact, if our ability to train our aircrews continues to diminish, America will soon lose its only edge in air combat proficiency. We can no longer rely on current Air Force technology to provide an advantage against our next adversary-that next adversary already has access to more advanced equipment than ours. It is only our superior training that enables our pilots to have the upper hand in air combat. That training depends on the right amount and the right type of ranges and airspace. These areas are national assets that allow the Air Force to test new equipment, develop new tactics, and train our forces to be combat-ready. AF ranges also accommodate important civilian industry aeronautical testing, and provide for public use and natural and cultural resource protection.

Question. If confirmed, what role do you expect to play in addressing these challenges and what actions would you propose to take to address them?

Answer. If confirmed, my role will be to direct the Air Force to meet military needs while addressing public concerns along with Federal, tribal, state, and other agency issues. We have adopted a spirit and practice of flexibility and willingness to adapt without compromising our operations. In fact, in 1994 the AF organized and stood-up an airspace and range staff in the Pentagon to work the issues facing our combat forces, and in 1995, Air Combat Command created an interdisciplinary staff that works range and airspace issues on a daily basis. Additionally, we realize the importance of establishing and maintaining permanent relationships with stake-

holders. These stakeholders are supportive of the AF and our mission. Sustainable access to ranges benefits many people. Our ranges contain significant cultural and natural areas, are used for grazing and crop production, and allow hunting or other forms of outdoor recreation.

Question. Of particular concern to the Air Force, commercial air traffic is expected to increase 6 percent annually, and military airspace use will also increase with the next generation of high performance weapon systems. As a result of the pressures associated with commercial air traffic congestion, noise, and other concerns, the acquisition and use of special use airspace has evolved into a challenging endeavor for all of the military departments.

If confirmed, what actions would you propose to address this challenge?

Answer. With the advent of the F–22 and JSF, we will go to the limits of our current range and airspace capability to accommodate both Operational, Test and Evaluation (OT&E) and training requirements. Not only will more sophisticated instrumentation be needed but more complex surface-to-air threat emitters will be required. These two sophisticated systems will allow us to maximize our daily training by providing proper feedback of our missions and give us realistic threats to simulate actual combat. As our weapons, weapons systems and tactics evolve, we cannot endure further encroachments that will decrease the size or quality of the airspace and ranges we use or our training will suffer, thereby affecting our combat readiness.

Efforts are also underway now to link space and information operations (IO) test and training capabilities to the range and airspace structure. Such physical and virtual connectivity will allow air, space, and IO capabilities to test and train in an integrated fashion. This will not create an increased requirement for physical range space, but we will have limited funding and manpower to perform the integration of these capabilities as well as exercising them on the range.

We not only need land and airspace, but we rely heavily on critical parts of the electronic spectrum to carry out our missions. We must also ensure we can continue developing new electronic countermeasures and counter-countermeasures systems and capabilities as well as exercise existing systems as closely as possible to how we would employ them in conflict. In the future, we expect to encounter increasing challenges not only with our current level of operations, but also with beddowns of new weapon systems or realignments.

Maintaining our edge in air combat is directly linked to robust training capabilities, capabilities inherent in continued access to AF ranges and airspace. The AF recognizes the need to balance its test, training, and readiness requirements with responsible stewardship. We continue to look to our installations, ranges and airspace to provide the AF the operational flexibility, efficiency, and realism necessary to continuously enhance readiness while allowing commanders to minimize, to the extent possible, the impacts of their mission on the community, the environment, and the National Airspace System. The challenges we face require effective communication with all affected parties. The partnerships we have with our sister services, civilian government agencies, and other stakeholders are essential. Moreover, legislative and fiscal initiatives are also needed. Together, we can meet these challenges head-on and sustain America's readiness into the 21st century.

READINESS LEVELS

Question. What is your assessment of the current readiness of the Air Force to execute its assigned missions?

Answer. Our dominance of the full spectrum of operations tends to overshadow what has happened to our readiness. Responding across this full spectrum of operations necessitates we have a certain number of units ready to deploy in the first 30 days of conflict. This is the basis of our readiness requirement of 92 percent. Since 1996, our worldwide combat force readiness rates have decreased 23 percentage points to a rate of 68 percent in April 2001. Furthermore, our overall Air Force readiness is lower than any time since June 1987. We are capable of winning today; however, we are concerned about these trends in readiness indicators.

The Air Force's major areas of concern are aging aircraft, retaining an experienced workforce, and working with constrained resources and parts (aging infrastructure, cannibalization of "hangar queens").

Aging Aircraft: A major factor in the decline is the increasing age of our aircraft. On average, our aircraft are about 22 years old, and getting older. An aging fleet costs more, both in effort and dollars, to operate and maintain. For example, our flying hours have remained relatively constant over the past 5 years, but their cost has increased by over 45 percent after inflation. Older aircraft are simply more difficult to maintain as mechanical failures become less predictable, repairs become

more complicated, and parts become harder to come by and more expensive. But, even with these contributing factors, we had the best year in our history for aviation safety, a clear measure of our people's professionalism.

Experienced Workforce: People are our most vital resource; the most crucial readiness component. Loss of experienced personnel contributed to 24 percent decline in readiness since 1996.

Constrained Resources: We are also experiencing infrastructure shortfalls in our facilities (i.e., bases), vehicles and support equipment, and communications infrastructure. Sufficient inventories of weapon system spare parts are crucial to mission readiness. Lack of spares puts a severe strain on the entire combat support system, creating increased workload for our logistics personnel and reducing the number of mission-capable aircraft available to our operational forces. When our logistics system suffers parts shortages, maintenance personnel must either cannibalize parts from other equipment or aircraft to serve immediate needs, or accept degraded readiness while they wait out long-delivery times for back-ordered parts.

Spare Parts: With recent financial assistance from the administration, Office of the Secretary of Defense (OSD), and Congress, we are turning our spare parts problems around. However, as our fighter, ISR, combat search and rescue, mobility, and tanker aircraft continue to age, they need more frequent and substantial repairs, driving up readiness costs. This, in turn, reduces the number of aircraft available for missions and creates higher demands on the remaining fleet. Reversing this trend will take additional funding and a concerted recapitalization effort. In addition, the maintenance tasks and materiel growth inherent in supporting our aging aircraft fleet have increased our depot workload. Limited depot infrastructure investment over the past decade, coupled with constrained funding, adds to our already significant challenges in meeting readiness requirements.

Question. What are your recommendations for addressing your major areas of concern?

Answer. Aging Aircraft: The increasing cost of readiness (including operations and maintenance) is consuming the funds required to modernize our systems and our infrastructure. We have developed a responsible, time-phased plan to modernize our force without sacrificing readiness or capability goals.

Experienced Workforce: We have reshaped ourselves into an Expeditionary Aerospace Force (EAF) to balance impacts of a less experienced workforce and improve retainability by providing predictability and stability through our AEFs. We have also increased the use of Air Reserve Component (ARC). If confirmed as CSAF, I will continue to work on improving retention. People are our most important asset. Other improvement programs include compensation packages and quality of life programs that will make the AF competitive and desireable. I will also continue to work on improving access to quality health care, workplace environments, and providing safe, affordable housing.

Continue to reduce the military pay gap relative to private sector; Reduction of out-of-pocket expenses; Enhanced legislative flexibility on Special Pays and Bonuses to target critical skills; Pursue force shaping initiatives to optimize civilian workforce; Improve TRICARE for Active Duty members, retirees, and family members.

Spare Parts: Recent improvements in spare parts funding are turning this situation around. Through internal funding realignment, the administration, OSD and congressional plus-ups, we were able to spend an additional $2 billion for spare parts over the past 2 years. This helped replenish inventories drained during Operation Allied Force. During the summer 2000 program review, the DOD fully supported our efforts to fill shortfalls in the spare-parts pipeline which were impacting operational requirements. Additional administration and OSD support for fiscal year 2002 includes full funding of the flying hour program and our airlift readiness spares packages, and increased funding to reduce the spares repair backlog.

Overall: We need to fix readiness shortfalls in key logistics resources including people, skills, spares, munitions, bare base assets, and vehicles. We need to improve our capability to rapidly develop deployment and sustainment plans for fast-breaking contingencies. Finally, we are making enhancements to our ACS command and control capability to make it more responsive, better integrated, and sufficiently robust to support EAF needs. These agile combat support initiatives are crucial to sustaining current and future combat operations.

READINESS ASSESSMENTS

Question. General Shinseki recently described our current readiness standards as "a Cold War legacy" that "reflect neither the complexity of today's strategic and operational environments nor other important factors."

What do you believe are the critical elements of a readiness assessment system?

Answer. The critical elements of a readiness assessment system look at personnel factors as well as weapon systems issues. A valid assessment system would then look at the possible operational environments and determine how and to what degree the Air Force can achieve the desired effects.

Question. Does our current system contain these elements?

Answer. Yes.

Question. Do you believe the Department can create a new readiness measurement system that will be able to better assess readiness for joint operations and predict future readiness?

Answer. I think we can be more consistent across the Services regarding how we assess readiness. Per CSAF direction, as CAF Lead, I am responsible for certifying to USCINCJFCOM that each of our 10 Aerospace Expeditionary Forces (AEFs) we present to him meets the requirements for its 3-month deployment vulnerability window. To ensure accurate reporting, we have developed an AEF Certification process, designed to increase chain of command involvement by moving readiness processes from the functional level to the command level. This process, in conjunction with our current Status of Operational Readiness and Training (SORTS) report, will provide us a clearer picture of current and future readiness.

READINESS REPORTS VS. STATEMENTS FROM THE FIELD

Question. One of the principal readiness concerns of the committee is the apparent disconnect between the official readiness reports the committee receives from the Pentagon and the concerns we hear from the operating forces. In the past, official reports and statements often indicated that the readiness of our military forces was high. Statements made by individuals in the operating forces, however, cast a far different picture. Recently, we have seen the official reports indicate that the readiness of the forces has been in decline. This more accurately reflects what we see in the field.

In your view, does the foregoing reflect a problem with the way we measure and report readiness?

Answer. No. However, we are instituting a process that will help address this issue. Per CSAF direction, as CAF Lead, I am responsible for certifying to USCINCJFCOM that each of our 10 Aerospace Expeditionary Forces (AEFs) meets the requirements for its 3-month deployment vulnerability window. To ensure accurate reporting, we have developed an AEF Certification process, designed to increase chain of command involvement by moving readiness processes from the functional level to the command level. This process, in conjunction with our current Status of Operational Readiness and Training (SORTS) report, will provide us a clearer picture of readiness. The objective of certification is to hold commanders at each level accountable for organizing, training and equipping Unit Tasking Codes (UTCs), in order to provide required mission capability and to inform the CINCs on the status of deploying forces. Bottom line, commanders must send every individual and UTC into theater full-up and ready to fight.

Question. If confirmed, what actions would you take to ensure that you are kept abreast of the readiness concerns of the Air Force operating forces that may not always be represented in the official reports?

Answer. Key readiness concerns that impact operations and training are accounted for in our Status of Readiness and Training (SORTS) Reports. Additionally, we have developed an AEF Certification process designed to increase chain of command involvement by moving readiness processes from the functional level to the command level. The objective of certification is to hold commanders at each level accountable for organizing, training and equipping UTCs, in order to provide required mission capability and to inform the CINCs on the status of deploying forces. That includes the responsibility of raising concerns to the appropriate level to obtain remedy or relief, when applicable. Bottom line, commanders must send every individual and UTC into theater full-up and ready to fight.

Question. If confirmed, what actions would you take to ensure that these concerns are captured in the reports that the Air Force provides to the DOD as a whole as well as Congress?

Answer. I firmly believe that effective leadership demands the ability to provide an honest assessment of capability, which includes the highlighting of shortages. I expect my commanders to be aware of and raise readiness concerns to the appropriate level to obtain remedy or relief as applicable. If nominated, I will continue to drive this point home with AF leaders at all echelons.

READINESS

Question. Over the last few years we have heard increasing reports that the readiness of the U.S. Armed Forces has begun to deteriorate as a result of the over-commitment of an under-resourced Department of Defense.

What do you view as the major readiness challenges that will have to be addressed by the Air Force over the next 4 years, and, if confirmed, how will you approach these issues?

Answer. The Air Force has and will continue to focus on aggressive transformation to the extent our budget allows. This Fiscal Year 2002 budget shores up some of our most critical people and readiness concerns and allows us to remain the world's most respected aerospace force.

Total Air Force readiness has declined 23 percentage points since 1996. We attribute this decay to the problems associated with supporting the oldest aircraft fleet in Air Force history; the inability to retain an experienced workforce; and constrained resources and spare parts. With recent financial assistance from the administration, Office of the Secretary of Defense (OSD), and Congress, we are turning our spare parts problems around. However, as our fighter, ISR, combat search and rescue, mobility, and tanker aircraft continue to age, they need more frequent and substantial repairs, driving up readiness costs. This, in turn, reduces the number of aircraft available for missions and creates higher demands on the remaining fleet. Reversing this trend will take additional funding and a concerted recapitalization effort. In addition, the maintenance tasks and materiel growth inherent in supporting our aging aircraft fleet have increased our depot workload. Limited depot infrastructure investment over the past decade, coupled with constrained funding, adds to our already significant challenges in meeting readiness requirements. We are also experiencing infrastructure shortfalls in our base facilities, vehicles and support equipment, and communications infrastructure. Overall, we are committed to improving readiness, and it must be synchronized with our people, infrastructure, and modernization programs.

CINC IDENTIFIED READINESS DEFICIENCIES

Question. The latest Quarterly Readiness Report to Congress identified 87 CINC-identified readiness related deficiencies. Thirty one of these are listed as Category I deficiencies, which entail significant warfighting risk to execution of the National Military Strategy. Most of the specific deficiencies have been reported for the past several years and have not as yet been effectively addressed.

If confirmed, what actions would you take to ensure that the Air Force dedicates sufficient resources to address these CINC-identified readiness deficiencies?

Answer. Thanks to the tremendous talent of our people, we have enjoyed great victories in combat. These victories tend to overshadow what has happened to our readiness. Responding across this full spectrum of operations necessitates we have a certain number of units ready to deploy in the first 30 days of conflict. This is the basis of our readiness requirement of 92 percent. Since 1996, our worldwide combat force readiness rates have decreased 23 percentage points to a rate of 68 percent in April 2001. Furthermore, our overall Air Force readiness is lower than any time since June 1987. We are capable of winning today; however, we are concerned about these trends in readiness indicators. A major factor in the decline is the increasing age of our aircraft. For example, our flying hours have remained relatively constant over the past 5 years, but the cost of those flying hours has increased by over 45 percent after inflation. Older aircraft are simply more difficult to maintain as mechanical failures become less predictable, repairs become more complicated, and parts become harder to come by and more expensive.

The increasing cost of readiness (including operations and maintenance) is consuming the funds required to modernize our systems and our infrastructure. We have developed a responsible, time-phased plan to modernize our force without sacrificing readiness or capability goals.

NEAR-TERM READINESS VS. MODERNIZATION

Question. One of the long-standing concerns of the committee is that the services, in an attempt to maintain near-term readiness and pay for numerous contingency operations, have under-funded long-term readiness, i.e., modernization accounts. This has resulted in equipment becoming old and increasingly expensive to maintain. This increased expense has created an additional hurdle in the way of our ability to maintain current readiness and modernize for the future.

If confirmed, what recommendations would you make to the Secretary of the Air Force in order to resolve this downward readiness cycle?

Answer. Contingency operations are a reality for today's Air Force. We must recognize that reality in our force structure, modernization, budgeting, and planning processes. The ongoing QDR does contain criteria which accurately reflect our operating environment: we must be able to win a major theater war, while maintaining the capability to halt aggression in other parts of the world and continue numerous small-scale operations elsewhere. In future reviews, we must also take into account backlogs such as we have in real property maintenance. These are areas which we must work to resolve, and every year of delay simply puts us that much deeper into the hole.

QUADRENNIAL DEFENSE REVIEW

Question. Congress required the Department of Defense to conduct the Quadrennial Defense Review to include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view toward preparing the Armed Forces of the United States for the security environment of the 21st century.

Please outline your views on how to best organize and equip the Air Force to support the National Military Strategy. What do you believe should result from the QDR process?

Answer. The QDR process will give us a clear idea of the force structure required across the Services to fulfill the National Military Strategy. In past QDRs, we used the two-major-regional-contingencies and two-major-theater-wars scenarios to calculate the depth of force structure required, and we assumed that any other activities would be lesser-included cases of those two scenarios. However, this QDR uses a different scenario, recognizing that we need to continue to be able to win one major theater war, while maintaining the capability to repel attack in other areas of the world, and continuing to do a series of smaller, lesser-scale contingencies at the same time. We are in the process right now of putting forces against those requirements to measure our required force structure. The result of this process will give us a clear idea of how best to organize and equip the Air Force.

FLYING HOUR COSTS

Question. For the past several years, the Air Force has requested increases above their budget requests to deal with unanticipated growth in the cost of their flying hour program. The Air Force budget for fiscal year 2002 contains significant increases in funding for flying hours.

Do you believe this year's budget request fully funds your program so that you will not need to seek additional funding to execute your flying hour program?

Answer. Your support of the fiscal year 2001 supplemental request will further help us maintain our readiness levels. However, we still need your continued support to improve our readiness. Your United States Air Force is currently operating and maintaining the oldest aircraft fleet in our history. On average, our aircraft are about 22 years old, and getting older. An aging fleet costs more, both in effort and dollars, to operate and maintain. Last year, while we flew only 97 percent of our programmed hours, they cost us 103 percent of our budget. Over the past 5 years, our costs per flying hour have risen almost 50 percent.

Question. What steps is the Air Force taking to control this cost growth?

Answer. The only way we can control these costs is to recapitalize the aging fleet.

NEED FOR OVERSEAS INSTALLATIONS

Question. The Air Force currently maintains a network of bases to support our forward deployed forces.

Do you believe that an increased emphasis on long-range power projection would decrease the need for permanent basing for forward deployed Air Force personnel?

Answer. No. We have already drawn down our overseas basing to a critical level. As we saw with Operation ALLIED FORCE (OAF), our forces are capable of traveling thousands of miles to conduct precision strikes. However, to conduct an effective air campaign such as OAF, you must have persistent air power and the capability to perform time-critical strike which dictate that either permanent or temporary forward basing will continue to be a requirement for effective operations.

REDUCING COMMITMENTS

Question. In recent years there has been concern over the level of deployments and the time service members spend away from home. The Air Force has created the Expeditionary Aerospace Force (EAF) concept to make deployments more pre-

dictable. Congress has enacted a per diem payment for members deployed above a specified number of days. Another approach to controlling or reducing time away from home is to reduce the number of overseas commitments.

What are your views on the contributions that each of these three approaches has made or could make to managing the OPTEMPO of Air Force personnel?

Answer. The Expeditionary Air Force concept has done an excellent job of providing predictability and stability to our Airmen. While there are still some areas to be worked out, we continue to improve our capability to deploy customizable Aerospace power packages to theater CINCs. The congressional initiative to compensate personnel for extended deployments may also help our young Airmen deal with the challenges of our worldwide commitments. We need to continue to do everything possible to take care of our personnel meeting the deployment needs associated with our national strategy. That strategy will dictate the amount of overseas commitments, and the Air Force stands ready to support those commitments, whatever they may be. In addition, we are prepared to assist in assessing our current overseas commitments.

OVERSEAS CONTINGENCY DEPLOYMENTS

Question. Congress has long been concerned about the impact on readiness of the numerous deployments of our military personnel over the last 8 years.

What are your views regarding the impact of contingency operations on military readiness?

Answer. We must continue to address years of constant high tempo, aging equipment, and reduced defense spending to meet the high demands we place on our people and systems. Several years of sustained high operations tempo, aging equipment, and reduced funding have led to a slow, steady decline in readiness. It will take several years of significant investment to recover. We must restore readiness through substantial and sustained recapitalization of people, equipment, infrastructure and "info"-structure. However, contingency operations are a reality in today's Air Force, and we must recognize that reality in force structure, modernization, budgeting, and planning processes.

ASSOCIATE WINGS

Question. The Air Mobility Command has had great success with its Associate Wings. These Wings allow the Air Force to maximize the use of airlift aircraft without incurring the high cost of increased Active Duty end strength.

Based on the success that the Air Mobility Command has had with the Associate Wing concept, why has this concept not been expanded to the Air Combat Command? What are your views on expanding the Associate Wing concept to include the Air Combat Command?

Answer. There are obvious synergies and benefits to Reserve associate programs throughout the Air Force. As you probably know, we have completed a very successful test of a fighter Reserve Associate Program at Shaw AFB. AMC has indeed been very successful in such programs, and ACC and AFRC are in the midst of developing the requirements for expansion to other weapon systems. Reserve associate programs have tremendous potential to leverage the experience resident in the Air Reserve Component.

SPACE COMMISSION

Question. What are your views on the need for legislation to implement the recommendations of the Space Commission?

Answer. We support the decisions and recommendations of the Space Commission. The Air Force is the right service for department-wide responsibility for planning, programming and acquisition of space systems. We are currently realigning to effectively organize, train, and equip for prompt and sustained offensive and defensive space ops. This move reduces fragmentation within both DOD and intelligence committee and improves space advocacy by implementing a single chain of authority. We must employ space to speed transformation of the military and effectively prepare for future conflicts.

Question. If confirmed, how will you ensure that interests and requirements of all services are preserved under an Air Force Executive Agency for Space?

Answer. A new and comprehensive national security space management and organizational approach is needed to promote and protect our interests in space. It was the commissions assessment that DOD and the intelligence community are not currently focused to meet 21st century national security space needs. The relationship between the Secretary of Defense and Director, Central Intelligence will continue to be critical for future development. It was the commissions conclusion that current

methods of budgeting for national security space programs lack visibility and accountability. The Air Force will work to correct that to meet the needs of all DOD space users.

Question. Do you see a need to maintain a strong cadre of space professionals in all the services?

Answer. The demands for integration of space capabilities and information for modern warfighting will continue to grow in the future. It will be essential that all the services understand how to integrate space into combat operations. If confirmed, I will ensure that the U.S. Air Force works closely with other services to coordinate efforts to effectively use space assets.

Question. If confirmed, how will you ensure that the Air Force helps to develop and sustain such a DOD-wide cadre?

Answer. If confirmed, I will ensure that the Air Force makes available the coordinated training to ensure that an appropriate level of expertise is in all services to ensure effective application of space assets.

SPACE FUTURE

Question. What is your vision for the future of the space component of the Air Force?

Answer. We are working toward increased funding for space surveillance to hone a developing space-based capability. The Air Force is working to fund and lead technology efforts, developing capabilities for offensive and defensive systems. The Air Force continues to ensure we are creating an effective organizational structure for space control. This led to the creation of new Space Control and Space Aggressor squadrons. We have also created a Counterspace Oversight Council to deal with future threats to our space-based assets.

Question. In your view, how should the Air Force approach its mission of ensuring continued access to space?

Answer. The AF recognizes its unique capabilities and responsibilities with respect to space operations and is committed to meet the space leadership challenge. To ensure continued access to space, the Air Force id working in close, active partnership with our sister services, agencies, and industry to implant the recommendations from the Broad Area Review on spacelift. We will also work to improve the organization, management, and employment of space to meet the growing Joint Warfighter needs. Finally, the Air Force will continue to work closely with the Intelligence, civil, and commercial space communities to enhance and exploit the full range of our Nation's space capabilities.

Question. Do you agree with the recommendation of the Space Commission that the "U.S. must participate actively in shaping the space legal and regulatory environment?"

Answer. Yes, there must be an effective means to monitor and control space assets, and we in the U.S. Air Force will be an active participant in shaping the environment based on our capabilities and expertise.

Question. Do you agree with the recommendation of the Space Commission that "To protect the country's interests, the U.S. must promote the peaceful use of space. . .?" In your view, how should the Air Force participate in implementing this portion of the recommendation?

Answer. Yes, the peaceful use of space is essential to our Nation's, and the international community's, interests. We need safe and reliable space-based communications and research capabilities to further U.S. interests. Additionally, space assets are increasingly critical to our national security. The Air Force will ensure continued access to these technologies through a new and comprehensive national security space management and organizational approach designed to promote and protect our interests in space.

Question. Do you agree with the Commission observation that U.S. dependence on and vulnerability of its space assets makes the U.S. "an attractive candidate for a 'Space Pearl Harbor'?"

Answer. I agree that much like other U.S. military resources, space assets make a lucrative target for those that wish to discredit or damage the United States. However, we are aware of the threats posed to space-based assets and are vigilant to finding ways to counter possible threats. It is unlikely we would be taken completely unaware by an attack on our space capabilities.

Question. Do you agree with the Commission recommendation that the U.S. "develop and deploy the means to deter and defend against hostile acts directed at U.S. space assets and against the uses of space hostile to U.S. interests?" How would you recommend that the Air Force support this recommendation?

Answer. I agree with the space commission findings, the U.S. Air Force will work to ensure that space remains a safe environment to support U.S. interests. The Air Force is realigning to effectively organize, train, and equip for prompt and sustained offensive and defensive space ops, protecting the space realm as we do the environment over the world's battlefields.

Question. Do you agree with the Commission assessment that deterrence would be strengthened through development of the capability to project power in, from, and through space?

Answer. Yes, the inherent nature of space-based assets gives the Air Force better access to all regions across the face of the earth. By continued development of space systems we gain not only access to collect information from denied or difficult to reach regions, we will also be better able to communicate and command operations in those areas. Through the continued, controlled development of space, we increase our ability to observe regions of instability, or monitor peacekeeping/enforcement operations, increasing U.S. overseas influence without increasing deployed presence.

ICBMS

Question. Do you support retirement of the Peacekeeper ICBM?

Answer. Yes. The Program Budget Directive supports the transition of Peacekeeper warheads to the Minuteman III force. The Air Force has been planning for the retirement of Peacekeeper and the SecDef has announced his intention to retire PK beginning in fiscal year 2002, and I support that move.

Question. The deactivation will take a minimum of 3 years to remove the 50 boosters and reentry systems and an unknown number of additional years to successfully complete clean-up activity.

Do you support retirement of the W62 warhead from the Minuteman III ICBM?

Answer. Yes. The Air Force has programmed the retirement of the MK12/W62 warhead from the active ICBM warhead fleet. The Safety Enhanced Reentry Vehicle (SERV) program will provide the design and equipment to place the MK21/W87 warhead, (being removed from the Peacekeeper) on the MMIII as a replacement for the W62.

Question. Will you support full funding in the future to retire the Peacekeeper beginning in fiscal year 2003?

Answer. I support the President's Budget and the placement of the PK retirement within that process.

Question. If the W62 warhead is retired, is there an existing or refurbished nuclear weapon in the stockpile which will fill the DOD's requirement met by the W62 or is it no longer required?

Answer. The MK21/W87 and MK12A/W78 Warheads are planned to replace the present MK12/W62 on the MMIII system.

Question. If the W62 warhead is retired, would it be dismantled or would it be placed in the nuclear weapons stockpile Reserve?

Answer. The current plan is to place the MK12/W62 warhead into storage until final disposition is determined.

Question. Do you support de-alerting any ICBMs?

Answer. The Nuclear Posture Review (NPR) is currently being conducted by the Department of Defense and I understand alert status is being examined in this review. I anticipate being fully engaged with the NPR as it unfolds more completely in the coming months. There are some enduring fundamentals that are at the foundation of deterrence that the NPR will have to take into account. ICBMs are an essential element of the United States' nuclear forces and I believe will remain so in whatever future framework evolves. As such, I believe that those systems should be operated as designed—on alert. To do otherwise by increasing the time it takes to employ these forces increases safety, security, stability, and possibly even proliferation risks. As a matter of military practice, lowering military readiness lessens credibility.

SCIENCE AND TECHNOLOGY INVESTMENT

Question. Secretary Rumsfeld, in his June 28, 2001 testimony, publicly stated that he has set a goal of 3 percent of the total defense budget for the Defense Science and Technology program.

If confirmed, would you support a similar goal for the Air Force Science and Technology portfolio as a percentage of the entire Air Force budget?

Answer. I am in lock step with Secretary Rumsfeld. Our Science and Technology portfolio is our investment in the future and cannot be forsaken. Already, potential adversaries possess capabilities beyond those of our own. We cannot afford to fall

farther behind. To do so would violate the sacred trust of our Airmen because we owe it to them to arm them with the most advanced technology possible.

SCIENCE AND TECHNOLOGY PLANNING PROCESS

Question. In Section 252 of the Fiscal Year 2001 Floyd D. Spence National Defense Authorization Act, Congress required the Secretary of the Air Force to conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs. This review is scheduled for completion in October, 2001.

If confirmed, how would you ensure that the uniformed officers are engaged in the science and technology process for determining long-term challenges and short-term objectives critical for future defense superiority?

Question. I firmly believe we must focus our science and technology, and acquisition efforts, on valid warfighter requirements. If confirmed, I will ardently work to foster constant science/technology and warfighter interface. The goal of this is a streamlined acquisition and development process geared exclusively at addressing warfighter requirements.

Question. In your view, does the current Air Force science and technology portfolio adequately support the warfighter of today and the future?

Answer. AF science and technology supports the AF vision of an Expeditionary Aerospace Force in the 21st century and is funded at a level to achieve Critical Future Capabilities. Our fiscal year 2002 budget reflects a real growth increase of 5.2 percent for science and technology compared to fiscal year 2001.

Question. If confirmed, how do you intend to facilitate communication between the science and technology community and the warfighter?

Answer. If confirmed, I will establish a recurring system of conferences whereby the warfighter and the science and technology community regularly meet to discuss requirements and possible solutions.

EDUCATION SAVINGS PLAN

Question. Another legislative proposal under consideration by the committee to address the cost of education for dependent spouses and children envisions the award of United States Savings Bonds to military members in connection with reenlistment. If implemented, it potentially could provide a flexible, tax-leveraged means for service members to fund the cost of college tuition for their dependent family members.

If confirmed, will you give serious consideration to how the Air Force could use the award of U.S. Savings Bonds as a means to enable Airmen to save money for the education of themselves and their dependents?

Answer. Yes. I firmly believe we recruit the individual but retain the family. Helping to reduce the cost of education for both service members and family members is another way of helping us achieve our retention goals.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Air Force Chief of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR EDWARD M. KENNEDY

COMMAND AND CONTROL

1. Senator KENNEDY. General Jumper, as a result of your experiences in Kosovo, I know you are concerned about improving command and control for the warfighter. As you are aware, Air Combat Command (ACC) is working with the Electronic Systems Center (ESC) at Hanscom Air Force Base on making these essential improvements. Could you elaborate on your goals for command and control, and how ACC and ESC are working together to meet these challenges?

General JUMPER. Senator, my goal for command and control (C^2) is to have a C^2 system that effectively commands airpower. Several capabilities and concepts will contribute to that end. A primary objective is to provide decision-quality information to the right warfighter at the right time. Collection and dissemination of that information is the first step to accomplishing this objective and calls for several ISR platforms to be integrated into a Multi-sensor Command and Control Constellation (MC^2C). Today, this means legacy air and space platforms collect order-of-battle data sufficient to refine target lists. In the future, this phase will take advantage of platforms that integrate and dialog at the machine level. To the extent technology allows, a Multi-Sensor Command and Control Aircraft (MC^2A) will perform most of the surveillance, reconnaissance, and C^2 functions that currently require several specialized platforms. When the MC^2A is teamed with UAVs, such as Global Hawk, and mechanized to interact directly with space platforms, the power of machine-level integration will close the seams that currently delay our ability to precisely locate and identify critical targets.

The power of integrated ISR will expand as we develop our predictive analysis tools. Horizontally integrated ISR, combined with these predictive tools, will take the concept of intelligence preparation of the battlefield into an emerging concept called Predictive Battle-space Awareness (PBA). This concept will allow a shift of ISR platform utilization from collection, used for pure discovery, to targeting those events that our predictive power leads us to anticipate. We are aiming for a forensic-level understanding of the battle space in all dimensions.

Pivotal to commanding the rapid and dynamic air operations likely to be experienced in the future, we have developed a Combined Air Operation Center Experimental (CAOC–X) to integrate the analyzed information in a timely fashion in order to command airpower at the operational level of war. Within the CAOC–X, the fusion of decision-quality information derived from PBA and collected from a MC^2C will ensure a Joint Force Air Component Commander (JFACC) has the capabilities to employ airpower in the most effective manner.

ACC and ESC have teamed together to develop and implement many of these capabilities. The CAOC–X offers an outstanding example of how ESC and ACC are working together. We bring together our operational warfighters, developers from ESC, and the test community to develop C^2 applications and systems in a spiral fashion so that solutions delivered to the warfighter reflect current technology. For example, we took the concept for a common coalition C^2 system developed by CENTCOM's Air Component, CENTAF, and made that a reality within months of being handed the concept. I see synergy in the relationship between ACC and ESC, and that synergy ensures we'll keep our advantage in C^2 and remain the force that can move the quickest, smartest and with greatest lethality when called upon to accomplish our Nation's objectives.

QUESTIONS SUBMITTED BY SENATOR JACK REED

BANDWIDTH

2. Senator REED. General Jumper, as we enter the 21st century, there is competition between the military's use of bandwidth for communications and radars and commercial needs. This competition has resulted in military limitations, waivers for usage, and contingency planning for loss of rights over bandwidth. Depending upon the course selected, the military could be facing a huge bill to re-engineer systems to different frequencies. What is your viewpoint on this issue of bandwidth and how would you approach this issue as Chief of the Air Force?

General JUMPER. The critical decision on the 1755–1850 MHz band should be made only after a thorough analysis of the risks. The analysis needs to be comprehensive and include not only DOD satellites, but also non-space systems and capabilities essential to military operations. Unimpeded access to the electromagnetic spectrum is absolutely critical to the success of our Air Force. It is the backbone for our Nation's current information superiority. The potential loss of 1755–1850

MHz would cause a loss of ability to command and operate over 120 military satellites essential for national security. The Air Force uses this spectrum to gather intelligence, conduct combat training on our ranges, deliver precision-guided weapons, and assess battle damage. It is integral to our ability to command air and space power. As Chief of Staff, I will actively work with our sister services and all applicable agencies and departments to ensure continued access to the frequency spectrum for the Air Force.

SPACE COMMISSION

3. Senator REED. General Jumper, could you discuss your view of the Secretary's decision to implement the recommendations of the Space Commission? How do you think this initiative will impact the Air Force's roles and missions? Do you see any issues/problems that might occur with the relationship between the Air Force and the other services over the roles assigned to the Air Force from this commission?

General JUMPER. The Space Commission recommended, among other things, that the Air Force be assigned as the executive agent for Department of Defense Space Planning, Programming, and Acquisition. In the Secretary of Defense's 8 May response to Congress, he agreed with the Commission's recommendations. The Air Force is in the process of implementing the SecDef's direction. Our efforts will lead to more operationally effective and efficient space capabilities for the Air Force, the other Services, and the Joint warfighter. This new focus and priority will lead to enhanced capabilities in the mission areas of force enhancement, space control, space support, and force application. While the Air Force has provided the preponderance of space capabilities and expertise for decades, we welcome the formal role and responsibilities of the executive agent for space. The Services specific roles and responsibilities still need to be worked out in detail, but we are confident that by working through multi-Service organizations, we can act together to provide better and new space capabilities to the Joint Team, the National Command Authorities, and the Nation. Additionally, we will assess the specifics of realigning Air Force Space Command headquarters as well as the other initiatives outlined in the Space Commission's report. The Air Force is anxious to lead these important Department of Defense space initiatives.

QUESTION SUBMITTED BY SENATOR MARK DAYTON

148TH FIGHTER WING

4. Senator DAYTON. The Air National Guard Bureau informed me that, by fiscal year 2003, Minnesota's 148th Fighter Wing in Duluth will receive 17 Block 30 F–16C aircraft currently located at Cannon AFB, New Mexico. I was assured that these aircraft would undergo all the CUPID modifications scheduled for the F–16C fleet prior to the aircraft being transferred to the 148th. Moreover, I understand that the aircraft will also receive the FALCON–UP structural modifications before arriving in Duluth. Could you please respond to the above information and confirm that it accurately represents the Air Force's commitment to the 148th Fighter Wing?

General JUMPER. Your information accurately represents the Air Force's commitment to the 148th Fighter Wing. The 148th Fighter Wing will receive F–16 Block 30 aircraft. The last of these aircraft are currently receiving FALCON–UP structural modifications. The CUPID, Combat Upgrade Plan Implementation Details, modification program will be complete in fiscal year 2002.

QUESTIONS SUBMITTED BY SENATOR JEFF BINGAMAN

AIR NATIONAL GUARD AND RESERVE

5. Senator BINGAMAN. General Jumper, could you please provide the committee with your overall assessment of the value and performance of the Air National Guard and the Air Reserve in meeting Air Force operational goals and requirements?

General JUMPER. The Air Force cannot complete its mission successfully without our air Reserve component. The Air National Guard and Air Force Reserve are full partners in the AF's corporate programming and budget process. Additionally, Guard and Reserve units participate in combat and combat support operations on a daily basis. Fully 24 percent of our deployed expeditionary forces are from the Guard and Reserve. This is a level of support that is higher than during the middle of Desert Storm, and they sustain that now on a daily basis. Additionally, the Guard

and Reserve participate in all major contingencies, exercises, and competitions while serving as the linchpin for our humanitarian efforts and virtually all our North American Air Defense efforts.

6. Senator BINGAMAN. General Jumper, there are 20 Fighter Wing equivalents in the Air Force and approximately 7 in the Guard and Reserve. What is the mix within the Guard and Reserve?

General JUMPER. Senator Bingaman, the mix within the Reserve component is approximately 6 Fighter Wing Equivalents in the Guard and 1 in the Reserve.

7. Senator BINGAMAN. General Jumper, Secretary Roche recently testified to the committee that fighters would stay in the National Guard. What are your plans in this regard? What are your plans regarding integration of the Guard, Reserve, and active forces in other Air Force mission areas?

General JUMPER. Our intent is to maintain a healthy balance between Active, Guard, and Reserve fighter forces. Our force structure today supports the steady-state contingency deployment requirements of the Air Force in its responsibilities to National Defense, using the current Air Expeditionary Force (AEF) construct to support steady-state contingency operations. Any substantive change in our total fighter force structure, or any other mission areas, will require us to address this balance to ensure we maintain supportable force structure that sustains our AEF.

8. Senator BINGAMAN. General Jumper, given the importance of Guard and Reserve units and the reality of a constrained budget, could you please provide the committee with an outline of the current or most recent Air Force plans to modernize, train, and equip Guard and Reserve units during the Future Years Defense Plan period? Please provide specific information with regard to quantity and types of aircraft and their modifications, training hour goals and funding, and other major equipment and facility upgrades or expansions that are planned.

General JUMPER. Air Combat Command, as the lead command for combat aircraft in the Combat Air Forces (CAF), manages the modernization of all fighter and bomber aircraft, including the ANG and AFRC. Current plans for modernization of all fighters and bombers, including those assigned to the ANG and AFRC are listed. The Future Years Defense Plan includes datalink and smart weapons integration on the entire AoA–10 fleet at a cost of $320 million. Engine sustainment and radar upgrades on all F–15A/B aircraft are programmed at $600 million. All F–16 aircraft are scheduled for structural updates, datalink capability, Joint Helmut Mounted Cueing System (JHMCS) capability, threat warning and engine safety upgrades, and targeting pods at a cost of $1.6 billion. The B–52 aircraft will receive new inertial navigation system upgrades at $300 million.

The ANG and AFRC are fully funded and capable of executing their flying hour programs that permit them to achieve all their training objectives. Additionally, there are programmed actions that will ensure all ANG F–15A/B units receive upgraded F–15C/D model aircraft as the F–22 is delivered. Also, all F–16A combat units are scheduled to convert to the F–16C not later than fiscal year 2003. ANG and AFRC MILCON projects compete in conjunction with Active Duty projects for a Total Force ranking ensuring that the highest priority projects receive funding whether ANG, AFRC or Active Duty.

9. Senator BINGAMAN. General Jumper, as Chief of Staff of the Air Force, are you committed to continue your direct involvement, communications, and use of the Air National Guard and Reserve within the context of the Total Air Force?

General JUMPER. Yes. We cannot complete our mission successfully without them.

10. Senator BINGAMAN. General Jumper, could you please provide the committee with your assessment of implementation of the Expeditionary Air Force (EAF) and its impact on Air Force personnel and their families?

General JUMPER. The implementation of the EAF has had a profound impact on airmen and their families. As an inclusive concept that seeks to bring all Air Force deployable capabilities into the rotational schedule to handle our steady-state contingency commitments, active duty personnel tempo has decreased by approximately 20 percent from our previous deployment concept. Also, the EAF 10-month train-to-task preparation time has made our airmen teams better prepared, focused and more confident in their ability to get the job done while forward deployed.

As more active duty and Reserve component airmen experience combat missions at our overseas locations, their enthusiasm for remaining in the AF also grows. Consequently, these experiences have allowed us to turn the corner on retention and re-enlistment rates. Of course many factors have improved our airmen's lives and

future careers, but providing a predictable and stable schedule has become a significant factor in our retention efforts.

Scheduling predictability has also allowed families to plan and commit for the future as never before. Families can now commit to a vacation or family event with more certainty. Personal education plans for members and spouses now become possible. Airmen can now plan and prepare for their next promotion testing cycle. In short, placing the entire Air Force on a rhythmic, predictable EAF schedule is slowly but positively changing what it means to live, work, and succeed in the Air Force.

11. Senator BINGAMAN. General Jumper, how do the Air National Guard and Air Force Reserve fit into the EAF strategy? Do they help relieve Air Force optempo and perstempo? Are the Guard and Reserve important elements of the EAF? Could the Air Force meet worldwide commitments without them?

General JUMPER. The Guard and Reserves are critical participants in our global engagement strategy. They provide and operate approximately 24 percent of our deployed aircraft and 10 percent of our deployed combat support. Because of that unprecedented involvement, the ARC has saved nearly 7000 active-duty 3-month deployments each 15-month cycle. ARC involvement also means that world events have more meaning to more people in a positive way if their employee/neighbor is in the Guard or Reserve. This long term, large-scale assistance to the active duty force and our country is critical. We cannot meet our global commitments while maintaining a quality, Active-Duty Force without their voluntary participation.

COMBAT

12. Senator BINGAMAN. General Jumper, what is your definition of "combat" as applied to Air Force assets?

General JUMPER. NCA authorities call on the military, in conjunction with other instruments of national power, to achieve specific policy objectives. For the Air Force, combat is just one portion of the spectrum of military operations. When we approach any military operation, combat/conflict may be right around the corner. To simply define an asset as a combat coded asset denigrates the full range of options that asset can perform. Rather, we approach each military operation with an understanding of how that asset contributes to achieving the desired military effect (be that attacking industrial centers, enemy fielded forces, or airlifting supplies to remote villages in need of aid). It is counter-productive to define the term combat and delineate between combat and noncombat assets when Air Force assets perform missions that span the entire spectrum of military operations.

13. Senator BINGAMAN. General Jumper, what is your view of Guard and Reserve capabilities, including "combat"? Where has the Air Force called on Guard and Reserve fighter units to serve during the past 15 years and how have they performed? Do you intend to revise or otherwise assign different combat roles to active, Reserve, and Guard units in the future?

General JUMPER. Senator Bingaman, unlike the Vietnam era, when they flew older model aircraft, today's Guard and Reserve Forces fly nearly the same aircraft as active duty units. They use the same flying regulations and have essentially the same training requirements in their Ready Aircrew Program (RAP) criteria. While the total number of sorties required by RAP tasking for ARC units is slightly lower than that required of active duty units, this is more than offset by their higher experience levels. I consider them equally capable. Over the past 15 years, Guard and Reserve units have participated in a number of combat operations. Reserve component units were activated for Desert Storm and Allied Force. They have provided units on a volunteer basis for Operation Just Cause in Panama, Operation Provide Comfort, Operations Northern and Southern Watch, and Operation Deny Flight. In all cases, their performance has been indistinguishable from that of their active duty counterparts. Indeed, I believe the Air Force Reserve component forces are an integral part of the AEF. All in all, ARC members have reduced active duty combat support requirements by 10 percent. In addition, the ARC AEF aviation contribution has reached an unprecedented 24 percent of current steady state requirements during "peacetime." The Air National Guard and the Air Force Reserve fighter forces are an essential element of aerospace combat power. I don't see how we can operate without them. Not only do they provide the requisite force structure for meeting U.S. responsibilities around the world, they also capture and retain valuable rated experience that would otherwise be lost as pilots leave the active force for other occupations. I expect Guard and Reserve combat units to continue as an integral part of the Total Force for the foreseeable future.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

SPACE PROGRAMS

14. Senator WARNER. Some Air Force critics have contended that the Air Force is too focused on aircraft programs and is not providing enough support to space programs. Yet, the Rumsfeld Space Commission recommended that responsibility for management of space programs and activities should be concentrated to an even greater extent than previously in the Air Force, and that the Under Secretary of the Air Force should serve as the acquisition executive for DOD space programs. This has led to concerns in the Army and Navy that their service unique space interests might not be well protected. How will the Air Force coordinate with the Army and Navy to ensure that Army and Navy equities in space programs and activities are protected?

General JUMPER. The Department of Defense is implementing a number of recommendations from the Space Commission that will significantly enhance the integration and coordination of all the Department's space activities. The Air Force sees itself as a leader in this process, and, as the executive agent for space in the Department of Defense, will have specific responsibilities in the planning, programming, and acquisition of space capabilities. The Air Force will have overall responsibility for most Department of Defense space development and operations, but expects all Services and Agencies to continue to be responsible for integrating space capabilities into their forces and fielding any Service-unique space capabilities. The Air Force will lead these activities with the full cooperation and involvement of all the Services, Agencies, and the Joint community. By using organizations such as the Joint Staff, U.S. Space Command, the National Security Space Architect, and others, we will ensure that the equities of every member of the defense space community are protected.

15. Senator WARNER. The Rumsfeld Space Commission recommended that the Department of Defense and the intelligence community create and sustain a cadre of space professionals capable of developing complex space system technologies, developing doctrines and concepts for space operations, and operating space systems. Do you believe that this is an important goal?

General JUMPER. Yes. The demands for integration of space capabilities and information for modern warfighting will continue to grow in the future. It will be essential that all the services understand how to integrate space into combat operations. We must remain at the forefront of new technologies and fully integrate them into doctrine, operational concepts, and procedures.

16. Senator WARNER. General Jumper, would you recommend that the Air Force support the development of a cadre of space professionals, and if so, how?

General JUMPER. Our future leaders will need to be better prepared to field, integrate and employ highly complex space systems. We will look into the Space Commission's suggestions to create a Space Corps and determining—the best path for the Air Force. One option may be to send our warfighters through specially designed training, education and career paths so they can better employ space capabilities and integrate space operations with air, land, and sea operations.

READINESS

17. Senator WARNER. Over the last few years we have seen increasing evidence that the readiness of the U.S. Armed Forces has begun to deteriorate as a result of the over-commitment of an under-resourced Department of Defense. The Air Force submitted a $95.7 billion request as part of the Department of Defense's Fiscal Year 2002 amended budget submission. At the request of this committee, the Air Force submitted an unfunded priority list for an additional $9 billion. Does the fiscal year 2002 budget contain sufficient resources to meet your requirements for readiness and modernization? Will these increases be enough to avoid the need for a fiscal year 2002 supplemental?

General JUMPER. Sir, let me address the readiness issue first—the short answer is no. Based upon a particular number of units being ready for universal deployment within a timeframe of 30 days, our goal is a readiness rate of 92 percent. Since 1996 we have experienced a decline of 23 percent to a 68 percent level of readiness as of April 2001. This is lower than at any time since 1987. The resources the Air Force has directed toward readiness over the past few years have gone a long way toward slowing the decline in our readiness rate, but we still have a great deal to do to get that rate back to a historically acceptable level.

The cost of infrastructure exacerbates this problem. Over the past few years the infrastructure replacement rate for the Air Force has run between 200 and 250 years. This is in contrast to the accepted business model of 50 to 60 years. We will obviously be unable to increase our readiness to a comfortable level and generate the required infrastructure enhancements within a single budget cycle.

Addressing the modernization issue, the story is much the same. The average age of Air Force aircraft has increased to 22 years and will continue to rise over the next 20 years to approach an average age of 30 years. Flying hour costs, due both to increased cost of fuel and the fact that older aircraft simply require more intense and frequent maintenance, has gone up almost 45 percent in the last 5 years. Last year we spent 103 percent of our flying hour budget on only 97 percent of our flying hour requirement. Again, the answer is no.

18. Senator WARNER. General Jumper, how will the fiscal year 2002 budget request address your service's most pressing near term readiness needs?

General JUMPER. The plus-up made significant contributions in the areas of flying hours, OPTEMPO, Training and Ranges, Low Density/High Demand (LD/HD) assets, and Contract Logistics Support (CLS). We still find ourselves underfunded in the areas of mission support, base operating support (BOS), communications, and real property maintenance (RPM). Additionally, we still have a need to fix readiness shortfalls in personnel, skills, munitions, bare-base assets and vehicles. Our immediate requirement is to ensure that we have enough people to do the job and that those people have the proper training and the assets they need to do the job. We have addressed our most pressing needs but still have a long way to go to put USAF readiness back on a solid footing.

SCIENCE AND TECHNOLOGY

19. Senator WARNER. As you may be aware, the Air Force Science and Technology program has suffered tremendous atrophy over the past several years. Congress is particularly concerned that the Air Force has reduced it S&T program from the largest of the three military service programs to the smallest since fiscal year 1989, the Air Force S&T investment is down by 46 percent. How do you plan to turn around the Air Force's science and technology program?

General JUMPER. The USAF has recently expressed interest in increasing its Science and Technology (S&T) investment by providing additional fiscal year 2002 funding in the 2002 President's Budget Request. Program Budget Decision (PBD) 803 resulted in a net increase of nearly $83 million to the AF S&T line. This brings S&T funding to approximately 1.7 percent of the AF Blue Total Obligation Authority (TOA). Our goal is to grow S&T funding to between 2.0 percent and 2.4 percent of AF Blue TOA.

Historically, AF S&T technologies have formed the foundation for the Air Force's military successes in the last fifty years. The contributions of these technology transitions span several decades. For example, in the 1970s to 1990s, AF S&T investment transitioned approximately $900M of technology to the F–22. This investment enabled advancements such as Stealth, Composite Structure, Supercruise Engines, Thrust Vectoring, Integrated Flight Controls, and Weapons Launchers, to name a few. AF S&T has made significant contributions to Defense-wide applications in areas such as Global Positioning System (GPS), Low Observables, Precision Navigation, Smart Munitions, Airborne Command and Control, Global Communications, and Battlefield Management. Present transitions from S&T will enhance C–17 survivability, the Unmanned Combat Aerial Vehicle, and advanced, more efficient fuels and engines for JSF.

New technologies on the horizon today, in areas such as directed energy, biotechnologies, information, and space, will give us the same opportunities to revolutionize today's aerospace force that stealth technologies did 20 to 30 years ago. To achieve the Air Force vision for Global Reach, Global Power, and Global Vigilance we will require a healthy investment in AF S&T. Therefore, I agree that increased investment is important to the Air Force.

AIRBORNE RECONNAISSANCE ASSETS

20. Senator WARNER. The Air Force, like all the other services, has experienced a high operational tempo over the past decade. We have become familiar with a new term—high demand, low density. One of the best examples of this phenomenon are our airborne reconnaissance assets. They are in such demand for peacetime vigilance and for military operations, but we have a very finite number, and like all

military aircraft, are showing signs of age. What are your plans for modernizing our ISR fleet?

General JUMPER. Modernization of ISR is needed to keep pace with the changing strategic environment and emerging threats. ISR is an enabler that cuts across the full spectrum of operations from peacetime to full-scale combat at every level of war. My vision is to field a constellation of manned, unmanned, and space systems that are interoperable with other joint and National ISR assets. The constellation approach is not focused on a single platform, but is a system of systems that is horizontally integrated with machine-to-machine interfaces that automatically turn sensor data into decision quality information. In addition to the ability to collect, we need a robust command and control capability for tasking this constellation and processing and exploiting the data, and the communications to rapidly disseminate it. The constellation will be fully integrated into the Combined Aerospace Operations Center where the information will be presented for the warfighting commanders to act upon. Key to the future of information operations is the development of the art and science of Predictive Battlespace Awareness, where we move away from pure discovery based on Intelligence Preparation of the Battle Space (IPB) and develop the ability to predict the enemy actions.

Some ISR capabilities will migrate to space as the pace of technology and funding allows. Although, our current manned airborne platforms are characterized as low density/high demand (LD/HD), we will continue to require manned airborne systems in the foreseeable future to maintain flexibility and persistence over the battlespace. We are leading our initiation into UAV operations by starting with ISR and are in concept development for other combat missions. We began by building a concept of operations for a network-centric architecture where a specific sensor or platform is not the overriding concern but fusing and correlating data where it is seamlessly pushed or pulled between nodes depending on the information needs of specific users. We are looking at recapitalizing our aging C^2ISR aircraft as we are facing increasing costs to sustain and modernize them. My vision is to put as many of the present and future ISR capabilities as technology will allow on a common, commercially derived platform that will serve as the basis for both a new tanker and a new consolidated ISR platform. The constellation with leading edge sensors, networked operations, innovative processes and state of the art tasking, processing exploitation and dissemination will transform our ISR capability and be the critical force multiplier and enabler for making Global Strike Task Force a reality.

21. Senator WARNER. General Jumper, have issues associated with the retention of pilots and analytical personnel] associated with these assets been solved?

General JUMPER. Within the Air Force, retaining the right mix of people associated with these high-demand, low-density weapon systems has become increasingly difficult. Many of these issues have been addressed but not yet resolved. Our expeditionary mission and complex weapon systems require an experienced force, and we depend on our ability to attract, train and retain high quality, motivated people to maintain our readiness for rapid global deployment. While patriotism is the number one reason our people, both officer and enlisted, stay in the Air Force, the constant "push" and "pull" factors that influence career decisions put our human resources at risk. We expect the "pull" on our skilled enlisted members to leave the Air Force to persist. Businesses place a premium on the skills and training our people. In fact, exit surveys indicate the availability of civilian jobs is the number one reason our people leave the Air Force. In addition to the "pull" from the civilian sector, factors such as manning shortfalls, increased working hours and OPTEMPO continue to "push" our people out of the Air Force. We fight back with retention initiatives that address the factors that influence the career decision. Current initiatives include initial enlistment and selective reenlistment bonuses specifically designed to attract and retain our enlisted personnel; enhanced compensation in the form of targeted pay raises; and increased flight and aviator continuation pay. We are making progress with these programs but there is still work to be done.

22. Senator WARNER. The Air Force has continued to experience problems with retaining pilots and career NCOs. There is no question that industry highly values the skills and experience of our career NCO force. Similarly, the airlines seem to have a never ending "jobs available" notice out for military pilots. While pilot retention may be "leveling out," i.e., the decline has been arrested, what are the facts regarding pilot retention?

General JUMPER. Senator Warner, current Air Force pilot production roughly equals our losses, but over the next several years we expect to make modest gains in the overall pilot shortage. Fiscal year 2001 projections for the Air Force indicate a shortage of 1190 pilots. By fiscal year 2010 we expect that number to shrink to

730, but almost all of these will be in the fighter and bomber weapon systems. The Air Force pilot shortage is a long-term problem that we will remain focused on for at least the next decade. To date, 27.5 percent of this year's initially eligible pilots have accepted a long-term pilot bonus that will keep them in the service for a minimum of another 5 years.

23. Senator WARNER. General Jumper, what officer/pilot communities within the Air Force have been hardest hit, and what do you plan to do to address this problem?

General JUMPER. In the Air Force pilot community, fighter and tactical airlift weapon systems requirements are currently filled at 88 percent and 89 percent respectively. While we maintain 100 percent manning within the operational. units, the shortage of available personnel is felt most acutely at the staff level, as many billets remain unfilled. To correct this, the Air Force will maintain its current pilot production of 1,100 per year and continue other retention initiatives, such as the bonus, in order to fill our currently empty billets.

Within the non-rated community, mission support officers are currently manned at 92 percent of requirements, but extreme demographic imbalances exist within this number. Many experienced officers are exiting the Air Force, requiring us to use an excess number of junior officers to fill the empty billets. Currently, Captains, Majors, and Lieutenant Colonels are manned at levels below 80 percent of requirements and Lieutenants are manned in excess of 200 percent of requirements. The correction for this demographics problem is a combination of retention, quality of life, and personnel management initiatives. Over time, through these efforts, the Air Force will overcome these imbalances.

24. Senator WARNER. General Jumper, what initiatives are you considering to improve retention of our experienced NCOs?

General JUMPER. The factors that cause low retention include wages, high OPTEMPO, reduced quality of life, and leadership. The primary tool to mitigate low retention amongst our experienced NCOs is the Selective Reenlistment Bonus, which offers a bonus to 76 percent of our enlisted skills. We continue to look for initiatives to improve retention. Recently, during a Retention Summit, the Air Force approved several initiatives, which include the creation of a Career Assistance Advisor position, Patient Advocates, a Retention Toolkit for advisors and commanders, enhanced Spousal Employment Program, subsidized in-house child care in support of extended hours, studies on NCO re-training, improved enlisted bonuses, pay structure enhancements, and Montgomery GI Bill/Tuition assistance.

MANNED RECONNAISSANCE AIRCRAFT

25. Senator WARNER. General Jumper, what is your view concerning the future of manned reconnaissance aircraft?

General JUMPER. Our ISR assets are on duty every day whether we're at peace or in combat. We've found they are actually more stressed during peacetime than during actual contingency operations. Manned reconnaissance is a key element of our total ISR capability and will continue to be for the foreseeable future. Many functions, such as real time Communications Intelligence done with linguists, require manned aircraft solutions. We are looking hard and analyzing which capabilities can be migrated to UAVs and space, but there are some significant threats that have caused us to spend large S&T funding on highly classified capabilities for these airborne platforms. There are also definite technological reasons that don't allow us to migrate some of these capabilities to space and drive us to continue fielding these new capabilities on large manned aircraft.

That brings us to the issue of the aging manned ISR fleets. We're at an average age of 35 years with these assets and the increasing costs of sustaining and modernizing them is a major concern. We are on the threshold of a new generation of sensors and I think it prudent that we study a new aircraft to field these new systems that will allow us to achieve our vision of a horizontally integrated architecture. To the extend that technology will allow, we are looking at consolidating the missions of five different ISR aircraft onto a new wide-body aircraft that can also provide a platform for a new Tanker. This consolidation will serve to ease the LD/HD burden with an open architecture system of configurable avionics. Depending on the mission of the day for that aircraft, the crew can be tailored accordingly. The increased capability envisioned for this new aircraft as a C^2 and ISR asset will provide the ability to operate in the dynamic battle and allow us to pursue the hardest target sets (i.e. SAMs and SCUDs) that we characterize as time critical targets. The

critical C^2 and ISR functions performed on today's manned systems are still required and will be even more robust on future manned aircraft.

26. Senator WARNER. Much has been discussed in recent years about asymmetric threats and the changing nature of warfare. Specifically, many are concerned about potential adversaries who would atternpt to deny us the use of forward airfields and seaports that have been such a critical part of recent military operations. What is your vision of how the Air Force can respond to the limited availability of forward airfields?

General JUMPER. The Global Strike Task Force (GSTF) will rapidly establish air dominance and subsequently creates the conditions to guarantee that joint aerospace, land, and sea forces will enjoy freedom from attack and freedom to attack. GSTF is the next step in our Expeditionary Aerospace Force (EAF) evolution; its focus is to rapidly roll back the emerging access threats that might prohibit friendly freedom of action and improve our ability to employ the effects of sustained persistent air operations, as guaranteed by our Aerospace Expeditionary Force (AEF) construct. While it is forged from the experience we gained in the past decade, it also looks forward to future challenges affecting our ability to employ joint forces. GSTF offers our nation a new capability allowing assured access to achieve the combat effects our nation needs.

The F–22 is key to expanding the B–2s stealth advantages beyond moonless-night-only operations; indeed, 24-hour-a-day operations will be possible. F–22s will pave the way for the B–2 and other bomber "heavy lifting" from extended ranges by providing initial local air superiority through the traditional "sweep" role and through air-to-ground targeting of the enemy's air defense network. The unparalleled combination of stealth with supercruise will reduce threat rings, allowing it to establish air dominance and deliver its near-precision weapons deep inside enemy territory.

Implied within GSTF is the ability to command and control rapid and dynamic operations as well as support a vigorous air refueling requirement. Advances in our Combined Air Operations Centers, and our ability to push decision quality information to the warfighter, are key components as is the leveraging of reachback and information technology advances.

Thus, with F–22s and B–2s, the GSTF will be crucial to the joint team's capability to overcome enemy attempts to deny access. Joined with other standoff and special-operations capability, GSTF will provide a capacity to systematically destroy hundreds of targets, negate enemy anti-access systems, and clear the way for follow-on forces in the first days of the conflict. In subsequent days, bombers will orbit in combat air patrols, awaiting tasking for fixed and time-critical targets located and identified by our Multi-mission Command and Control Constellation (AWACS, Rivet Joint, JSTARS, Global Hawk, Satellites, etc. working together to collect order-of-battle data sufficient to refine target lists).

Once anti-access targets are negated, sustained AEF airpower, including the Joint Strike Fighter (JSF) in the air-to-ground and suppression-of-enemy-air-defenses roles, and non-stealthy fighters with precision-attack capability, along with joint and allied forces, will roll into the fight as the threat diminishes, beddown locations open, and survivability increases. These persistent operations will provide continuous presence over the battlefield; the presence required to sustain full-spectrum joint and combined operations, such as the targeting of time-critical mobile targets. The combination of the "kick-down-the-door-force" and the persistent force will compress airpower operations to overwhelm enemy decision-making resulting in the expeditious completion of military operations.

In sum, GSTF is a rapid-reaction, leading edge, power-projection concept that delivers massive around-the-clock firepower. GSTF empowers us to overcome barriers while providing the means to rapidly negate adversary threats. It will mass effects early with more precision, and fewer platforms, than our current capabilities and methods of employment; it will give adversaries pause to quit and will virtually guarantee air dominance for our CINCs.

STRIKE CAPABILITIES

27. Senator WARNER. General Jumper, are you satisfied that the investment in short-range tactical aircraft and long-range strike capabilities is properly balanced?

General JUMPER. Determining the correct number of aircraft will be dependent on the findings of the QDR. Until that time, we will continue to analyze the geo-political environment and determine the capabilities necessary, to attain the effects desired across the entire spectrum of military operations. However, I believe that we

need to address some serious funding issues that may affect the future. We need to fund the F–22 program at the appropriate level to ensure air dominance in all future conflicts. Simply cutting force structure to solve cost overruns reduces operational flexibility. We also need to keep the Joint Strike Fighter program on track to ensure a timely replacement for both the F–16 and A–10 to avoid shortfalls in the fighter force structure.

Long-range bomber aircraft also face capability shortfalls if funding falls below what is necessary to keep our fleets viable. Enemy defensive systems continue to improve; therefore airborne systems need to keep pace to be survivable. Improvement in low observable materials, on and off-board defensive systems, and maintaining the right mix of standoff and direct attack munitions for both fighter and bomber aircraft is critical to maintaining combat superiority in future conflicts.

JOINT OPERATIONS

28. Senator WARNER. Over the past two decades, our ability to plan and, ultimately, execute joint military operations has improved significantly. However, post operational reviews regularly point out continuing problems with interoperability of service weapons systems, and command and control systems. Are you satisfied that the Air Force is making all prudent efforts to ensure its weapons. and information systems are fully interoperable and integrated to best serve the joint force commander?

General JUMPER. As the Air Force develops and procures new weapon systems our Operational Requirements Documents (ORD) stipulate a Key Performance Parameter (KPP) addressing interoperability. Additionally, new weapons being brought into service are "Joint" systems, for example Joint Direct Attack Munition (JDAM), Joint Standoff Weapon (JSOW), and the Joint Air-to-Surface Standoff Missile (JASSM). Our newest systems under development are going to great lengths to insure other services' requirements are being considered for interoperability. In the case of the Joint Strike Fighter (JSF), within the Interoperability KPP, there are 142 Interface Exchange Requirements (IERs) identified with 61 of those IERs categorized as critical. Interoperability enables the Joint Force Commander (JFC) to call for an effect without regard to which service may provide it.

Our Nation's Air Forces now share a common set of weapons. Two such weapons, HARM and AMRAAM have already proven the importance of interoperability with their success in both the Gulf War and in Kosovo. In these conflicts, U.S. as well as allied Air Forces employed both missiles to protect our force against enemy surface to air missile systems and air threats. The JFC asked for a combat effect (protection of our forces) that was ultimately supplied by several branches of our Nation's Air Forces. Further, the Air Force works with CJCS J–6 to ensure that our new information systems satisfy interoperability requirements. As a recent example, our new Theater Battle Management Corps System (TBMCS) can pass planning and reporting information directly to our sister services' Global Command and Control Systems (GCCS). We are committed to ensuring seamless connectivity with service and allied platforms as we modernize with tactical datalinks such as Link-16—the DOD and NATO standard. We are building a tactical datalink roadmap that incorporates DOD guidance to ensure interoperability as we field this powerful combat multiplier.

Additionally, the Air Force is working to define requirements for "gateways" that provide connectivity between Link-16 and otherwise non-interoperable datalinks such as the Situational Awareness Datalink (SADL), even as we migrate all of our warfighting platforms to Link-16.

Finally, we are also implementing processes that provide "cradle to grave" tactical datalink interoperability management of our weapons systems—Through Life Interoperability Process (TULIP). I believe that interoperability is paramount to the success of any system we develop or consider in order to fully leverage our Nation's combat assets.

GOLDWATER-NICHOLS

29. Senator WARNER. The Goldwater-Nichols legislation is now almost 15 years old. I think most will agree it has had a profound, positive effect on the armed forces. Two weeks ago, we asked all the service chiefs to comment on needed improvements or changes to ensure the continuing viability of this legislation. In your view, what changes or improvements are needed to update and enhance the original Goldwater-Nichols legislation?

General JUMPER. I am aware that there are a number of proposals to continue the advancements we've made under the Goldwater-Nichols legislation. Some have suggested we need to make changes with the training of personnel assigned to the Joint Staff, and perhaps also adjust its size and responsibilities. Others have commented on what they see as a need to restructure the joint acquisition programs and planning processes. I have not yet formed an opinion on the appropriateness of these concepts and I am confident I will hear still more proposals as I take on my new responsibilities. I look forward to working with Congress to build on the solid foundation that Goldwater-Nichols has provided to the Department of Defense and our Air Force.

FORCE PROTECTION

30. Senator WARNER. On April 25 of this year, Deputy Secretary of Defense Wolfowitz submitted to Congress a report—mandated by last year's Defense Authorization bill—which addresses the preparedness of military installation first responders to react to incidents involving weapons of mass destruction. The report stated that the "Air Force program deficiencies include a lack of policy and guidance, an integrated training and exercise program, and first responder equipment." Force protection is of critical importance to this committee. What corrective actions will you take to address the Air Force's force protection deficiencies as outlined in this report?

General JUMPER. The report delivered to Congress by Deputy Secretary of Defense Wolfowitz put a spotlight on our ability to respond to incidents involving weapons of mass destruction (WMD). Since then, we have made great strides to improve our preparedness and support Secretary Rumsfeld's efforts to ensure the military can provide our nation with enhanced, flexible and integrated response capability. General Mike Ryan established the Air Force First Responder and WMD Program. The goal of the program is to provide all Air Force commanders the resources to enhance their existing installation Disaster Preparedness Programs and Emergency Response Capability (ERC) by being prepared to detect, assess, contain, and recover from terrorist WMD attacks/incident. The Air Force First Responder and WMD Program is the tool we need to leverage existing emergency response command and control concepts and equipment while establishing a 24-hours/7 days response capability. As a part of this program, the Air Force developed a Baseline Equipment Data Assessment Listing (BEDAL) to protect Air Force first responders. This equipment listing provides an initial capability, and will roll into and support the Lead Federal Agency designated to oversee the larger-scale incident recovery and investigation. Additionally, a "first responder training strategy" was created that takes advantage of all military schools and staff colleges, Federal Emergency Management Agency (FEMA) training, as well as, state and local courses. Finally, the Air Force will continue to pursue joint training opportunities with other services and Federal agencies in the form of exercises and training workshops. I will continue to focus the Air Force's attention to stay in a state of preparedness to respond quickly and effectively.

B–1 FLEET REDUCTION

31. Senator WARNER. You are well aware that the fiscal year 2002 budget request includes a reduction in force structure and consolidation of operating locations for the B–1 bomber fleet. One of your predecessors at the Air Combat Command, General Loh, said that this decision was made in a "strategy vacuum". How do you respond to this criticism of the B–1 decision?

General JUMPER. I have the utmost respect for General Loh, he is a good friend and a great mentor. The B–1 decision was made from a strategic viewpoint constrained by the realities of the fiscal budget. Our crews increasingly face more advanced air defense systems and given the B–1s current defensive limitations, theater CINCs are reluctant to use this asset in response to regional crisis. The B–1 currently has over $2.0 billion in unfunded requirements across the FYDP for all 93 aircraft. These unfunded requirements are essential to ensure B–1 survivability and capability against current and future adversaries. The required upgrades will give the B–1 a long-range future that brings speed, penetration, precision, and targeting flexibility to our strategic force. The savings achieved by consolidating our B–1s and reducing the number combat coded aircraft result in a fully modernized and sustainable B–1 fleet. Consolidation allows us to provide: improved survivability to place more targets at risk; increased weapons flexibility by fully integrating precision stand-off missiles and bombs; global connectivity to better engage time-critical tar-

gets; and cost saving maintenance improvements. This strategy allows us to maximize the strategic and operational effectiveness of America's long-range strike fleet for the 21st century.

THE F–22

32. Senator WARNER. In the National Defense Authorization Act for Fiscal Year 1998, cost caps were established for both the development and the production of the F–22 fighter. Until this year, the Air Force supported the continuation of the development cost cap. Now the Air Force has recommended that the development cost cap be removed, since the Air Force is clearly unable to complete F–22 development with the cap. Why has the Air Force encountered problems with this cost cap in the past year? If the cap is removed, how will the Air Force fix the problems with this program?

General JUMPER. Senator, the cap has been an effective cost control tool for the F–22 program. The F–22 engineering and manufacturing development (EMD) program has resulted in a weapon system that is currently meeting or exceeding all key design goals, and the production configuration is essentially complete. The EMD contract is over 95 percent complete with all hardware design finalized; all Key Performance Parameters (KPP) and technical Acquisition Program Baseline (APB) criteria are being met. The current projections for production are that the current congressional cap will be breached to purchase 339 aircraft, but the government/contractor team is engaged in cost control efforts that rely on the implementation of effective cost reduction initiatives. These initiatives have become known as the F–22 Production Cost Reduction Plans (PCRPs), a critical tool enabling the Air Force to deliver F–22 aircraft within the production cost cap. More importantly, PCRPs will continue to drive down aircraft costs over the life of the production program.

The F–22 program has a well-structured plan that continuously pursues cost savings initiatives. An exceptional management framework is established to provide real time monitoring and oversight of cost savings initiatives. Finally, performance to date is within the performance guidelines established for target price performance during the transitioning from development into production. The F–22 team continues to make progress in cutting the cost to produce F–22s. The key management focus for the F–22 team is to constantly pursue cost savings initiatives adequate to ultimately deliver the program with in the appropriated production budgets. The production cap forms the basis for the team management approach in establishing the affordability objectives and cost savings targets for PCRP cost reductions. The F–22 team built an efficient management structure to jointly oversee the development and implementation of PCRP projects. The management effort includes an on-line interactive database that allows real time reporting of PCRP status spanning idea generation, approval, implementation and tracking.

33. Senator WARNER. It has been reported that both the Air Force cost estimators and the Defense Department cost estimators have determined that the F–22 production program cannot be executed within the congressionally established cost caps. The Defense Department estimate is almost 25 percent, (or $9 billion), over the current $37.6 billion cap. Do you believe the Air Force will have to limit the numbers of F–22 aircraft for affordability reasons?

General JUMPER. At this point it doesn't look like the Air Force will have to limit the buy of F–22s. The Air Force remains committed to producing 339 aircraft. We have a critical need for the F–22 and will continue to work closely with the contractors to produce the desired quantity with the funds we can commit to the program.

34. Senator WARNER. Within this decade the Air Force intends to go into production of the F–22 fighter and the Joint Strike Fighter. In addition, there is a documented requirement for additional strategic airlift, and the Air Force has requested funds for analysis of a follow-on tanker. With more money being required to support the current aging fleet of Air Force aircraft each year, how will the Air Force be able to afford the new aircraft it needs?

General JUMPER. The Air Force has been very successful at maintaining critical combat capability by ensuring our key capabilities are sustained at levels that provide our warfighters the instant response they need to negate any adversary. We balance that by planning and programming requirements for future systems, in the context of future threats and concepts of operations.

Sustaining our current fleet of aircraft has always been a top priority. Efforts such as the recent establishment of the Aging Aircraft System Program Office, to develop technologies that slow down the aging process, will be money well invested.

Using common systems across our platforms and innovative modernization planning and execution will reduce upgrade costs for our older platforms. Through all the efforts combined, we have been successful in reducing cost growth while maintaining combat effectiveness.

Our modernization efforts will be aimed at upgrading our legacy platforms and acquiring systems that directly relate to attain specific effects. Revolutionary technology will ensure we are more than capable to handle any aggressor.

We can balance our future modernization needs and at the same time maintain the current assets we have by careful planning, phasing of new systems, and the meticulous projection of future sustainment needs. We cannot effectively plan for the future, until we make sure we have today covered.

STRATEGIC LIFT

35. Senator WARNER. It appears that one of the Department of Defense's transformational "thrusts" is the ability to deploy anywhere, delivering decisive force rapidly. Strategic lift enables that vision. The Mobility Requirements Study for 2005, delivered to Congress this past year, concluded that while sealift appears to be sufficient, there is a significant shortfall in meeting the strategic airlift requirement. What are some of the actions that are necessary for the Air Force to address this shortfall?

General JUMPER. Senator Warner, the Mobility Requirements Study 2005 (MRS–05) identifies the strategic airlift requirement to be 54.5 million ton miles per day (MTM/Day). This figure was a 10 percent increase from the 49.7 MTM/Day requirement identified by the 1995 Mobility Requirement Study Bottom-Up-Review (BURU). The combination of procuring more C–17s and increasing the reliability of our C–5 fleet is our answer to meeting this increased requirement. With that in mind, the challenge to this plan is the proper mix of C–17s and modernized C–5s. Purchasing more C–17s and modernizing part or all of the C–5 fleet is costly, so we want to proceed with due diligence. Assuming the ongoing QDR supports the MRS–05 requirement of 54.5 MTM/Day, we will utilize data from the AMC Outsize and Oversize Analysis of Alternatives to determine the proper mix of C–17s and modernized C–5s to meet the shortfall.

JOINT STRIKE FIGHTER

36. Senator WARNER. The Air Force intends to procure almost 1,700 of the Joint Strike Fighter (JSF) aircraft. With that many aircraft, it is important that the unit cost be held to a reasonable number. The Navy and Marine Corps have established ranges for the unit cost of their JSF variants, yet it is our understanding that the Air Force has yet to establish a number for the high end of its price range. When will the Air Force decide on the upper limit of the unit price range for the Air Force variant of the Joint Strike Fighter?

General JUMPER. The Joint Requirements Oversight Council approved the Conventional Take-Off and Landing (CTOL) variant Unit Recurring Flyaway Cost (URF) objective at $28 million (fiscal year 1994$) and left the threshold as "to be determined (TBD)" pending the Milestone II decision in fall 2001. The CTOL threshold amount will not be established until Milestone II (for entry into EMD), receipt and evaluation of contractor proposals, an independent cost estimate by the Department of Defense, and review and approval by the Defense Acquisition Executive. The EMD baseline will also be updated and the procurement baseline established at Milestone II.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

INTEROPERABILITY

37. Senator THURMOND. As you are aware a lesson learned from the Balkan Campaign was that our allies failed to keep pace with the technology that the United States deployed in its aircraft and weapons systems. Although the consequences were minimal, it could have been disastrous had we faced a more sophisticated enemy. The Air Force is now undertaking significant modernization efforts and I fear we may again be ignoring the problem of interoperability. In your judgment, is the Department focusing on the issue of interoperability as it modernizes?

General JUMPER. The Air Force has long recognized the importance of interoperability with our sister services and allies. General Ryan recently stood up the Tactical Datalink (TDL) System Program Office and identified TDLs (with Link 16 as

the objective) as an AF major system acquisition program. We are building a TDL roadmap that defines future modernization programs and ensures interoperability between all American and allied platforms. We also participate in the AF Operational Interoperability Requirements Group. This group is the primary forum for operator inputs into the tactical C^2 interoperability management structure and the means for verification and validation of TDL information exchange and operational requirements. Additionally, we are implementing a process that will improve systems interoperability during their development and testing phases in accordance with Defense Department Policy contained in the Joint Tactical Data Link Management Plan.

ENCROACHMENT

38. Senator THURMOND. A challenge you will be facing during your tenure as Chief of Staff will be the issue of encroachment, both on the ground by development and in the air by increased air traffic. Contrary to what some Department of Defense officials may believe, these are issues that are found to some degree throughout the United States and cannot be resolved through base closure. How do we deal with this ever-increasing challenge to our facilities?

General JUMPER. Our installations and training areas are national assets, essential to our combat capability. The AF manages approximately 9 million acres of bases and ranges. When many of these installations and training areas were established, they were in rural, sparsely populated areas. Now our installations and training areas are experiencing double-digit increases in population growth. Proactively working with the community to predict and resolve competing demands is the first step toward ensuring that the rapid pace of urban growth does not endanger our existing capital investment in base infrastructure and our ability to test and train.

Not only is physical encroachment on our bases an issue, but frequency encroachment also threatens our ability to train effectively. These issues demand that we maintain open communication and close cooperation with all affected parties. The partnerships we have with our sister services, civilian leaders, government agencies, and the community provide an important forum to mutually resolve this challenge.

AGING AIRCRAFT

39. Senator THURMOND. One of the most critical issues facing the Air Force is how to maintain its aging fleet of aircraft. This problem is having a direct impact on readiness, flying hour cost, and the time our airmen spend on the flight line maintaining these aircraft. Based on the current efforts to modernize our aircraft fleet, how long will this issue of aging aircraft be with us and what interim steps can we take to resolve this problem?

General JUMPER. The issue of aging aircraft will be with us into the next decade, and despite modernization plans we will continue to depend on aging aircraft to meet future force requirements. The average age of Air Force aircraft is now 22 years, and it will continue to increase to nearly 30 years by fiscal year 2020.

To ensure we maintain a viable force during this time of airframe average age increases, the Air Force has programmed several major upgrades to its aircraft fleet. The F–16C is programmed to receive Falcon STAR, the A–10 is programmed to receive Hog UP, and the F–15 is continuing to receive structural upgrades during programmed depot maintenance visits. The C–5 is programmed for avionics upgrades and engine replacement, and the C–130 will receive avionics improvements.

The long-term solution is the recapitalization of the aircraft fleet. This rests firmly on the purchase of the F–22 to replace the aging F–15, the Joint Strike Fighter to replace the A–10 and F–16, a next-generation tanker, KC–X, to replace the KC–135, and a common wide-body aircraft to replace AWACS, Rivet Joint, and other C^2ISR platforms.

SPACE

40. Senator THURMOND. General Jumper, the current leadership in the Department of Defense is advocating a greater role in space for our military services. Although the Air Force is at the forefront of this challenge, and already has a significant role, what is your vision of the Air Force's future role in space?

General JUMPER. Our vision for the Air Force's future role in space is one that recognizes the unique contributions and advantages space provides to our national security. The organizational changes recommended by the Space Commission and

directed by the Secretary of Defense will lead to streamlined acquisition, more comprehensive planning and programing, and better capabilities for the warfighter. I believe space will be a crucial "center of gravity" in all future conflicts and we must fully integrate space capabilities into current and future warfighting missions.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

B–2

41. Senator SMITH. General Jumper, it is my understanding that the B–2 radar may have significant limitations on its operation due to frequency conflicts with commercial uses after the year 2007. Is this the case? If so, given the long lead times necessary to plan and execute radar modification or development programs, what are the Air Force's plans to address this limitation?

General JUMPER. The B–2 is designated as a secondary user in the band and has not been granted a long-term operational frequency assignment. The spectrum community has since authorized new primary users to operate in the band. Currently, we are operating on temporary waivers, as the potential for interference is not considered significant. Unfortunately, by 2007, a more significant interference potential exists as commercial satellite and downlink users are expected to begin using the frequency in mass numbers. This could subject the Air Force to significant liabilities, in addition to an order to cease and desist the interference. All solutions and systems are being considered, under a current study, to provide the most affordable and technically correct solution to the problem. Multi-Platform-Radar Technology Improvement Program (MP–RTIP) and its applications are some of the options being considered under the study. The bottomline is that every effort is being pursued to provide a program that meets the projected need date and is affordable by the U.S. Air force.

42. Senator SMITH. General Jumper, I understand that the Federal Communications Commission has already ruled that the current B–2 operating frequency will not be available after 2007. Doesn't this ruling preclude the waiver option?

General JUMPER. In 1995, an application for a permanent operational waiver was disapproved. For now, B–2s are operating under a series of temporary test permits until the FCC issues a cease and desist order, at which time we must stop using the radar. Recently, the National Telecommunications Information Administration (NTIA) sent a letter to the Director of Spectrum Management requesting a DOD transition plan for moving out of the existing band by the stated date. Every effort is being pursued to provide a program that meets the projected need date and is affordable by the U.S. Air Force.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

BUDGET SHORTFALLS

43. Senator SANTORUM. In briefings and materials provided to Congress on the Fiscal Year 2002 Budget Amendment, the Air Force noted there are very clear indicators that future problems will be compounded if not addressed in a timely fashion.

For example, only 69 percent of the Air Force's combat units are rated at either C^1 or C^2 readiness levels. The stated Air Force requirement is 92 percent. In addition, readiness levels continue to decline as modernization fails to keep pace with the aging fleet, which requires additional sustainment resources. Also of concern is the $2 billion shortfall in both general purpose and preferred munitions for the Air Force. The backlog of Air Force maintenance and repair continues to grow reaching $5.6 billion in fiscal year 2002. However, the fiscal year 2002 request seeks only 86 percent of plant replacement value. Taken together, these figures indicate that without corrective action, the Air Force may be forced to incur higher than acceptable levels of risk to execute its mission. What specific actions would you recommend to the Secretary of the Air Force and/or the Secretary of Defense to address these issues in the absence of an increase in the Air Force's topline? That is, assuming that there is not a substantial increase in defense funds for fiscal year 2002, what are some of the hard decisions that you would recommend be executed so that the Air Force could better address its most pressing problems?

General JUMPER. Senator Santorum, you have hit at the very heart of the balancing problem for not just the Air Force, but for all the services, given our current fiscal realities. Without an increase in the Air Force's topline and given the depreciation of our capital infrastructure, the hard decisions that will have to be made

will require significant study and effort. Defining specific actions and recommendations to the secretaries at this time would be premature in the absence of a finalized QDR. I assure you that as I dig into my new position, I will work the Air Force's major concerns of retaining an experienced workforce, maintaining a state of readiness to meet national objectives and recapitalizing and modernizing an aging fleet.

F–22 COST CAP

44. Senator SANTORUM. Last year, the Airland Subcommittee received testimony on the progress of F–22 testing, which raised concerns about the rate at which flight test hours and test points were being achieved. Although the program achieved the "exit criteria" for entry into low rate initial production, the Secretary of Defense has delayed that decision pending the completion of a strategic review of all programs by the new administration. In the meantime, Congress has provided authority for the Department to use available funds for an expanded long lead production of aircraft for the program through the end of fiscal year 2001.

The fiscal year 2002 budget request is for producing 13 F–22 aircraft, instead of the 16 F–22 that were projected for fiscal year 2002 in last year's budget request. Media reports indicate that the Air Force intends to delay production of some aircraft in the near-term in order to allocate funds to incorporate cost reduction measures for later lots of aircraft. Could you please comment on the efficacy of the cost cap for the engineering and manufacturing development phase of the program, along with the cost projections for the production phase of the program? Also, please comment on possible cost reduction measures, and the evaluation criteria that the Air Force is using to screen cost reduction candidates.

General JUMPER. The cap has been an effective cost control tool for the F–22 program. The F–22 EMD program has resulted in a weapon system that is currently meeting or exceeding all key design goals, and the production configuration is essentially complete. The EMD contract is over 95 percent complete with all hardware design finalized; all Key Performance Parameters (KPP) and technical Acquisition Program Baseline (APB) criteria are being met. The current projections for production are that the current congressional cap will be breached to purchase 339 aircraft, but the government/contractor team is engaged in cost control efforts that rely on the implementation of effective cost reduction initiatives. These initiatives have become known as the F–22 Production Cost Reduction Plans (PCRPs), a critical tool enabling the Air Force to deliver F–22 aircraft within the production cost cap. More importantly, PCRPs will continue to drive down aircraft costs over the life of the production program.

The F–22 program has a well-structured plan that continuously pursues cost savings initiatives. An exceptional management framework is established to provide real time monitoring and oversight of cost savings initiatives. Finally, performance to date is within the guidelines established for target price performance during the transition from development into production. The F–22 team continues to make progress in cutting the cost to produce F–22s. The key management focus for the F–22 team is to constantly pursue cost savings initiatives adequate to ultimately deliver the program within the appropriated production budgets. The production cap forms the basis for the team management approach in establishing the affordability objectives and cost savings targets for PCRP cost reductions. The F–22 team built an efficient management structure to jointly oversee the development and implementation of PCRP projects. The management effort includes an on-line interactive database that allows real-time reporting of PCRP status spanning idea generation, approval, implementation and tracking.

Three cost saving measures currently being implemented are listed for the record. The Radar Transmit/Receive (T/R) module design was updated, parts were reduced, and the cycle time reduced for the acceptance test program. New high speed milling machines have been purchased at Marietta to machine parts more quickly, cutting time to locally machine parts by 40 percent. Pratt and Whitney/Chemtronics Integrated Product Team addressed the exhaust nozzle transition duct structural bulkhead, the thermal protection liners and eliminated the conformal structural spars saving $120K per engine. Criteria used to evaluate PCRPs include upfront investment required, total return on investment, cycle-time savings, and manpower/manhours savings.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

F–22 PRODUCTION

45. Senator COLLINS. General Jumper, I want to discuss modernization of our tactical air forces from several perspectives.

First, I know the Air Force is enthusiastic about the F–22 and know you understand the need to modernize our tactical air forces, especially since you are currently the Commander of the Air Combat Command. I am somewhat concerned however, that the anticipated production rates of the F–22 may not provide adequate assets to fully meet all the training and operating needs of the Air Expeditionary Forces. It is critical that we procure the right number of assets to meet the requirements and to ensure that our Air Force can adequately counter those threats with sophisticated fighter aircraft, and that we provide the assets, which will have the best chance of returning our airmen home safely. Does building 339 F–22s give us enough flexibility to fully modernize our Air Expeditionary Forces to sufficient levels to meet the threats of the 21st century? If not, what is the optimum number of F–22s to meet these demands?

General JUMPER. In the event that 339 aircraft can be purchased with available funds, we will equip 9 operational squadrons with 24 F–22s each Those nine squadrons would be assigned to support the 10 Aerospace Expeditionary Forces (AEFs). This force structure will allow the Air Force to meet current predicted threats, however, it is not optimum. Ten operational, one for each AEF, would be a desirable force structure, but prior to the outcome of the QDR it is premature to quote an optimum number of F–22s.

JOINT STRIKE FIGHTER

46. Senator COLLINS. The time has come to focus more attention on the Joint Strike Fighter and its role in the Air Force. In my opinion, the key to the JSF is "jointness"—i.e., the Air Force, Navy, and Marine Corps all operating essentially the same aircraft—and the taxpayers reaping the benefit of having common systems among the variants. But the program is international, too. From your previous assignments in Europe, how committed are the Europeans to this effort? Will they be able to afford the JSF given the current state of the European economy? Also, can you talk to how important it is for our NATO allies to be able to be interoperable with the U.S. in time of conflict?

General JUMPER. Our European allies are very interested in the JSF Program and their level of commitment is growing as we near the Milestone II decision and the beginning of the next phase which is the engineering and manufacturing development (EMD) phase. The UK is already an EMD partner, having signed a Memorandum of Understanding (MOU) effective January 2001. They are contributing $2B to this joint and international cooperative effort and have been active in the source selection process to determine the winning contractor for the next phase of the program. A combined JSF Program Office/OSD/Services negotiating team has successfully concluded negotiations with Italy, Netherlands, Denmark and Norway. These countries are entering their respective national staffing processes, which will lead to MOU signatures before or shortly after the Milestone II decision in Fall 2001. The total international requirement for the JSF exceeds 780 aircraft, a strong signal of the international level of commitment and state of their economies.

Regarding interoperability, it is extremely important that our NATO allies be as interoperable with us as possible. Past contingency operations have highlighted the interoperability problems we have with our allies. Several initiatives are ongoing to reduce these problems. In any future conflict we can expect to conduct joint operations with our coalition partners. In order to be an effective fighting force we must expand interoperability beyond communications and data flow to include tactical capabilities. Flying a common platform, such as the JSF, will be an important step to overcoming interoperability problems with our allies.

ENGINE THRUST

47. Senator COLLINS. Under the Air Force's concept of Air Expeditionary Forces, or AEFs, the Air Guard has become increasingly utilized—and important. I frequently hear the term "seamless" used. Under this concept, is important to ensure that Guard units on active deployment also have the safest, most up-to-date equipment that their active colleagues enjoy. I say this because for several years now, several colleagues have worked to upgrade the Air Guard F–16 engines to a Block 42 configuration. I am told that increased engine thrust is one of the most impor-

tant and immediate requirements for those deployed units. Would you agree that in a "seamless" Air Force this issue needs to be addressed and—if you do—how do you plan on accomplishing such a goal?

General JUMPER. The F–16C/G Block 42 is currently equipped with the 25,000 lb thrust-class F100–PW–220 engine. The Block 42 fleet consists of 161 total aircraft, of which 50 are combat-coded. All 50 combat-coded aircraft are assigned to the Air National Guard: 132 FW Des Moines, IA; 180 FW Toledo, OH; 138 FW Tulsa, OK. The remaining 111 Block 42s are assigned to training and test units. The Block 42, like the Block 40, was specifically designed for the Low Altitude Navigation and Targeting Infrared for Night (LANTN) mission. While the Block 42 possesses the same rugged airframe and avionics as the Block 40, its performance is somewhat less than the F110–GE–100-powered Block 40 (28,000 lb thrust-class).

We continue to work toward the goal of keeping a seamless Air Force by ensuring the ANG and AFRES aircraft are modernized in a timely and consistent fashion with the active duty Air Force. I will agree the re-engine issue is important to the three ANG units flying the F–16 Block 42, however the re-engine issue is lower on the list of Fleet F–16 modernization projects. There are numerous programs that could benefit from the additional money being funded through congressional plus-ups, which better serve the Air Force and ANG. We could enhance combat capability and correct deficiencies in the entire F–16 Fleet through procurement of additional systems. Some examples of these systems are: Advanced Targeting Pod, radar upgrades for both the Block 40/42 and 50/52 [APG–68(v)9], new (Common Central Interface Unit (CCIU) for the Block 25/30/32, Color Multifunctional Displays (CMFD) for the Block 25/30/32, and Pyrophoric Flares to increase survivability of all F–16s. In essence, while the Block 42 engine upgrade is a worthwhile project, it is just one modernization project among many being considered for the F–16. It is important to note that as part of our Total Force, the three Block 42 F–16 units have successfully deployed to both Northern and Southern Watch while seamlessly integrating into combat operations with active operations. I will continue to make certain that the ANG and AFR remains integrated in our Total Force.

C–17 PROCUREMENT

48. Senator COLLINS. I believe most defense observers regard the C–17 as a success. Yet, in fiscal year 2003 we will reach the end of the 120 aircraft buy we originally thought prudent. In the 21st century with American forces no longer able to enjoy a "forward presence" around the world, the strategic airlift capability the C–17 provides is critical. Would you support extending the multi-year procurement for the C–17 to some number beyond 120? If so, what number of aircraft do you now regard as prudent for our forces?

General JUMPER. The Mobility Requirements Study 2005 (MRS–05) identifies the strategic airlift requirement to be 54.5 million ton miles per day (MTM/Day). This figure was a 10 percent increase from the 49.7 MTM/Day requirement identified by the 1995 Mobility Requirement Study Bottom-Up-Review (BURU). The combination of procuring more C–17s and increasing the reliability of our C–5 fleet is our answer to meeting this increased requirement. With that in mind, the challenge to this plan is the proper mix of C–17s and modernized C–5s. Purchasing more C–17s and modernizing part or all of the C–5 fleet is costly, so we want to proceed with due diligence. Assuming the ongoing QDR supports the MRS–05 requirement of 54.5 MTM/Day, we will utilize data from the AMC Outsize and Oversize Analysis of Alternatives to determine the proper mix of C–17s and modernized C–5s to meet the shortfall.

[The nomination reference of Gen. John P. Jumper follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
July 17, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601 and to be appointed as Chief of Staff, United States Air Force under the provisions of Title 10, United States Code, section 8033:

To be General

Gen. John P. Jumper, 7457.

[The résumé of Gen. John P. Jumper, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS UNITED STATES AIR FORCE,
Washington, DC, July 20, 2001.

Hon. CARL LEVIN, *Chairman,*
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The President, under the provisions of section 601, Title 10 of the United States Code, has submitted to the Senate the nomination of the following general officer for appointment to the grade of general with assignment as indicated:

Name, grade and SSAN	Age	Assignment (from/to)
John P. Jumper, General, 7457	56	From Commander, Air Combat Command. To Chief of Staff, United States Air Force.

General Jumper is replacing Gen. Michael E. Ryan, United States Air Force, upon his departure. Confirmation action during July 2001 will help insure a smooth transition for General Jumper. This action will not result in the Air Force exceeding the number of generals authorized by law.

For the information of the committee, I am enclosing a military history on General Jumper.

Sincerely,

DONALD L. PETERSON,
Lieutenant General, USAF, Deputy Chief of Staff, Personnel.

Attachment Military History.

RÉSUMÉ OF JOHN P. JUMPER, GENERAL, REGAF, 7457

Date and place of birth: 4 Feb 45, Paris TX.

Years of active service: Over 35 years as of 12 Jun 01.

Schools attended and degrees: Virginia Mil Inst, BS, 1966; Golden Gate Univ CA, MS, 1979; Air Command and Staff College, 1978; National War College, 1982.

Joint specialty officer: Yes.

Aeronautical rating: Command Pilot.

Major permanent duty assignments	From	To
USAFR, Not on Active Duty	Jun 66	Jul 66
Stu Ofcr, Undergrad Plt Tng, 3550 Stu Sq, ATC, Moody AFB GA	Jul 66	Nov 67
Plt, Troop Carrier, C–7A, 459 TASq, PACAF, Phu Cat AB RVN	Nov 67	Mar 68
Plt, C–7A, 459 TASq, PACAF, Phu Cat AB RVN	Mar 68	Nov 68
Stu, USAF Replmnt Tng Crs, F–4, 431 TFSq, TAC, George AFB CA	Dec 68	Aug 69
Acft Comdr, 555 TFSq, PACAF, Udorn RTAFB TH	Aug 69	Dec 69
Forward Air Cntrlr, 555 TFSq, PACAF, Jdorn RTAFB TH	Dec 69	Feb 71
Acft Comdr, F–4C, 91 TFSq, USAFE, RAF Bentwaters UK	Feb 71	May 72
Flt Examiner, 81 TFWg, USAFE, RAF Bentwaters UK	May 72	Jan 73
Ch, Stan/Eval Div, 81 TFWg, USAFE, RAF Bentwaters UK	Jan 73	Jun 74
Stu, Ftr Wpcs Instr Crs, F–4, 414 FWSq, TAC, Nellis AFB NV	Jun 74	Jan 75
Ftr Wpus Instr, F–4, 414 FWSq, TAC, Nellis AFB W	Jan 75	Jan 77
Flt Comdr, 414 FWSq, TAC, Nellis AFB NV	Jan 77	Aug 77
Stu, Air Comd & Staff College, AU, Maxwell AFB AL	Aug 77	Jun 78
Air Ops Ofcr, Tac Ftr Gen, AF/XOOTT, Hq USAF, Pentagon DC	Jun 78	Aug 81
Stu, National War College, NDU, Ft McNair, Pentagon DC	Aug 81	Jul 82
Specl Asst to the Comdr, 430 TFSq, TAC, Nellis AFB NV	Jul 82	Nov 82

Major permanent duty assignments	From	To
Chief of Safety, 474 TFWg, TAC, Nellis AFB NV	Nov 82	Feb 83
Comdr, F–16, 430 TFSq, TAC, Nellis AFB NV	Mar 83	Jul 83
Exec to the ComUr, TAC, Hq TAC, Langley AFB VA	Jul 83	Aug 86
Vice Comdr, 33 TFWg, TAC, Eglin AFB FL	Aug 86	Feb 87
Comdr, 33 TFWg, TAC, Eglin AFB FL	Feb 87	Feb 88
Comdr, 57 FWWg, TAC, Nellis AFB NV	Feb 88	May 90
Dep Dir, Pol Mil Aff, J–5, Joint Staff, Pentagon DC	Jun 90	May 92
Sr Mil Asst to SecDef, OSD, Pentagon DC	May 92	Aug 94
Comdr, 9 AF, ACC; Comdr, USCENTCOM Air Forces, Shaw AFB SC	Aug 94	Jun 96
Dep Chef or Staff, Plans & Ops, HQ USAF/XO, Pentagon DC	Jun 96	Dec 96
Dep Chief of Staff, Air & Space Ops, HQ USAF/XO, Pentagon DC	Jan 97	Nov 97
Commander, Air Forces Central Europe, NATO; Commander, United States Air Forces in Europe; and Air Force Component Commander, USEUCOM, Ramstein AB, Germany	Nov 97	Feb 00
Commander, Air Combat Command, Langley AFB, VA	Feb 00	Present

ACC/CC, 205 Dodd Blvd, Suite 100, Langley AFB, VA 23665–2788.

Promotions	Effective date
Second 1ieutenant	16 Jun 66
First Lieutenant	12 Dec 67
Captain	12 Jun 69
Major	1 Jan 78
Lieutenant Colonel	1 Oct 80
Colonel	1 Oct 85
Brigadier General	1 Aug 89
Major General	1 Feb 92
Lieutenant General	1 Sep 94
General	17 Nov 97

Decorations:

Defense Distinguished Service Medal with one Bronze Oak Leaf Cluster.
Air Force Distinguished Service Medal.
Legion of Merit with one Bronze Oak Leaf Cluster.
Distinguished Flying Cross with two Bronze Oak Leaf Clusters.
Meritorious Service Medal with two Bronze Oak Leaf Clusters.
Air Medal with three Silver Oak Leaf Clusters and two Bronze Oak Leaf Clusters.

Summary of joint assignments:

Assignments	Dates	Grade
Commander, Air Forces Central Europe, NATO; Commander, USAFE; and AF Component Commander, USEUCOM, Ramstein AB, Germany.	Nov 97–Present	Gen
Sr Mil Asst to SecDef, OSD, Pentagon DC	Apr 92–Aug 94	Maj Gen
Dep Dir, Political Military Affairs, J–5,	Jun 90–Apr 92 Joint Staff, Pentagon DC.	Maj Gen Brig Gen
Air Operations Officer, Tactical Fighter General, Deputy Chief of Staff, Plans and Operations, HQ USAF, Pentagon DC [1].	Jun 78–Aug 81	Lt Col

[1] Joint Equivalent.

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate, and certain senior military officers as determined by the committee, to complete a form that details the biographical, financial and other information of the nominee. The form executed by Gen. John P. Jumper, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John Phillip Jumper.

2. **Position to which nominated:**
Chief of Staff, United States Air Force.

3. **Date of nomination:**
July 17, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 4, 1945; Paris, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Ellen McGhee Jumper (formerly Ellen Elizabeth McGhee).

7. **Names and ages of children:**
Catherine J. Schafer—age 28.
Janet E. Jumper—age 25.
Mellisa D. Jumper—age 15.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the executive branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Ninth Air Force Association—Member.
Counsel on Foreign Relations—Member.
Caribous Association—Member.
Daedalions—Member.
Air Force Association—Member.

11. **Honors and awards:** List all memberships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.
Wings Club of New York City—Honorary Member.
Air Force Sergeants Association—Honorary Member.
Logistics Officer Association—Honorary Member.

Respect For Law Alliance—Military Honoree.
Aviation Week—Laurette.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

GEN. JOHN P. JUMPER.

This 27th day of July, 2001.

[The nomination of Gen. John P. Jumper was reported to the Senate by Senator Warner on August 2, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on August 3, 2001.]

NOMINATION OF GEN. RICHARD B. MYERS, USAF, TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF

THURSDAY, SEPTEMBER 13, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 2:39 p.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Cleland, Landrieu, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Carnahan, Dayton, Warner, McCain, Smith, Inhofe, Roberts, Allard, Hutchinson, Sessions, Collins, and Bunning.

Committee staff member present: David S. Lyles, staff director.

Majority staff members present: Madelyn R. Creedon, counsel; Richard D. DeBobes, counsel; Evelyn N. Farkas, professional staff member; Richard W. Fieldhouse, professional staff member; Maren Leed, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; Michael J. McCord, professional staff member; Arun A. Seraphin, professional staff member; and Terence P. Szuplat, professional staff member.

Minority staff members present: Romie L. Brownlee, Republican staff director; Judith A. Ansley, deputy staff director for the minority; Charles W. Alsup, professional staff member; L. David Cherington, minority counsel; Edward H. Edens IV, professional staff member; Brian R. Green, professional staff member; Gary M. Hall, professional staff member; Carolyn M. Hanna, professional staff member; Mary Alice A. Hayward, professional staff member; Ambrose R. Hock, professional staff member; George W. Lauffer, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, minority counsel; Suzanne K.L. Ross, research assistant; Cord A. Sterling, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Gabriella Eisen, Daniel K. Goldsmith, Jennifer L. Naccari, and Nicholas W. West.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; Eric Pierce, assistant to Senator Ben Nelson; Neal Orringer, assistant to Senator Carnahan; Brady King, assistant to Senator Dayton; Christopher J. Paul and Dan Twining, assistants

to Senator McCain; Margaret Hemenway, assistant to Senator Smith; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; James P. Dohoney, Jr., assistant to Senator Hutchinson; Kristine Fauser, assistant to Senator Collins; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Today, in New York City and across the Potomac in Virginia, our fellow citizens continue to sift through the rubble 2 days after the most deadly and cowardly attack ever against the United States. The terrorists behind this sought to destroy more than structures. They sought to destroy the American spirit. But those who unleashed this horror now understand they have failed.

Through our rage at these attacks on our people and on our free institutions shines a focused determination to recover our loved ones and friends who are still lost, and to assist their loved ones in coping with the devastating void into which they have been plunged. Our fury at those who attack innocents is matched by our determination to protect our citizens from more terror, and by our resolve to track down, to root out, and relentlessly pursue the terrorists and those who would shelter or harbor them.

Two nights ago, Senator Warner and I joined Secretary Rumsfeld, General Shelton, and General Myers at the Pentagon, and witnessed first-hand that determination. Brave men and women were attending to the victims and fighting the fires all just a few feet away from loved ones and friends who were still missing or presumed killed. Many of them have been working nonstop ever since the attack. America salutes them as the genuine heroes and heroines that they are, and our prayers are with the victims and their families and friends who grieve for them.

For every person who has perpetrated a barbaric act, thousands of Americans have engaged in acts of extraordinary courage. Those acts are still unfolding, and will unfold in the days, weeks, and months ahead.

Debate is an inherent part of our democracy, and while our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We set aside our differences, and we ask decent people everywhere to join forces with us to seek out and defeat the common enemy of the civilized world.

As Chairman of the Joint Chiefs of Staff, General Hugh Shelton assured the Nation 2 nights ago that America's Armed Forces are ready. General Shelton has served in the demanding position of Chairman of the Joint Chiefs of Staff for the past 4 years with great distinction. The Nation and every man and woman who wears our country's uniform owes him a tremendous debt of gratitude. Now General Richard Myers is ready to assume the duties that General Shelton so magnificently shouldered.

The President has nominated General Myers to be the next Chairman of the Joint Chiefs of Staff. General Shelton's term ex-

pires on September 30. This committee must act on General Myers' nomination, and we will do so.

The tragic events of the last 2 days vividly remind us again of the importance of this position. The Chairman of the Joint Chiefs of Staff is the highest-ranking military officer in the United States Armed Forces, and is the principal military advisor to the President, the National Security Council, and the Secretary of Defense.

General Myers is uniquely well-qualified to serve as the next Chairman of the Joint Chiefs. He is a decorated Vietnam veteran who knows the dangers faced by our men and women in uniform. He has led U.S. forces in Japan and in the Pacific with a steady hand. He has served as Assistant to the Chairman and as Commander in Chief, U.S. Space Command, since February of the year 2000. He has served as Vice Chairman of the Joint Chiefs, the Nation's second highest-ranking military officer, at times acting as Chairman in General Shelton's absence.

General Myers is, I believe, the first Vice Chairman to be nominated as Chairman. At times when we are reminded almost daily of the dangers to our military personnel, and the sacrifices of their families, we particularly want to welcome General Myers' wife, Mary Jo. Mrs. Myers, we welcome you. We thank you for your service to the Nation. You, too, will be called upon for sacrifice in addition to the extraordinary sacrifice which you and your family has already undertaken.

This is no ordinary time. This will be no ordinary nomination hearing. As Vice Chairman, General Myers has been personally involved in the rescue efforts at the Pentagon, and in guiding the United States Armed Forces during these difficult days. He is in a unique position to update the committee and the country on the situation, and we have asked him to do so.

General Myers, we welcome your testimony on the status of your efforts at the Pentagon, the extent of the damage and the loss of life, the role that the U.S. military forces are playing in support of rescue and relief efforts in New York City, and what steps this Nation might take to strengthen our ongoing efforts to combat the scourge of terrorism.

I just want to make two very brief announcements before I call on Senator Warner and then on our two colleagues who will be introducing General Myers. First, at the conclusion of our open session, Senator Warner and I have determined we will go into a Members-only classified session in the Intelligence Committee hearing room, SH–219. General Myers will be there with other members from the uniformed staff, but also Secretary Wolfowitz will be joining us at that time.

Second, we are making arrangements for bus transportation, and I want to thank Senator Warner for his leadership in this, for members of the committee who would like to go to the Pentagon at approximately 6:30 this evening. There are a number of members who have made their own arrangements to go over in the last couple of days, and Senator Warner and I thought it would be helpful to arrange for transportation for those who might wish to go to the Pentagon. We will be back to you as soon as possible with details about the precise time and place. It will be after our executive session, and at a place to be determined.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. I do hope as many members as possible will take this opportunity to visit the Pentagon this evening. Just moments ago I left the site. I have been on it twice now. General Myers, I want to thank you for taking the time to go there today to recognize the hardworking people from primarily Virginia, Maryland, and the District of Columbia—firefighters, rescue workers, Red Cross aids, and engineers. I say to my colleagues, it is a remarkable scene. I think no matter how many times you view this on television, it doesn't prepare you for the horrific site and precise manner in which that plane was directed at the building.

Mr. Chairman, I just received a call from the White House. I am to meet with the President at 3:10, so I am going to put my statement into the record.

I thank Mrs. Myers, as the chairman said, for your career opportunities not only for yourself, but for your distinguished husband. It is a team effort, so often, in the military. It is a team effort.

So if you will excuse me, I am going to depart. I hope to return in time for the executive session.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming General Myers and his family.

As I know you appreciate, it was imperative that we go forward with this hearing and demonstrate our resolve to both our allies and our enemies. The Joint Chiefs of Staff and, particularly, their Chairman, are a vital link in our national security organization. Proceeding with the orderly transfer of this key office is a unequivocal indicator that our national security institutions are intact and fully operational.

General Myers, as Senator Roberts noted in his introduction, is eminently well qualified for this position. He is a command pilot with over 600 combat flying hours and operational experience as the 5th Air Force Commander. He has commanded the United States Space Command, NORAD, and United States Air Forces, Pacific. He understands today's defense challenges and those of the future. In this time of transformation—made all the more challenging and urgent as a result of the escalation of the asymmetric threat this Nation faces—General Myers' experience as the Vice Chairman will be of enormous relevance.

General, you have my support, and, if confirmed, you will be thrust into one of the most challenging positions of responsibility I have ever observed. I applaud your willingness to serve, and I look forward to working with you.

Senator Levin.

Chairman LEVIN. Thank you very much, Senator Warner.

General Myers has responded to the committee's prehearing policy questions and our standard questionnaire. Without objection, these responses will be made a part of the record.

The committee has already received the paperwork on General Myers and we will be reviewing it. There are several standard questions that we ask nominees who come before the committee and I will ask General Myers these questions first.

Do you agree, if confirmed for this position, to appear before this committee and other appropriate committees of Congress and to give your personal views, even if those views differ from the administration in power?

General MYERS. Mr. Chairman, yes, I do.

Chairman LEVIN. Have you adhered to applicable laws and regulations governing conflict of interest?

General MYERS. Yes, I have.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General MYERS. No, I have not.

Chairman LEVIN. Will you ensure that the Joint Staff complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings?

General MYERS. Yes, sir, I will.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General MYERS. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

General MYERS. Absolutely.

Chairman LEVIN. At this point, we have two colleagues who both claim General Myers as their own, and we understand fully why. It is nice to be fought over in this way, General. We will first call upon, with the agreement of both of our colleagues, Senator Carnahan for the first introduction, and then Senator Roberts for the second introduction.

STATEMENT OF SENATOR JEAN CARNAHAN

Senator CARNAHAN. Thank you, Mr. Chairman. America is enduring one of the gravest moments in its history, but as Holy Scripture reminds us, and it always gives us hope, we are reminded from the Book of Esther that there are those who are called to the forefront in just such times. Sitting next to me is the military leader for our time. He has been tried and proven time and time again.

Our country is indeed fortunate in this hour of need to have Gen. Richard B. Myers as the nominee for the Chairman of the Joint Chiefs of Staff. He will inherit a post of paramount responsibility. He is charged with taking on new battles and with deploying new weaponry against the current and insidious threats to our Nation. I believe General Myers is the right man to lead our military forces in this endeavor, and I enthusiastically endorse his nomination for the chairmanship of the Joint Chiefs of Staff.

It is a great honor to join Senator Roberts in introducing General Myers to this committee. Kansas and Missouri have long disputed claims to territory, as well as collegiate sports titles. Well, today we add to the historic rivalry between our States. We have a disputed claim over just which State should claim the nominee for the highest military post in the land, but I believe we can agree on one thing: General Myers would make an excellent Chairman of the Joint Chiefs of Staff. His extensive leadership in space-based defense, U.S.-Asia policy and defense acquisition make him an ideal candidate to oversee the military's transformation in the 21st century.

He is a decorated command pilot with more than 4,000 hours in the cockpit, including 600 as a fighter pilot in Vietnam. General Myers has been awarded the Distinguished Flying Cross twice and 19 air medals. He has served with distinction as Commander in

Chief of United States Space Command and Commander of the Pacific Air Forces, and for the last 2 years he has served on the Joint Chiefs of Staff as the Vice Chairman, leading the Joint Requirements Oversight Council (JROC) and Defense Acquisition Board (DAB). But above all, General Myers has emerged as a powerful voice for America's service men and women.

As the highest-ranking officer in the United States military, the Chairman of the Joint Chiefs of Staff must promote the quality of life for our soldiers, sailors, airmen, and marines. I have no doubt that General Myers will be a strong advocate for men and women in uniform, both Active and Reserve components. As a distinguished warrior himself, he can relate to the rigors and sacrifices endured by our servicemen and women today.

Mr. Chairman, I urge this committee to recognize the extraordinary credentials of this nominee with a favorable reporting to the United States Senate.

Chairman LEVIN. Senator Carnahan, we thank you for that strong endorsement.

Senator Roberts.

STATEMENT OF SENATOR PAT ROBERTS

Senator ROBERTS. Mr. Chairman and Senator Warner, my dear friends and colleagues, it is both an honor and a privilege for me to introduce to the Senate Committee on Armed Services General Richard B. Myers as the nominee to be the next Chairman of the Joint Chiefs of Staff. But first, like our distinguished chairman, let me offer my prayers, my thoughts to the families of the Americans that lost their lives in the attack on the United States, an attack not only on them and our country, but also on American democracy and freedom. This will not stand.

I wish to associate myself with the outstanding remarks from my colleague and friend from Missouri. Senator Carnahan, I would like to revise and extend just a portion, however. General Myers was born at St. Luke's Hospital. That is a fine hospital just across the Kansas border. However, just as soon as he was ambulatory he was rescued and taken back to Kansas——[Laughter.]

—to a community called Miriam, where he has lived ever since. General Myers is not only a Kansan, but as President John Wefald of Kansas State University will point out, just as importantly, he is a graduate of Kansas State University, the home of the ever-optimistic and fighting Wildcats——[Laughter.]

Now rated number 10 in the football polls.

His wife, Mary Jo, is a K State graduate and a resident of Manhattan, Kansas, which we call the Little Apple. She is an English major, and I have been informed that Mary Jo has spent the last couple of days staffing the phones at the Army Family Service Center. Well done, Mary Jo, and thank you so very much.

Please understand, as important as being a fighting Wildcat, that it is an honor for me to present a man I feel is exceptionally qualified to prepare and lead our military as we deal with emerging threats, so tragically portrayed on 11 September. We must understand the nature of the warrior class that makes up these State-sponsored or rogue groups that are capable of perpetrating the attack the United States suffered on Tuesday.

Make no mistake about it, although the possibility of the classic force-on-force military conflict must be part of our military's capability, we must also be prepared to realign our military strength to address the asymmetry in warfare demonstrated so graphically Tuesday. I am confident that General Myers understands these issues, and is certainly ready for them.

I believe that the General has shown he has a grasp of the requirement for military transformation. I am confident that the events of the past few days will reflect the direction and the amount of transformation our military must undergo under his leadership.

Part of the equation for transformation is the supporting role the United States military must play in handling the consequences of an act of terrorism. Again, the events of this week point out the value of the role played by our military, our Active-Duty Forces, our guard and our Reserve, but the military must have this as a mission, and be prepared and trained to respond.

Now, I am not going to read the impressive military background of the General, but only add that he is clearly well-qualified to lead our military in this new age that burst in vivid reality on our doorstep on the 11th, and I urge my colleagues to support General Myers for this most important post.

It again is a privilege and honor to recommend him to you. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Roberts, and to use the football analogy a little further, in the competition here to introduce you it is a tie between Missouri and Kansas. They both won, and they are both winners indeed.

General Myers, do you have an opening statement for us?

STATEMENT OF GEN. RICHARD B. MYERS, USAF, NOMINEE TO BE CHAIRMAN, JOINT CHIEFS OF STAFF

General MYERS. Mr. Chairman, I do have a short opening statement.

Mr. Chairman, distinguished members of the committee, thank you for the opportunity to appear before you today. I especially want to thank Senator Carnahan of Missouri, my birthplace, for your very kind words, and I sincerely appreciate your remarks. Senator Roberts, both because you are a fellow man of the plains and a K-Stater, but more importantly, today because of your recent chairmanship of the Subcommittee on Emerging Threats and Capabilities. You have been part of a great team at the leading edge of our efforts to address the challenge of asymmetric warfare, and for that we are all in your debt.

Two days ago, our Nation suffered a sudden, horrific attack by terrorists. They attacked two symbols of our national power, one economic and one military, but not the heart of that power. The heart of America's strength is found not in its symbols, but in its people, 270 million determined citizens, and similarly, the heart of American military power is not a symbol called the Pentagon. The heart of that power resides in every soldier, sailor, airman, marine, Coast Guardsman sworn to defend our Constitution and the American way of life.

These despicable acts have awakened a national resolve in the American people and its Armed Forces that rivals any seen since Pearl Harbor. Today, due in large measure to the outstanding support of the Members sitting before me, America's military is trained, ready, and extremely capable of responding to the President's clarion call.

If confirmed, I pledge to keep our Armed Forces at that razor's edge first and foremost by sustaining our quality force and taking care of the heart of our military, our people. They are our decisive edge. We have made great strides in recent years under the outstanding leadership of Gen. Hugh Shelton, but we have to continue the momentum to improve their quality of life. Hugh Shelton was key in getting us this far, and of course with your assistance we can take it to the next level.

I will also work tirelessly with our service chiefs and commander in chief's (CINCs) to ensure that our troops continue to receive the training, equipment, and support they need to carry out the wide range of missions that we have assigned to them.

Finally, my third priority will be preparing our military for the security challenges of the future, modernizing and transforming the force with new, joint capabilities, even as we face the threats of today.

Members of the committee, if confirmed, I look forward to your wise counsel and a bipartisan spirit as we look forward to addressing today's issues and tomorrow's challenges. I join you in honoring those of our citizens, military and civilian, who were injured or died in these recent attacks. Our hearts go out to all who have lost loved ones in this terrible tragedy, and we will never forget them.

So thank you, Mr. Chairman. I look forward to your questions in a minute, but first with your permission I would like to talk on two issues: the status of the Pentagon, and the civil support measures we have taken by the Armed Forces in providing support in New York and Washington, DC.

First of all, I think as some of you know that have been to the Pentagon, the fire is out. There are some areas that are water-damaged, and we are starting to clean those up and move back into those areas. It will leave about a whole wedge of the Pentagon—maybe not quite a wedge, but almost a wedge of the Pentagon—that will need to be rebuilt, so they are in the process right now of recovering the remains, of determining the stability of the structure where the airplane hit, and already planning to rebuild that structure.

I was with Senator Cleland when this happened, and went back to the Pentagon, and they were evacuating, of course, the Pentagon at the time, and I went into the National Military Command Center, because that is essentially my battle station when things are happening. It proved to be as resilient as our people did and have been throughout this crisis, and that is where we stayed. The air got a little acrid at times. The air filtration system shut down for moments, but we got it back up and were able to stay there throughout the whole effort.

In terms of military support in New York and Washington, DC, for the Pentagon, that support, some of you have seen it, but it is from the soldiers and sailors, airmen, marines, and Coast Guards-

men from this area and the local authorities, and there were many first responders. I cannot catalogue all the names on all the sides of ambulances and fire trucks that responded, but they were from all over the District, from Virginia, and from Maryland, and they all pitched in and did exactly what they had to do.

In New York, the Department of Defense active duty and Reserve component, the Guard and Reserve have supported every request from FEMA, and to my knowledge there may be some outstanding requests, but we are fulfilling those requests. We fulfilled all the ones that I know of. We are in the process of maybe a few that we have not quite responded to yet because of just the time it takes to move the assets. They mainly fall in the logistics area, in the medical area, and in transportation, and we are doing that.

There has also been, as you are probably aware, quite a bit of activity by the North American Aerospace Defense Command in the skies over this great country, and of course the Coast Guard has taken special measures regarding our ports and waterways and our coastline.

With that, Mr. Chairman, I am prepared to take your questions.

Chairman LEVIN. Thank you very much, General. We will now proceed on the basis of the early bird rule with the first round of 6 minutes each. I understand that approximately 20,000 people work at the Pentagon, perhaps a few more, that there were 132 killed at the Pentagon, 64 on the plane that hit the Pentagon. Can you tell us about what percent of the Pentagon's work space is out of commission? Do you have any estimate of that?

General MYERS. I do not know the exact square footage, sir.

Chairman LEVIN. What approximate percentage of space would it be, 20 percent?

General MYERS. I would say it is roughly 20 percent or less, and as I said, there are some areas that are water-damaged. The desks and the chairs are fine, and they will be moving back into those, but it is going to be, like I said, about a wedge, so roughly 20 percent of the square footage.

Chairman LEVIN. General, in your personal view, are there capabilities or equipment that the Armed Forces need today to respond to the terrorist attacks that they do not currently have, or are they able to respond today, should that decision be made, to those attacks?

General MYERS. Sir, I think we are able to respond today. Of course, there are always ways to enhance our capabilities, and I think you will see in a supplemental that is either here or heading this way what some of those capabilities will be. I am happy to go into that if you want. Some of them will be in the intelligence area, of course. Some will be in command and control, and there will be some in the force protection arena. There will be others, of course, but let me just reiterate, we have what we need today to do what we need to do.

Chairman LEVIN. Was the Defense Department contacted by the FAA or the FBI or any other agency after the first two hijacked aircraft crashed into the World Trade Center prior to the time that the Pentagon was hit?

General MYERS. Sir, I do not know the answer to that question. I can get that for you for the record.

[The information referred to follows:]

The following times answer Chairman Levin's question regarding when the Defense Department was notified by the FAA during the September 11, 2001, Hijacking Attacks (all times in EDT):

0838: Federal Aviation Administration (FAA) notified the North American Defense Command (NORAD) of a hijacking.
0843: FAA notified NORAD of second hijacking.
0846: American Airlines Flight 11 crashed in the North Tower of the World Trade Center (WTC).
[Deleted.]
0903: United Airlines Flight 175 crashed into the South Tower of the WTC.
[Deleted.]
[Deleted.]
1010: United Airlines Flight 93 crashed in Somerset, PA.

Chairman LEVIN. Was the Defense Department asked to take action against any specific aircraft?

General MYERS. Sir, we were.

Chairman LEVIN. Did you take action against—for instance, there have been statements that the aircraft that crashed in Pennsylvania was shot down. Those stories continue to exist.

General MYERS. Mr. Chairman, the Armed Forces did not shoot down any aircraft. When it became clear what the threat was, we did scramble fighter aircraft, AWACs, radar aircraft, and tanker aircraft to begin to establish orbits in case other aircraft showed up in the FAA system that were hijacked, but we never actually had to use force.

Chairman LEVIN. Was that order you just described given before or after the Pentagon was struck? Do you know?

General MYERS. That order, to the best of my knowledge, was after the Pentagon was struck.

Chairman LEVIN. General Myers, you have agreed to give us your personal views even when they might disagree with the administration in power, but the Secretary was quoted in a July article as saying that his choice for Chairman would have to possess candor and forthrightness, of course, he said, but he wanted this willingness to disagree to show up only in very direct, private counsel. Now, have you been told that your willingness to disagree should show up only in private counsel, or are you committed to give us your personal views when asked, even if those views might differ from that of the Secretary?

General MYERS. Sir, I have never been told to limit my views to private discussions, and as I said earlier, Mr. Chairman, absolutely.

Chairman LEVIN. Thank you.

General, you indicated in response to one of the committee's prehearing policy questions as to what your priorities would be if confirmed, that one of your priorities would be to better define the military's role in homeland security. I am wondering if you could tell us what your concerns are in this area, and what role you believe the military should play.

General MYERS. Mr. Chairman, that issue was debated in our Quadrennial Defense Review (QDR) and it is still being debated. I think this current tragedy puts that issue at center-stage.

As the Commander in Chief of North American Aerospace Defense Command (NORAD), as well as United States Commander in Chief Space Command (USCINCSPACE), we have plans to deploy

our fighters to defend the U.S. from external threats. I never thought we would see what we saw the last few days, where we had fighters over our cities defending against a threat that originated inside the United States of America, so I think this whole issue of homeland defense, or homeland security, needs a lot more thought.

There is a role, obviously, for the Department of Defense. What that role is, I am not confident I know that answer today, but I just know that the debate needs to take place now.

We have had other issues that we have worked in seminar games, if you will, or exercises, where we have looked at other incidences of weapons of mass destruction, and what we found in some of those is that local authorities are often quickly overcome by the situation, and there is going to be a reliance, I believe, on some of the capabilities we have inside the Department, so we need to sort through those issues.

To tell you exactly what our role ought to be, I do not know for sure. I just think we need to think through that so the next time we have a terrible tragedy, we are ready to act in a unified way, in a focused way. That is not to say we have not done that in this crisis. I think we have come together very, very well, but it certainly raises those questions, Mr. Chairman.

Chairman LEVIN. Thank you very much.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. First of all, in spite of what my distinguished friends and Senators from Missouri and Kansas said, it has always been recognized that a military man's life begins at his first training, which was Vance Air Force Base, so I look forward to voting to confirm my fellow Oklahoman. [Laughter.]

There has been one question I am going to ask just for the record, because I do not think there is an answer today, but it is one I would like you to give some thought to, and that is the idea of depots.

I think we recognize that we need a core capability. With the depots we have gone through a BRAC round where we eliminated two of the five and transferred the workloads, which is the appropriate thing to do. However, we are using antiquated World War II plants, buildings, maintenance operations, and for the record, at a later date, if you would submit something, your ideas as to where they should fit in, and how we can modernize them, I would appreciate it.

General MYERS. Will do, Senator.

[The information follows:]

Our organic depot maintenance organizations provide robust and invaluable industrial repair capabilities. They have repeatedly proven their ability to rapidly increase output and to change priorities to meet warfighter requirements when national emergencies emerge, such as we find ourselves in now.

Thanks to the Base Realignment and Closure process, we have been able to consolidate much of our core depot maintenance capability. This has helped reduce our overhead costs. As you stated, however, many of our depot facilities are quite old. Just as our base housing and other base infrastructure suffered degradation from lack of capital investment over the past decade due to increasingly high operations tempo requirements, our depot maintenance facilities have felt the pinch as well.

I do believe we are turning the corner on depot plant and equipment recapitalization. The Department of Defense applied $205.9 million of its Working Capital Fund

and $37.6 million of its Military Construction money to its depot programs in fiscal year 1998. It added $231.6 million and $40.6 million respectively in 1999 and $255.8 million and $61.9 million in 2000. This trend is encouraging but, bear in mind, it will take time for this capital investment to manifest itself in modernized building and equipment.

I can also tell you, that we are modernizing our depot maintenance business processes as well. The Services have implemented some truly innovative programs, such as public-private partnerships and use of emerging automation technologies, to enhance the efficiency and effectiveness of our depot maintenance programs.

Senator INHOFE. Having chaired the Readiness and Management Support Subcommittee for a number of years, I have been concerned with a lot of readiness problems. One is encroachment, everything from the environmental constraints to training ranges, the urban sprawl, and, of course, at Nellis you experienced that, and it is still a problem out there, aerospace restrictions, loss of frequency spectrum, these are all very, very serious problems.

Recently, we have been concerned with the Vieques range, which of course is Navy and Marine. However, if we, for the first time in our Nation's history, would allow some law-breaking trespassers to close down a live range, it would have a domino effect throughout not just America, but throughout the world, and so I would like to have you address the encroachment problems as you see them, and what possible solutions are out there.

General MYERS. Senator Inhofe, an excellent question, because it is at the heart of our readiness. Our training facilities and our training ranges are absolutely essential to staying ready to discharge the missions that this country wants us to perform, and encroachment is a problem. It has been a problem for a long, long time.

What I would like to say is that the Department has in the last year really focused on this issue and is trying to work it with, again, a unity of effort, led by the Office of the Secretary of Defense (OSD) staff, and with the support of the individual Services, and the Joint Staff. I think that is going to help mitigate the effects we are having right now. I think this will be something we will have to deal with for an awfully long time to come.

As we develop new weapons systems, as they require more space, or different support facilities, as we try to pursue that, we are going to have to try to find that right balance between our readiness and the environment and the people that we have an impact on. Technology can play a part in that, and I think we are taking steps to ensure that it does.

I would just like to leave you with the thought that the Department of Defense (DOD) is very focused on this particular issue right now, and I think we will be successful.

Senator INHOFE. I know that is right, and one of the dilemmas—let us just take one of the Southeastern ground bases like Camp LeJeune or Fort Bragg, where their training areas are interrupted by the habitat of the red-cockaded woodpecker and the better job they do, the more that expected habitat is expanded, so they are being punished for the job they are doing. This is something that I think you need to look at, because it is happening throughout the southeast part of the United States

General MYERS. We will, Senator.

Senator INHOFE. The general readiness question is the deficiencies that were discussed by the CINCs when they were in this very room. I do not remember the exact cost, but the spare parts, lack of ammunition, shortage of flying hours, all of these, these are just general readiness issues.

It is one of these situations where it is all bleeding, it is all hemorrhaging, and I know you are probably putting yourself in a situation where you are going to have to try to make some priorities, but do you have any thoughts about what you can do on these general problems of readiness out there?

General MYERS. Yes, sir, Senator Inhofe. Having just marked up the President's 2002 budget, a majority of the increase in that budget was for just those things, for flying hours, for driving time for the Army, for steaming time for the Navy, for the spare parts to keep the whole military machine healthy, and to try to do so in a way that it will not require us coming back to Congress for a supplemental, so I think the efforts over the last several years, some of which are again just starting to pay dividends because of lead time, and certainly with the 2001 supplemental and the 2002 budget, I think we have taken steps to ameliorate some of those shortfalls.

Senator INHOFE. I was going to mention one other thing. I know my time is running out, but one last question having to do with modernization. I was pleased when General Jumper made a statement sometime ago, about a year ago, I guess now it was. It gave us an opportunity to have some credibility when we talked about the fact that we have slipped a lot in our modernization programs.

Most Americans may disagree with the causes of wars, or with some of the problems we have, but they all have been laboring under, I think, this misconception that we have the very best of everything out there. We do not have the very best any more. When we look at our best air-to-air vehicle, the F–15 air-to-ground vehicle, the F–16 in many ways, the SU series that is on the open market, manufactured by the Russians is better than that we have, so I am sure that is one of your top priorities.

Do you have any comments to make about your ideas on modernization, maybe specifically on the F–22?

General MYERS. Senator Inhofe, modernization is a huge issue when it comes to tactical air. The dilemma we are in, and I think this is true for the Air Force for sure, for the Navy to a little lesser degree, for the Marine Corps for sure, and it is just degrees here, is that these procurements go in cycles over time, and for most of this decade we have not bought a lot of tactical air. So our tactical air assets have just continued to age, and I would agree with your comments, we are not always flying the best fighters in the world any more.

In terms of the F–22, I think it is absolutely essential. The Secretary of Defense has authorized entry into low-rate production, and that decision should be made here very, very quickly. I can go into more detail if you like.

Senator INHOFE. That is fine, General. My time has expired, but I also want you to look at other Services, for example, our artillery capability, our rapid-fire ranges. The Palladin we are using now is

not as good as almost any country that could be a potential adversary.

General MYERS. Senator, I absolutely agree, and though I sit here in front of you in the blue uniform of the United States Air Force, my whole focus is going to be on what the contribution is of systems to the joint warfighting equation, so that naturally takes me into every Service's modernization programs, and for that matter, other concepts they may have and doctrinal changes. That is all important.

Senator INHOFE. Thank you.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman. We have heard many good statements on General Myers. I would like to express my welcome and support for the nomination of Gen. Richard B. Myers to serve as the Chairman of the Joint Chiefs of Staff. I also want to welcome Mrs. Myers to this hearing as well.

I had the pleasure of first meeting General Myers when he served as Commander of the Pacific Air Forces from 1997 to 1998 at Hickam AFB in Hawaii. While he was there, he made a big difference in the Pacific.

I also wanted to thank General Myers for taking the time to visit with me last week to discuss a number of issues. Some of the questions I would have asked here, we discussed during your visit, and so I will ask you other questions. I just want to say, Mr. Chairman, I have the full confidence in General Myers' ability to serve in this critical position, and I look forward to working with you, General Myers.

General MYERS. Thank you, Senator.

Senator AKAKA. Of course, I am very interested in what would be happening to Hawaii, and what changes may come. My question is about Asian theater threats. How will U.S. forces be altered to focus on potential Asian theater threats, as identified by Secretary Rumsfeld, and how might this affect force posturing in Hawaii?

General MYERS. Senator Akaka, that is the subject of two things. One is the QDR, which is ongoing, and the Defense Planning Guidance (DPG), which asks the Services to look at several posture options around the world, to include the Pacific region. Some of those do-outs will not come back until next spring, when the Services will come back with some of their ideas on perhaps a more efficient posture for their forces, and some of it will come out of the review, of course, as well, so it is a little bit premature because we have not finished those reviews.

Again, it is going to be trying to balance our obligations around the globe, and the missions we are given. Clearly, the emphasis on Asia Pacific is the one the Secretary has set for us, and the one that we embrace, and we are looking at exactly those questions. I just think it is a little early to give you specifics on that, sir.

Senator AKAKA. General, and this will be my final question, I want to be brief. What, in your opinion, are the first measures that need to be taken for military transformation?

General MYERS. Well, we could talk a long time about transformation. Let me just talk about one aspect of it that I think gets to your question, and it goes back to ensuring that inside the De-

partment of Defense we have unity of effort for transforming and, for that matter, modernizing our forces. Part of that includes guidance from the Office of the Secretary of Defense and the staff. Part of that includes work that the Services will do.

Part of that includes development of joint operational concepts and architectures that must lead development of materiel, items that might enhance our joint transformation, and of course there is a major part that resides at Joint Forces Command down in Norfolk, because they have the role of experimentation which you would think would lead our transformation efforts, and it is trying to focus those efforts between all those pieces, the acquisition community, the requirements community, and the programming and budgeting process. We have to bring all that together to encourage and to help our transformation.

The Secretary of Defense has very rightly, I think, focused in on our programming and budgeting system as being a product of the cold war, and is looking to make changes in it to make it more responsive to our transformation needs, so if I were to talk about it, I would talk about the process first, and products later.

Senator AKAKA. Thank you very much for your responses. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Akaka.

Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Mr. Chairman, is it your intention to go one round?

Chairman LEVIN. It depends on how long the round takes. There also may be a delay on the executive session. Senator Warner and I need to go down to meet with the leadership at 4:30, and that could affect that. We may have to have an interim period of some kind, which would hopefully last no more than 15 or 20 minutes, so there is a little bit of uncertainty now about when that will begin, I have just been informed.

However, I would say we hope to do it in one round, but perhaps if there are some questions which we just simply need to ask, we would have a very short second round, would be my hope.

Senator SMITH. Thank you.

General Myers, congratulations on the honor of being selected as Chairman. It is amazing, really, to think that what normally is just a perfunctory service, if you will, of nominees coming before the committee, whether it is the Chairman or other positions on the Joint Chiefs, has traditionally involved a few questions and answers and then moving forward with the nomination. Now it takes on huge implications, and I just want you to know, speaking for myself, and I know I speak for others, we have great confidence in you and the job you are going to have to face. I just want to let you know we are with you, and look forward to doing the Nation's business.

General MYERS. Thank you, Senator.

Senator SMITH. It is hard to stay out of what happened, and I do have a couple of questions I want to ask in classified session, but I want to ask you one that received some publicity and to see if you can answer here. If you cannot, then fine, say so, and we will do it in executive, classified session. There were some reports that

there were some international flights headed here during this episode.

It is not unreasonable to think that international flights might be coming here, but I mean, that may have been turned around, and abruptly after things developed. Is there any truth to the accusation that there may have been some international flights involved with this activity? Do we have any information on that?

General MYERS. I do not have complete information, because of the time it happened. I can give you—there was one flight inbound to the U.S. that had turned on its transponder and indicated a code that it was being hijacked before it got to Alaska. We had fighter aircraft on it. It eventually landed in a remote base in Canada, and they were safe, and I do not know the results of that, whether it was a mistaken switch-setting, or what it was. I cannot tell you that. We can find that answer for you, Senator.

[The information follows:]

The Department of Defense has no indication that any international flights were involved in the September 11, 2001, hijacking indicents.

Senator SMITH. The plane was not hijacked, or we do not know?

General MYERS. I had better say, I do not know. We had other things to do at that time. Once it was safely on the ground, and the passengers were safe, we went on to the next order of business. That was in the middle of all of this.

We had reports of other aircraft, one other aircraft that I am aware of, and the reports were somewhat mixed, and I do not think were true, because it was turned around by the operating company and went back to Europe on its own, and was fine, so the only one I know of that even comes close is the one I mentioned, and I do not know if that was a hijack attempt or some other kind of duress that the airplane was under.

Senator SMITH. Do you know the country of origin?

General MYERS. Not for sure.

Senator SMITH. Mr. Chairman, I have some——

General MYERS. I can tell you in closed session what I do know.

Senator SMITH. I have some other questions, Mr. Chairman, but I am going to submit those for the record, because they do not relate to the current environment, and I will yield back the remainder of my time.

Chairman LEVIN. Thank you, Senator Smith, very much.

Senator Carnahan.

Senator CARNAHAN. Thank you, Mr. Chairman.

General Myers, I understand that you have had extensive experience in planning for combatting cyber attacks. I was wondering if you would describe your work in this emerging field, and elaborate on your plans to build off of these experiences.

General MYERS. I first ran into this responsibility when I was at U.S. Space Command. About a month after I arrived, after I was confirmed by the committee and I arrived for duty, the President and the Secretary of Defense decided the responsibility for defense of the DOD networks would fall to U.S. Space Command, and then a year later that U.S. Space Command would have the responsibility for attack. By the way, I did not get a vote in this. This was a responsibility that was issued. We had to learn very quickly how to go about these responsibilities.

Since then, we have come a very, very long way, and General Eberhart, who now serves at U.S. Space Command, has really taken this to the next level. Here in Washington, DC, we now have a joint task force for computer network operations. It does its job through coordination with all the services, of course, and other agencies. There is great cooperation with our civilian telecom folks, and there is also great cooperation with the FBI and other civil authorities who have a role in all of this.

The thing I would like to leave you with is, it is not unlike the earlier question about homeland defense or homeland security. Certainly, when you are under attack in a cyber way, fairly quickly you have to determine is this an attack on the United States by another Nation, or another group that wants to do you harm, is it a prankster? Is it a civil matter, or is this a national defense or national security matter? We have mechanisms for deciding that, but I think that is another area along with the whole homeland defense issue that needs a lot more thought.

I would just end by saying that the mechanism set up for cyber security for the Department of Defense has been very effective, and the recent viruses that have spread throughout the country have had essentially no impact on our operation.

Senator CARNAHAN. The Emerging Threats and Capabilities Subcommittee has been involved in examining the National Guard's role in managing the after-effects of a nuclear or chemical or biological attack.

For example, we are continuing to help develop the weapons of mass destruction civil support teams, and these teams, some of them are being trained in army facilities around the country, including Fort Leonard Wood in Missouri, and they are being trained to work with some of the emergency first responders to decontaminate areas and to help with medical aid.

I was wondering if you would describe what you feel the importance of these are, and detail your commitment to honing our abilities to respond to such attacks.

General MYERS. Senator Carnahan, I think they are extremely important. This is an area where I think the National Guard can play a key role. I think they are ideally suited for this type of mission, because it is one they have been trained for and God forbid we will ever have to use it, but if we do, they will be ready. They will be trained.

I think those missions are perhaps more natural for the National Guard than some of the current missions, so that is one of the things we have to look at as we look at the overall issue of homeland defense, the role of the Reserve component primarily in the National Guard, and how they would play in this. I think it is extremely important. I think the National Guard's role is only going to increase.

Senator CARNAHAN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Carnahan.

Let me apologize to my colleagues. I had the wrong list in front of me in terms of the order of calling on Senators. As a result, there were people called out of order on both sides already. Now, I have the alleged correct order. Let me now read it, because there has been some confusion on this.

The next Senator on the Democratic side would be the Senator who I should have called on first, Senator Cleland. I apologize to you. Then I would go to Senator Roberts, back to Senator Reed, back to Senator Allard.

Senator Akaka, who I was not supposed to call on until way later, got called early, so I would then go back to Senator Nelson, then to Senator Collins, and then to Senator Lieberman, who is no longer here, but Senator Carnahan, apparently you got called early. I do not know how that can happen when you introduced our nominee, but nonetheless, if I have not totally confused you by now, that is the new order of calling on Senators. I apologize.

Senator BUNNING. What about the rest of us?

Chairman LEVIN. Let me finish the list. After Senator Lieberman on this side will be Senator Bunning, then Senator Ben Nelson, Senator McCain, Senator Landrieu, Senator Hutchinson, Senator Dayton, and Senator Sessions.

Senator SESSIONS. That will be about midnight. [Laughter.]

Chairman LEVIN. We are going to try to do that. Multiply it six times, about 15, and you have it. We just did Senator Carnahan. Now we go to Senator Roberts.

Senator ROBERTS. I thank the chairman. In August, General, General Shelton sent an action memo requesting permission for—I am quoting—transfer of antiterrorism force protection, the acronym—everything has to be an acronym—AT/FP functions to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He stated in that action memo that AT/FP is not a statutory function of the JCS and is more appropriately the shared responsibility of OSD, the CINCs, and the Services.

I was prepared to address this issue before the 11 September 2001 tragedy, but I must tell you that I am not—not supportive of the JCS not being involved in antiterrorism or force protection.

I do agree that OSD and the CINCs and the services must be involved as well, it is their responsibility, but so must the JCS. This is too big of an issue not to have the leadership I think your office can bring. Would you give your views on General Shelton's request, and can you shed some light on this decision?

General MYERS. Senator Roberts, to my knowledge that was a recommendation to the Secretary of Defense. I do not believe we have a decision on it yet. General Shelton's thought behind this was basically unity of effort. The Services and unified commanders are the ones that are responsible for force protection. The role that this office and the Joint Staff played, and the role of the Office of the Secretary of Defense, are staff functions to disseminate policy, work the resources, and so forth.

The idea was, if you are looking for redundancy, maybe this is a place you could look. From a staff function, not from any other shirking of responsibility, who should have that responsibility. That was the Chairman's thought at the time. It was to eliminate some redundancies, is what he was thinking.

Senator ROBERTS. We are going to have to talk about that later. I will not go into it right now, but I have another question, which may be somewhat redundant, in regards to a question that was asked previously. Last November, the GAO reported the Services were not integrating their chemical and biological defense into unit

exercises, and that the training, if done, was not always realistic in terms of how units would operate in war.

Similarly, the DOD reported last year the Army's combat training centers continued to see units at all levels unable to perform all chemical and biological defense tasks to standard. The DOD report, like the recent GAO report, noted that less than satisfactory performance of the units is directly attributable to the lack of chemical and biological training at the unit's home installations. What is your assessment of that?

Let me say, however, that if you would ask me and Senator Mary Landrieu, the distinguished Chairman of the Emerging Threats and Capabilities Subcommittee, what we would have expected on 11 September if, in fact, we knew there was going to be an attack, we would have probably said a biological weaponry of some kind, perhaps chemical, perhaps a cyber attack.

I do not think any of us would have come up with the top 10 saying that terrorists would hijack four airplanes, kill the crew and endanger and kill the passengers, and then attack American icon infrastructures. Having said that, there is a very realistic possibility in regards to chemical and biological defense, and I am worried about it. What comments do you have?

General MYERS. Senator Roberts, I am worried about it as well, and I agree with your threat assessment. I think we know that is a real threat to our forces deployed around the world, and perhaps from terrorism in the United States, so we have to be ready.

Now, this is interesting, because when I got to the Pacific in the early nineties we decided this was not a big threat. We started to tear down some of our infrastructure that supported it. I know it is true in the United States Air Force, because I had an Air Force hat on at that time.

Then we were told no as we looked at the threat, this is the wrong direction, so we tried to get that ship turned a different direction. I think we are in that process, and we have to be just as ready for that kind of threat as we are for the more conventional threats. So, I agree with your comments, and it is one of the things that, if I am confirmed, I will take a hard look at.

Senator ROBERTS. Are the deployed units falling short of standards for chemical-bio defense capability set by joint doctrine?

General MYERS. Sir, I will have to get back to you on that. That is not one of the things that have come up in the readiness reporting that I review monthly.

[The information referred to follows:]

Before units or individuals are deployed, there are a number of assessments and preparatory actions that take place. One area addressed, both in intelligence assessments and gaining combatant command guidance, is the requirement for chemical-biological (chem-bio) protection. I am confident that units, including our specialized nuclear, biological, and chemical (NBC) defense units, deploying to high-threat areas requiring chem-bio equipment and training, meet current standards in both regards. However, while the deployed and first-to-fight units are robust, there are readiness shortfalls in the later-deploying and nondeployed forces.

In addition, it is important to note that even before September 11, we saw the need to look at chem-bio requirements, standards, and readiness above the unit level. Specifically, there are many levels between the unit and theater-of-operations level, and the Department of Defense is actively working to improve or develop doctrine, concepts of operations, and equipment/training requirements for the strategic, operational, and tactical levels of war. Efforts are focused on theater-wide NBC warning and reporting development of detect-to-warn vice detect-to-treat biological

detection capabilities, and validated guidance to address decontamination standards for ports, airfields, and strategic lift assets. These efforts will likely drive new requirements down to the unit level. The fruit of this labor will be a more robust, theater-wide approach to countering weapons of mass destruction (WMD), new equipment and joint training requirements, quantifiable standards for forces operating in NBC conditions, meaningful readiness assessments, and most importantly, a more effective fighting force capable of operating in the most stressful environments.

To summarize, our units deploying today are properly equipped and trained for chem-bio operations using current standards. In the future, chem-bio operations will benefit from a more holistic, theater-wide approach, and additional or refined standards and requirements will be the future benchmark of chem-bio readiness.

Senator ROBERTS. I have no further questions, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Roberts.

Senator Cleland.

Senator CLELAND. Thank you, Mr. Chairman. I want to thank Senator Roberts and Senator Landrieu for over the last couple of years making this Senator more and more painfully aware of the unconventional threats to our country which manifested themselves on Tuesday.

General, as I look back at that morning that you and I were meeting, it is a good thing we are meeting here, and not us meeting in the Pentagon. About the time you and I were having our visit, discussing the need to boost our conventional forces, to look at the question of terrorism and attacks on the United States, just about that very moment the Pentagon was being hit. So, it is good to see you.

General MYERS. It is good to see you, Senator.

Senator CLELAND. I am glad to be here with you.

In thinking of this moment in American history, I think no new Chairman of the Joint Chiefs of Staff has ever taken over in such a perilous time. Maybe with the exception of some officers who took over in December 1941, when we did not have a Joint Chiefs of Staff, you take over in a perilous, historic moment, but one filled with opportunity.

Our wonderful chaplain, Dr. Ogilvie, says sometimes life can be awfully simple, or simply awful. Tuesday, it was simply awful, as we all know. It seems to me, though, that some of the things came out of that are awfully simple: (1) we need to boost our intelligence capability; (2) we need to make sure that more of our assets are put forward toward counterterrorism activity; and (3) that the United States of America and the military has to be an integral part of this, and that cyber terrorism is a part of this in the future.

These are findings that have been brought before the Subcommittee on Emerging Threats and Capabilities and before this committee in the last couple of years that we needed to be more prepared in these areas, and so with Tuesday's events for me it is awfully simple, that this is where we have to beef up.

It is amazing that we spend well over $300 billion a year on defense, and yet Tuesday we seemed very much defenseless, so I just wondered what lessons over the last 72 hours you have quickly learned that are awfully simple to you, that you can share with this committee.

General MYERS. Well, I think you have hit on some of them. As I mentioned earlier, one of the first things we need to do, and this will take some thought because it is not without differing views on the issue, to determine what is the Department of Defense's role

in this type of activity inside the United States? Overseas, it is a little easier to envision. Inside this great country, it is a little more difficult. So, what is our role, what is our mission and so forth? That is the homeland defense issue, and we need to get about that business of coming to grips with that, and how all the agencies of this Government collaborate and cooperate to bring focus to the problem.

I would also, on the intelligence side, say that obviously that is a lesson learned. Senator Cleland, there is a major review of our intelligence apparatus going on right now. I think it goes without saying that our intelligence operations are structured as they were during the Cold War, and they are looking at that. My guess is they will have substantial changes in the way we are perhaps organized, and for sure equipped, to deal with the 21st century. You will see some of that in the supplemental that is coming this way.

Another issue that came to my mind that maybe others have not thought of is the absolute essential nature of our communications. They worked fine in this crisis, but you could envision other scenarios, other asymmetric attacks on the United States, where maybe our communications would not work so well. We spend a lot of money for secure, survivable communications, and we have a program to do that over time.

It has some funding problems right now, but if it drove something home to me, it is the need to fund that properly, and to make sure—and I am not saying this incident would trigger something like that, but you could have incidents you could think where you might not have the comms you need to have with the country's leadership to make the kind of decisions you need to make, so I would add that one to your list.

Senator CLELAND. One of the other things that seems awfully simple to me is that Senator Roberts and I took the floor to a relatively empty Senate last year. Five to six different times talked about the role of America in the wake of the Cold War being over, and in many ways we were overextended, our forces were spread thin. I personally, like you and others in this body here, have been to see where we have spent $300 million in defending Kosovo. We are all throughout the continent of Europe.

Last August, I was up on the DMZ where we have 37,000 troops in Korea, for this hyperextension of American power all around the globe. It does seem ironic to me that we cannot defend New York and Washington.

So some things were simply awful on Tuesday, but I think out of that come some things that to me are awfully simple, in that these are the priorities we ought to focus on.

Thank you very much for your service, and God bless you.

General MYERS. Thank you, Senator.

Chairman LEVIN. Thank you, Senator Cleland.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman. I would like to join my colleagues in congratulating you, General Myers, on a very successful career, part of which was in the State of Colorado as USCINCSPACE. I felt like we had a great working relationship there, and I want to ask you some questions on missile defense and

then maybe a question or two on the Space Commission Report, if I have time.

On missile defense, in your advanced questions to the committee you thought that it would be reasonable to employ a ballistic missile defense if it met four criteria relating to deployment and threat, cost-effectiveness, and operational capability. You also stated in your answers you believe that deploying a ballistic missile defense to defend the United States from a limited attack is in the national security interest, and so I have four questions related to that.

Have you concluded that the ballistic missile threat warrants such a deployment?

General MYERS. Sir, my conclusion is that it has, and if I could expand just a minute, we have had for quite some time now the threat of the shorter-range missiles against our troops, and we saw that starkly in Desert Storm, when the so-called SCUD missile went into Dharan and killed over 20 of our U.S. personnel.

Since that time, the proliferation of missile technology, of course, has spread to many other countries, so from the short-range missiles to the long-range missiles I think we can now say that absolutely there is, at least there is a capability out there, and this could be a threat to the United States.

Senator ALLARD. Have you concluded that affordable cost-effective ballistic missile defenses can be developed and deployed?

General MYERS. I think that part remains to be determined. I think we are well on the way to that, but I think for the shorter-range missiles the answer is absolutely yes. In fact, this is the debut month for the first unit equipped for the new Patriot 3 system, which is—that is the response, and it has taken us 10 years, but we have a response now for the shorter-range missiles that are much more effective than the missile defenses we had during Desert Storm. As I said, the first unit will be equipped this month, and then follow-on units, of course. So, I think for the short range missiles the answer is yes.

For the threats against the United States, I think the honest answer to that is, we have to wait and see. My gut tells me that yes, we will be able to develop this in a way that is affordable and effective. I think that is what General Kadish has testified before this committee, but we need to watch that.

Senator ALLARD. Have you concluded that such systems will be operationally effective?

General MYERS. I have not concluded that yet. Again, on the short-range systems I think we can say Patriot 3 has been through extensive testing. I think we can say it is effective. We are going to have to look at the rest of them as they come on board.

The so-called Theater High Altitude Area Defense (THAAD), the potential Navy systems, airborne laser, many of those are in developmental stages. I think it is too early to say that at this moment they are effective, but I think the vector for all of them is actually positive. We are just going to have to evaluate them as we do all systems, as they come online through appropriate testing.

Senator ALLARD. Have you concluded such systems will increase U.S. security?

General MYERS. If they meet those criteria we talked about earlier, Senator Allard, I would say they do, and I would go back to Patriot 3 again. I think it does increase our security, and we will just have to see, as the systems come on board.

If they develop as the requirements call for them to develop, then I think we will be able to say yes to that, but for some of those systems it is probably too early.

Senator ALLARD. I would like to turn to the Space Commission report. The Commission recommended the United States, and I quote, "develop, deploy, and maintain the means to deter attack and to defend vulnerable space capabilities, including defense in space," and then they go on, quote, "power projection in and from and through space."

What new investments should the Department of Defense make to develop, deploy, and maintain the capabilities described in the Space Commission report?

General MYERS. Some of those we can probably talk about in open session, and some of those we are probably going to have to talk about in a closed session, or separately. Two that immediately comes to mind that I think we can talk about are space control, which is guaranteed access to space for our use, and denying it when appropriate, to adversaries, and space surveillance, our ability to know what is going on in space.

We have a system today that is made up of many different elements, some of which are quite old, and it needs to be refurbished. The goals have been set in the Defense Planning Guidance to do exactly that, so that is one that I think we can talk about.

We can talk about the absolute fundamental nature of space control to everything else we want to do in space. It all starts with knowing what is going on up there, so space surveillance is the one that I would highlight.

Senator ALLARD. I would like to go to space-based radar. This has been a controversial program between the House and the Senate, and it came out in the Conference last year and previous years. We have had quite a bit of discussion on it. What is your feeling about space-based radar as far as, can you relate to this committee whether the Air Force and OSD have decided to deploy space-based radar?

General MYERS. The whole issue about space-based radar, if we take it up to the next level, is what we are talking about here is persistence. We are talking about the difference between reconnaissance, which looked at things in elements of time, to something that surveils, that looks at something all the time.

We are pretty much in the reconnaissance mode today. My personal view is, in intelligence we need to go to the surveillance mode for this kind of capability. So, when the technology is ready and affordable, my vote would be that we need to pursue this initiative.

This is something that is also captured, I think, in our Defense Planning Guidance. There is emphasis there. This will not be—my time at USSPACECOM taught me, since I delved into this at length—something that we will be quickly able to put on orbit. There is a lot of technological work yet to do.

Having said that, my own view is that this is achievable over time, and when we have an affordable system, one we can put up, we ought to pursue that.

Senator ALLARD. Thank you. My time has expired.

Chairman LEVIN. Thank you, Senator Allard.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman, and welcome, General Myers. Let me thank you and Mrs. Myers for a lifetime of selfless service to the Air Force and to the United States. Knowing you are a graduate of the Army War College, I know you are prepared for the duties you will soon assume.

Let me also take up the issue of National Missile Defense (NMD). Given the answers to your previous questions, and with respect to NMD against long-range intercontinental missiles, would you recommend deployment of such a system this fiscal year that is coming up?

General MYERS. A deployment of the system in this fiscal year? My understanding is that we are not ready for deployment in fiscal year 2003.

Senator REED. Would you recommend acquiring additional missiles, some of which have not been tested for a contingency deployment, in the upcoming fiscal year?

General MYERS. I think whatever system we deploy, we have to have high confidence in its ability to do the job that we require it to do.

Senator REED. Could you estimate, given your knowledge today, when you would have that high confidence, the next fiscal year, or the following fiscal year?

General MYERS. Senator Reed, I cannot give you the details on that. I would rely on General Kadish and his folks to provide that assessment.

Senator REED. Thank you. In terms of the security of the United States with the deployment of such a system, what criteria would you look to?

General MYERS. The one that Senator Allard talked about before, in that we have to know that we have the technical capability that meets the operational requirement, and that it is affordable.

Senator REED. Specifically, for example, there is a discussion in the press that China is proposing to increase its long-range missile fleet, and there is some suggestion that the administration has not actively discouraged them, because such a fleet could nearly overwhelm any NMD we would deploy, and therefore the Chinese would take confidence that we would deploy the system not as a threat to them. But that increase of missiles, would that be a more stable world, in your view, or a more complicated world?

General MYERS. Let me attack your question from the other side. I think one of the fundamental things we have to do is be able to protect our troops overseas, and our U.S. citizens. We have talked about the threat, and I think there is a threat on both sides. We know we have a short-range threat. We have had that for sometime now. There is a longer-range threat that has been acknowledged. So whatever steps we can take to handle that threat, to defeat that threat are appropriate. Our troops and our allies and, I think, our U.S. citizens would want us to do that.

Senator REED. Let me just say that I think there is a strong sense of support, obviously, for increased research in all these areas, also for deployment, because it seems to be capable. As you mentioned, the PAC 3 is ready for deployment of theater missile defense systems, and with that I think we are all in agreement.

Let me ask you another question. This is one that touches upon the whole issue of strategic posture in the United States. If a foreign power launched a missile against the United States, even if that missile were intercepted, would you recommend to the President we retaliate against that act of war?

General MYERS. That is a hypothetical situation, but I can put my old hat on back at North American Space Defense Command, because that was exactly the responsibility that fell on me, and the situation you have posed. If there was a missile launch and we intercepted it, would I advocate a response, and in that narrow scenario, absolutely not.

In fact, as we sat there in Cheyenne Mountain, and taking people through the mountain, we played the simulation of what an attack on the United States might look like. The frustrating part was, we do a pretty good job of telling folks we are under attack with very high assurance, but there is nothing you could do about it. It would be wonderful if we had that capability, and would give the National Command Authorities time then to refine a response, and it might not be to retaliate, which might help stabilize the situation.

Senator REED. General, again I think your experience and your service is extraordinary. It gives me confidence because you are going to be confronting these very difficult issues, some of which at this point are mercifully hypothetical, but your judgment and your experience is truly valuable.

If I have additional time, I would like to turn to a more procedural issue, and that is, with the damage to the Pentagon, when do you anticipate the QDR might be publicly released?

General MYERS. An excellent question, sir. I can tell you, sir, we have been meeting for the last 48 hours or so, and our sole focus has been on the issue at hand. The QDR word has not come up once, and I regret that I do not have a good answer for you. I think, since that is the Secretary of Defense's product; I know he has been totally consumed by the current situation, we can get an answer for the record for you. I am sure he is thinking about that probably about now as well, but I do not have an answer for you.

[The information referred to follows:]

The Quadrennial Defense Review Report was publicly released September 30, 2001.

Senator REED. Just a final question, which goes back to the events of last Tuesday. This was a national tragedy of historical proportions. It seems to me in a very narrow point of force projection that, in terms of the Pentagon, a major military facility, you had absolutely no advance warning that such an attack was being contemplated, or planned, or executed, is that correct?

General MYERS. There was no strategic warning that this was contemplated or planned, to the best of my knowledge.

Senator REED. I presume, based on your discussion with Senator Cleland, that this has been a source of almost immediate examina-

tion and review by the Department of Defense as to what could be done in the future to avoid this situation.

General MYERS. Absolutely, and not just the Department of Defense, but all the civil agencies as well that have intel apparatus, given that they may have knowledge as well.

Senator REED. Thank you very much.

Chairman LEVIN. Thank you, Senator Reed.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. General Myers, let me join my colleagues in congratulating you on your appointment, but I also want to express my sorrow and sympathy to you. I realize all of you who work in the Pentagon have friends and coworkers and associates that are missing, and it must be a very difficult time for all of you, and I just want to extend my sympathy and condolences to you.

General MYERS. Thank you, Senator.

Senator COLLINS. In the priorities that you have submitted to the committee in response to an advance question, you said we should better define the military's role in homeland security, and obviously, given the events of this week, we are very happy to see that you have included that as a priority under the 1986 Goldwater-Nichols law.

Most of the world has been divided up into geographic areas, each assigned to a specific regional commander in chief, the CINCs, who in time of crisis serve as the military's top crisis manager or warfighter in that area. It is my understanding, however, that the United States territory itself is not thought of in those same terms. If we are going to increase our focus on homeland defense, does that mean that we should consider the possibility of treating our own country to some extent as a military operational command, the way we have divided the rest of the world?

General MYERS. Senator Collins, I think the best way to answer is that in a sense we have already done that. We have the command United States Joint Forces Command (USJFC), which is located in Norfolk. There is some exception with naval forces and marine forces on the West Coast, but for the most part the forces in the United States, the components of the Army, Navy, Air Force, and Marines report to the Joint Forces Command.

In addition, we have within the last year-and-a-half stood up a Joint Task Force (JTF) for civil support at USJFC which has the responsibility of handling incidents of weapons of mass destruction in these United States. On top of that, we have the USSPACECOM, which has sovereignty over Canada and the United States. I think what we need to do beyond that is, what I think you are suggesting is, to determine if there is a larger role for the DOD in handling potential incidents in the future, and exactly what that role will be, and that is one that, as I have indicated, I think will take a lot of debate.

If you remember the first time this was brought up to my knowledge, and the debate was made public, there was a lot of concern about the DOD getting into areas that were traditionally those areas of civil responsibility. This is a huge question. What do you want your United States military to do for this country? We have been tip-toeing around that issue for quite sometime.

My view is, this tragedy is going to help crystallize our thoughts, and we will have some thoughtful debate and find a way forward.

Senator COLLINS. It is a difficult issue, about the military's appropriate role in our society, and I am struck by the fact that the attacks we experienced this week are being treated more as a matter of law enforcement. That the Department of Justice, for example, is the lead agency, rather than as an act of war, where the Department of Defense would be, I would assume, the lead agency. Do you have any comments on how we better define the role of the Department of Defense?

General MYERS. Well, as I indicated earlier, it was on the question of cyber warfare as well. It is the same issue as this. Is it a civil law enforcement issue, or national security? However you decide that question will decide who has primary responsibility. This is the same issue. I think the debate needs to occur, and we need to define our roles and responsibilities probably in ways that we have not yet today.

I will tell you, though, that the cooperation among all the departments and agencies of this Government has been absolutely superb. Yes, this was a terrorist act, and the FBI and the Department of Justice are working the evidentiary piece of this, and that is appropriate. There are pieces being worked, of course, by the Department of Defense and the United States military, that are appropriate as well, and the cooperation between all of these agencies and departments is very, very good.

Senator COLLINS. General, I recall that after the terrorist attack on the U.S.S. *Cole*, there was discussion that the military's force protection planning, while quite comprehensive and effective, had neglected part of the picture, that we had been prepared for asymmetric threats from ashore when a vessel was in a foreign port, but that we had not been properly prepared for an attack from small harbor vessels, and in some ways this came to mind when I thought about the attack on the Pentagon.

It strikes me that a great deal of our force protection efforts have focused upon ensuring the security of facilities and military personnel overseas. Does what occurred this week at the Pentagon suggest that the Department needs to refocus its planning on force protection issues here in the United States itself?

General MYERS. Well, I think the answer to that is yes, and I think some of that has already begun. I think the force protection here in the United States has always been front and center.

I know when I was at Peterson Field, Colorado, that was an issue for us. We conducted exercises throughout all the bases that were under our purview on just that very issue, and I know those Services are doing the same. I think the United States has just recently taken steps to start closing bases that were formerly open to the public, and closing them in the sense that you have go through an entrance procedure at a gate to meter the flow in and the flow out. So I think there are steps being taken.

To other comments, what the *Cole* showed us, as you correctly described, Senator, is that there were some seams we had not thought about. But, it goes to the larger issue of how we deal with this in the first place. I will just tell you that what will keep me awake at night in this job are those things that we have not

thought about. I mean, we have been surprised before. We were certainly surprised on Tuesday.

There are probably more surprises out there, and my job, and the job of the Armed Forces and everybody that supports us, is to try to be as creative in our thinking as we can to try to plug these seams and these gaps.

Having said that, we are deployed worldwide to do this Nation's bidding is we know that we will never be 100 percent effective, but what we ought to answer to is, have we thought about everything we can think about, are we doing all we can possibly do, have we asked for the resources to do that, and if I cannot say yes to that, then I am not doing my job.

Senator COLLINS. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Collins.

Before I call on Senator Bill Nelson, let me just make an announcement for the information of members of the committee. There will be a bus at the corner of 1st and C Streets at 6:30 this evening to take Members over to the Pentagon and to bring them back, and please let the committee's Chief Clerk know if you want to go.

Senator Bill Nelson.

Senator BILL NELSON. Thank you, Mr. Chairman. General Myers, Mrs. Myers, last week I moved into an apartment overlooking the Pentagon. Tuesday morning, I was here in the Capitol in a meeting with Senator Daschle, but my wife was at our apartment and she witnessed the whole thing, and each evening, as I have been home since then, I have witnessed the very heroic efforts of a lot of people out there as I get up periodically through the night, fitfully sleeping. My congratulations to you.

Now, that leads to my question, to follow-up Senator Collins' line of questioning. The second World Trade Tower was hit shortly after 9:00, and the Pentagon was hit approximately 40 minutes later. That is approximately—you would know specifically what the time line was. The crash that occurred in Pennsylvania, after the Newark westbound flight was turned around 180 degrees and started heading back to Washington, was approximately an hour after the World Trade Center second explosion.

You said earlier in your testimony that we had not scrambled any military aircraft until after the Pentagon was hit, and so my question would be, why?

General MYERS. I think I had that right, that it was not until then. I would have to go back and review the exact time lines.

Senator BILL NELSON. Perhaps we want to do this in executive session, but my question is an obvious one for not only this committee, but for the executive branch and the military establishment. If we knew that there was a general threat of terrorist activity, which we did, and we suddenly have two Trade Towers in New York being obviously hit by terrorist activity, of commercial airliners taken off-course from Boston to Los Angeles, then what happened to the response of the defense establishment, once we saw the diversion of the aircraft headed west from Dulles turning around 180 degrees, and likewise, in the aircraft taking off from Newark, and in flight turning 180 degrees, that is the question.

I leave it to you as to how you would like to answer it, but we would like an answer.

General MYERS. After the second tower was hit, I spoke to the commander of NORAD, General Eberhart, and at that point I think the decision was to start launching aircraft.

One of the things you have to understand, Senator, is that in our posture right now, we have many fewer aircraft on alert than we did during the height of the Cold War, so we have just a few bases around the perimeter of the United States, and so it is not just a question of launching aircraft, it is launching to do what? You have to have a specific threat. We are pretty good if the threat is coming from outside. We are not so good if the threat is coming from inside.

In this case, I will have to get back to you for the record. My memory said that we had launched on the one that eventually crashed in Pennsylvania. We had gotten somebody close to it, as I recall. I will have to check that out.

[The information referred to follows:]

At 0846 EDT, American Airlines Flight 11 impacts the North Tower of the World Trade Center (WTC). At 0852 EDT, two F–15 aircraft from Otis AFB, MA, launched and were directed to establish a Combat Air Patrol (CAP) over New York City. At 0902 EDT, United Airlines Flight 175 impacted the South Tower of the WTC. At this time, the two F–15 aircraft were 71 miles away. At 0930, two F–16 aircraft launched from Langley AFB, VA, and were directed to establish a CAP over Washington, DC. At 0937 EDT, American Airlines Flight 77 crashed into the Pentagon. At this time the F–16s were 120 miles away. The F–16s established a defensive CAP over Washington, DC, at approximately 0950 EDT. At 1010 EDT, United Airlines Flight 93 crashed in Somerset, PA.

General MYERS. I do not recall if that was the case for the one that had taken off from Dulles, but part of it is just where we are positioned around this country to do that kind of work, because that was never—and it goes back to Senator Collins' issue. This is one of the things that we are worried about. What is next? But our posture today is not one of the many sites, and the many tens of aircraft on alert. We just have a handful today.

Senator BILL NELSON. That is one that we need to talk about together as we get prepared for the future.

General MYERS. Yes, sir.

Senator BILL NELSON. Because we know of a new kind of threat now, unfortunately.

My second question is this. You were talking about—particularly from your experience, which I greatly value, having been the Space Command—our surveillance assets, and the necessity of having those assets there and working, and being able to get those assets to orbit.

We have a risk factor of catastrophe on such launch vehicles like the Titan down to about 1 in 20. In the old days, when we first started launching, it was 1 in 5, but it is 1 in 20, and that may necessitate the only other access to space that we have, which is the manned vehicle.

I bring this up to you because just last week I was invited to have, as a member of the Science, Space and Technology Subcommittee of the Commerce Committee, a hearing on space shuttle safety. The essence of the hearing, and the unanimity of the five witnesses, was that the NASA budget has been starved sufficiently

over the years and presently, such that space shuttle safety will be severely compromised in the future, not today, but in the future, and so I wanted you to know the conclusion of that hearing because in your new capacity as Chairman, it is clearly in your interest that you have reliable access to space when you need it, and although your payloads are configured for expendable booster rockets, should that access to space ever go down, you would need that backup, even though there would be some considerable time delay because of reconfiguration of the payloads, and so I would certainly commend you to have your folks start checking into this.

I think, because of the actions of the tragedy of this week, that we are going to be able to now turn around that budget and start getting the shuttle upgrades over the course of the next 5 years in place in order to give the United States that reliable access to space that we have in the space transportation system.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

General Myers, just a very brief request. When I asked you what time it was that the FAA or the FBI notified the Defense Department after the two crashes into the World Trade Center, and you did not know the time, could you ask someone on your staff to try to get us that time so that we will have that either for this session here, or for the executive session?

General MYERS. Mr. Chairman, I just did that.

Senator BILL NELSON. Mr. Chairman, may I just for the record, commenting from CNN on the timeline, 9:03 is the correct time that the United Airlines flight crashed into the South Tower of the World Trade Center, 9:43 is the time that American Airlines Flight 77 crashed into the Pentagon, and 10:10 a.m. is the time that United Airlines Flight 93 crashed in Somerset County, Pennsylvania, so that was 40 minutes between the second tower being hit and the Pentagon crash, and it is an hour and 7 minutes until the crash occurred in Pennsylvania.

Chairman LEVIN. The time that we do not have is when the Pentagon was notified, if they were, by the FAA, or the FBI, or any other agency, relative to any potential threat, or any planes having changed direction, or anything like that, and that is the time that you will give us.

General MYERS. I can answer that. At the time of the first impact on the World Trade Center, we stood up our crisis action team. That was done immediately, and so we stood it up, and we started talking to the Federal agencies. The time I do not know is when NORAD responded with the fighter aircraft. I do not know what time.

Chairman LEVIN. Or the time that I asked you for, which is whether the FAA or FBI notified you that other planes had turned direction from their scheduled path, and were returning or aiming towards Washington, whether there was any notice from any of them, because that is such an obvious shortfall if there was not.

In any event, more important, if you could get us that information.

General MYERS. I was not in the Pentagon at that time, so that part of it is a little hazy. After that, we started getting regular notifications through NORAD, FAA to NORAD on other flights that

we were worried about, and knew about the one that crashed in Pennsylvania. I do not know, again, whether we had fighters scrambled on it.

Chairman LEVIN. Senator Bunning is next.

Senator BUNNING. Thank you, Mr. Chairman. I join with my colleagues in thanking you and your wife for your service to our country.

Tuesday's tragic events have again reminded us of the importance of a continuous vigilance in the defense of this Nation. You will have a very large job ahead of you to protect this great Nation from this and other threats. I look forward to working with you and your colleagues to fulfill our constitutional responsibility to protect our country.

I want to get on to some other things that have not been discussed. Many air power advocates believe air power alone can accomplish our defense goals. They believe that ground and sea power should be minimalized at best. General Billy Mitchell subscribed to this kind of thinking, yet in every bombing campaign we have engaged in, our initial bombing asset assessments were more optimistic than when it was actually accomplished.

No one here denies we should be the supreme commanders of the air. However, air power is just one component of the combat power. To be able to respond to all threats, we must have a balanced and combined armed forces. We must assert sea and land power as well as air power. The administration has heavily pushed air and space power. This is fine, because we need to continue improving our capabilities, but I am a bit concerned there are some who believe we can simply fight battles and wars with cruise missiles and laser-guided bombs.

General Myers, how do you view the role of air power and all the other components that make up our Armed Services?

General MYERS. Senator, the United States needs the capability that all our Services bring to our Armed Forces, and I will just simply say that we cannot do without——

Senator BUNNING. Do you subscribe to the fact that we can bring people to submission just with air power?

General MYERS. I think it is going to take a balance of all our capabilities. One particular scenario may lend itself more to ground power than to air power. One scenario might be more air power dominant than ground power or naval power. That does not mean you do not need all those elements, so the President can have the flexibility to do what the objectives of the mission call for. So, I do not subscribe to just one element of our service power as adequate.

Chairman LEVIN. Senator Bunning, would you withhold just for one moment? My estimate of when our executive session will start is now 5:00, because there are six Senators here who have at least the first round, so that is my best estimate as to when we will initiate that executive session, and Senator Ben Nelson, I have asked if he will now chair, so excuse the interruption, Senator Bunning.

Senator BUNNING. Tuesday's tragic events highlighted to us the threat posed by terrorism. For some time there has been a debate in academic circles and among the counterterrorism community as to whether the proper response to acts of terrorism should be a legal one, or threatening them as crimes, or military, treating them

as acts of war. Which do you believe is the proper way to respond to acts of terrorism, whether abroad or here in our country?

General MYERS. Senator, this is an issue a little bit outside the military's lane, in the sense it is a policy and a political decision.

Senator BUNNING. Do you mean the military is not political, General? Is that what you are telling me?

General MYERS. Senator, I hope we are not political. What we need to do is provide the President the best military advice that we can.

Senator BUNNING. What I am getting at is, we do not want the end result of a terrorist attack on the United States to be handled in court, because we believe it is an act of war. Now, if it is an act of war, the military should be involved in determining how the punishment should be dealt out through the administration's use of the military. We surely do not want any terrorist you could think of to use a court system rather than a military solution to an act of terrorism, whether it be against U.S.S. *Cole*, or whether it be against the Pentagon.

General MYERS. I think the President has said it exactly right. We will essentially use all elements of national power to thwart this aggression, and that includes the use of the United States military.

Senator BUNNING. Would you call this an act of war, then, or not?

General MYERS. Again, I do not want to get into the semantics of whether it is an act of war. I mean, we can get wrapped around a legal——

Senator BUNNING. That is what I am afraid of.

General MYERS. I am not for doing that. I am for responding exactly as our national command authorities want us to respond, and if they make a decision that it is appropriate to use U.S. military force, I absolutely support that.

Senator BUNNING. The horrific acts against us on Tuesday will obviously require a reassessment of our defense priorities. If confirmed, what action would you take to ensure the security of our Nation, of our Armed Forces from terrorist attacks?

General MYERS. Senator, some of the ones we have already talked about, but I think we need to look really closely at our intelligence capabilities, our ability to analyze the information we get. We get a lot of information. It is the ability to analyze it, I think, and disseminate it in a timely manner that makes the difference.

I think we need to look at our communications as well, and again I go back to the other issue of homeland security, homeland defense. There are a lot of unanswered questions in this area that we just have to wrestle to the ground. We cannot keep putting this off or we will not be prepared in the future.

Senator BUNNING. Thank you. My time has expired.

Senator BEN NELSON. According to the chairman, who has departed, I am next in line, and so it may serve a useful purpose to call upon myself. But first, I would ask unanimous consent that the written statement of Senator Thurmond be included in the record.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman:

Mr. Chairman, I want to extend my deepest sympathy to the grieving families throughout the United States on their tragic losses from the heinous attack on the United States by a group of terrorists. Life in our great Nation will never be the same. However, I am confident that this tragedy will make us stronger and more resolute to defend our democracy and life style.

Mr. Chairman, I applaud your decision to hold this hearing. It reflects the resolve that is found throughout our Nation to carry on the functions of government, the economy, and life and not succumb to the terrorist. It is especially important that we act on General Myers' nomination to ensure our Armed Services to have the continuity of leadership to carry the fight to the home bases of the terrorist wherever they may be.

General Myers, despite the tragic event of Tuesday, I want to extend my congratulations on your nomination to be the next Chairman of the Joint Chiefs of Staff. The challenges ahead of you will be immense, however, I am confident you are prepared to meet them. I pledge you my support and wish you success.

Senator BEN NELSON. General Myers and Mrs. Myers, I certainly appreciate very much your public service and your commitment to the United States and to our country and to our citizens. I welcome you in advance of your confirmation to this very important position that you will occupy.

I was looking very carefully at your biography to determine whether or not you had been stationed at Offutt to claim you as a Nebraskan. Somewhere along the line you may have escaped Offutt, but I am sure you visited there on occasion, and that is close enough.

General MYERS. Absolutely, Senator, many times.

Senator BEN NELSON. The acts of Tuesday have probably in the most indelible way framed the issue for us for the future, and that is that national security requires that we be prepared both internationally and internally.

There are those who would suggest that, as Senator Collins and Senator Bunning and others have said, we make certain that we not treat the acts of this week as some sort of a legal or criminal matter alone, that they must, in fact, be dealt with as a military matter with a military response to this situation.

I am one of those. I believe we need to. I think it is important that we do the forensic work to establish the particulars of what happened here, and I commend those who are doing that. As a matter of fact, it leads me into the area of cooperation internally that I think may set, if you will, the protocol, if not the framework for internal national security.

Before I do that, I note with some irony that it is important to document all of the time frames by using our most able informant, CNN, about the time frame and other particulars, but as we look at how we can bring together the intelligence community, as well as the military establishment and our law enforcement agencies, the FBI, the Justice Department, it is important to point out that the FBI is recognized and has stated four separate situations where the military is most likely to be called upon to assist in the domestic law enforcement situation, which involves: either a threat or an act of terrorism, including weapons of mass destruction terrorism, one to provide technical support and assistance to law enforcement and other crisis response personnel—obviously, I think that is being undertaken—interdicting an event and apprehending

those responsible, restoring law and order following an incident, and then finally, abating the consequences of a terrorist act.

I hope that I am learning from you today not only your reaction to the events of this week, not only your determination and commitment, but perhaps some idea of what you would take, what you would bring to the table to bring about the kind of protection that we are looking for today to preserve our security for internal national defense as well as for international, national defense.

Is there anything you have not said about that, that you might say to help us come to terms with the importance of it, and perhaps some general thoughts about what can be done?

General MYERS. Obviously, the importance of it is very high, and I think I would just go back to defining DOD's role inside the United States. That is one that legitimately requires very serious debate.

I think the one thing we must do is continue to enhance our intelligence capabilities, not just inside the military, but in the civil agencies as well.

Senator BEN NELSON. If it is not predictable, it is not protectable.

General MYERS. In some cases, that is true. In some cases, probably in many cases, that is true. So, that is again where I would focus our efforts. I think this review we have ongoing, on the whole intelligence community, is appropriate, and I think they will pick up on this and probably come out with some really good recommendations on how we can do a better job of coordinating and cooperating.

The human side of our intelligence collection has been bolstered in recent years but could probably be bolstered some more. We just have to look at this whole spectrum of, when we gather all this information, how we can quickly analyze it and get it to people that need to know it. My personal view is, we are not as good as we need to be? Not because of this recent incident, but previous things that I have seen that indicate that we really need to work on that issue as well. So, that would primarily be where I would focus my efforts.

Senator BEN NELSON. I have confidence in your ability to do this, particularly in the military setting, because whether it is true or not, I think the general public perception is, the military knows how to cooperate without stepping all over itself. At least you have given us that impression. I hope the reality is the same, even in spite of some exceptions, but it would seem that if there is any hope for it to occur, that you will be able to bring it about.

General MYERS. Senator Nelson, I think we can do that.

Senator BEN NELSON. I thank you. Senator Hutchinson is next.

Senator HUTCHINSON. Thank you, Senator Nelson.

General Myers, congratulations. I am very pleased to support your nomination, and we have listened to Kansas, Missouri, Colorado, Nebraska, and Oklahoma all try to claim you. If Arkansas could, we would. I cannot, but I am very pleased to support your nomination. I know you will do a wonderful job, and thank you for your service to our Nation.

I know some of my colleagues are going out to the Pentagon later today. I went out earlier today, and I join those who have been out there and those who have seen the work that is going on in com-

mending those brave responders and those who are risking their lives. It is still an unstable situation, and I do not have reservations about the FBI being the lead on this and the Department of Justice, because I, like Senator Nelson, believe that we have to have the forensic, we have to have the evidentiary base in order for the military to take an action, for the commander in chief to order action, and I am convinced that when we have that, indeed, there will be a military response to the attack upon our Nation.

I want to present a little scenario to you. What happened at the twin towers, while unprecedented in magnitude, is not unprecedented in the type of attack. As a Nation, we have had Oklahoma City, we have had attacks upon towers, the twin towers, we have had experience in plane crashes, and so while this is a national tragedy of unprecedented proportions, it is not unprecedented in the type of situation that we are dealing with, excavating and trying to uncover bodies. With the understanding that there is an ongoing debate as to the proper role of the military in protecting from domestic terrorist attack, if this attack had been, instead of airliners, flying bombs piercing the Pentagon, and piercing these towers, if the attack had been—and I think the estimate is it could be up to 50 people who were coconspirators or participants in this.

If there had been 50 people going into 50 U.S. cities carrying briefcases with biological pathogens, biological weapons, what would have been the consequences, and how vulnerable are we, and how prepared are we in your considered opinion?

General MYERS. Well, again, this is a hypothetical, but in the scenario you painted I think we are vulnerable, and I think the consequences could be great.

Senator HUTCHINSON. Indeed, I agree. We are talking tens of thousands, which is absolutely unimaginable tragedy for our Nation. Our vulnerability to a biological or chemical attack could result in millions of victims, or to put it in military terms, had it been a private jet, a general aviation aircraft loaded with biological weapons, flying into the Pentagon, are we prepared, would we have had protection in that situation?

General MYERS. Limited protection, but obviously, there are a lot of folks around the Pentagon.

Senator HUTCHINSON. I was very pleased, in the advance questions, by your response to the issue of vaccine production. You said, I support establishing a long-term reliable national vaccine production capability. The Department of Defense has a long-term need for reliable sources of FDA-approved vaccines for any biological health threat that may impact our soldiers, sailors, airmen, and marines now and in the future. I appreciate that, and I think that commitment is absolutely essential.

You said earlier in your comments—you speak to anthrax, but you also expand that to recognizing that there are a lot of biological threats to force protection that confront us. What concerns me is that while we have a terrible shortage in vaccines now, we are not able to protect our men and women in uniform, that the estimates, if we go with the Government Owned Contractor Operated (GOCO) if the determination is that is the best way for us to address this, we are still talking years.

I think we have to do better. I think we have to place a higher priority on that. We have to protect against this threat, and the added benefit of that kind of production capability will be to, I think, also provide protection to the American people, who are equally vulnerable, so I thank you for your commitment to that. I want to urge that it be given a priority under your leadership, and that we expedite it to the extent possible.

We spend hours, and we did during defense authorization, on missile defense. I do not object to that, but we need to debate it. That is a serious issue that there is a lot of pros and cons we spend relatively little time talking about what we ought to be doing in the National commitment on vaccine production, and the cost, compared to missile defense, is minuscule.

Any response or comment?

General MYERS. Senator Hutchinson, the only response is that this particular issue has been highlighted, again, in the DPG and in the QDR. I think it is a recognized shortfall, speaking largely now about the inability to confront weapons of mass destruction, including chemical and biological, that will get attention and increased resources. That is the intention at this point.

Senator HUTCHINSON. Thank you, General.

Senator BEN NELSON. Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman. General Myers, I share the admiration of my colleagues for your many years of very, very distinguished service to our Nation, and I also want to express my admiration for your candor and directness in your replies here today.

In the 8 months I have been a Senator, in all the meetings I have sat through, your candor and directness stands out first among them all in marked contrast to some of the difficulties in getting candid and direct answers from others in the last 48 or 60 hours, I would say, particularly, so thank you very much. I think that bodes very well for the working relationship you will have with the members of this body.

In response to one of Senator Carnahan's questions, you brought up the role of the National Guard, which Minnesota has both the components of. We have Reserves as well, among other things, who certainly stand ready and willing to serve their country and have done so admirably, but who have expressed to me some concerns about their future assignments, which are now extending to as much as 5 months or so. Could you just outline—and I realize we have limited time to cover that whole terrain, but with the appropriate roles, as you alluded to, of those respective components?

General MYERS. I think we can state today that for the Armed Forces of the United States to carry out their missions around the world we cannot do it without the Reserve component, both the Reserve Forces and the National Guard forces. We just cannot do it.

I will also say that I think each Service has worked very hard to mitigate the impact on the lives of our Reserve component individuals so they can contribute. So, it does not destroy their job and their lives that they were leading.

We probably have not done that perfectly, and that will continually need to be evaluated, but they are absolutely essential to our conduct of our missions today.

Senator DAYTON. Thank you. I was intrigued by your answer on page 20 of your response about, you believe it is in the national security interest of the United States that all land-based ICBMs be de-MIRVed. You said there are no significant military advantages to the elimination of MIRVed land-based ICBMs, which has particular relevance given President Putin's comments that that might be a Soviet response to us pulling out of the ABM Treaty. Can you elaborate on that, sir?

General MYERS. As I recall that question, I think I was talking about the significance of U.S. missiles. We have de-MIRVed some under previous agreements, and we still have some that are MIRVed.

Senator DAYTON. Maybe I am misinterpreting. Is this because the question that preceded that said, referred to the Russians, that they may not de-Multiple Independently-Targetable Reentry Vehicle (MIRV), and you pointed out that that START II Treaty is not in force, so they are not required to do so, so maybe I misunderstood.

Let me just rephrase it, then, and say, would that be of strategic and security concern to the United States, if Russia took the position that it would not de-MIRV its nuclear warheads in response to something such as withdrawing from the ABM Treaty?

General MYERS. I do not think the issue of whether they are MIRVed or de-MIRVed is really the issue. The issue to me would be, first of all, what is our strategic relationship with Russia. Today, I think it is quite different than what it was, obviously, during the Cold War. The second point would be that it would be the overall levels of warheads that would be of concern.

The missile defense system is conceived as one of limited defense. So, whether they are MIRVed or de-MIRVed there is not really an issue about overwhelming defenses, because it will probably never be the case that we will have a defense against a large attack. I would be more concerned with the total number of warheads that are on delivery vehicles in accordance with presidential guidance, trying to take that to the lowest level possible consistent with our national security needs.

Senator DAYTON. Finally, I was very impressed with your statement about the lessons you learned in your previous positions. You said first the Armed Forces are not made up of people, rather that the people are the Armed Forces. Sometimes we lose that focus. I thought that was very well-stated, and very appropriately so.

This committee in my brief time here has focused itself on meeting some of the needs that have not been sufficiently addressed in support of the men and women who make up our Armed Forces. I know that the authorization bill we are going to be acting on next week will take a further step forward. What else can we do, or must we do, to provide the kind of support they deserve?

General MYERS. I think, Senator, I absolutely agree with you. We have made great strides, and this committee has led the charge. In fact, Congress has led the charge in making sure that we have appropriate pay. We have worked some housing issues. We have worked medical benefits. These are issues, though, that if you do not keep working them they are going backwards. So, pay comparability is an issue we need to continue to work, and you saw the

fiscal year 2002, the bill you have just all worked very hard on. That was the big issue.

The housing issue is not only the adequacy of the housing that we provide, but the housing pay to our folks to make sure there are not exhorbitant out-of-pocket expenses for the housing needs. Then I would say access to medical care continues to be an issue. As we try to find that right balance between what we do in-service and what we do with managed care, I am sure your constituents have probably told you there are issues of access there that we need to continue to work.

Senator DAYTON. Thank you very much. I am assured that you will help us to make sure we do not go backward, but also that we can move forward, and also to apply that consideration to the Reserves as well, and the National Guard, the men and women who make those up.

General MYERS. Any time I talk about our Armed Forces I am talking about the total team, which includes, by the way, those civilians, those Department of Defense civilians, some of whom were tragically killed in the recent attack on the Pentagon. We are one team.

Senator DAYTON. Well-stated. Thank you. Thank you, Mr. Chairman.

Senator BEN NELSON. Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman. Congratulations, General Myers. It is a great honor to be given this high post, and I know that you will give your very best to it. I also congratulate your wife, and both of you for your great career together. Everybody wants to claim a piece of your background. I certainly will. I note that you attended Maxwell Air War College in Montgomery, Alabama, and earned your master's degree from America's great university, Auburn University, so we are delighted to see you receive this great and high honor.

I was at the Pentagon yesterday and during the course of that had the opportunity to talk to a lieutenant colonel who was in his office when the plane hit on that very side. He said he was blown across the room, up against the wall. He went outside and realized just how bad it was, and he and a sergeant broke out a window and went back in. He described one person coming out all in flames that they had to put down and put the fire out.

That gentleman was saying over and over again, there are others in there, please go back and help those who are in there, and they went back repeatedly until the fire marshall told them not to go back in. This is the kind of courage, commitment, and dedication to unity and to one another that I think is characteristic of our Armed Forces, and I do believe we have the greatest Armed Forces in the world, and I know that you are very honored to be able to lead that.

General MYERS. Definitely, Senator.

Senator SESSIONS. I thought I would just ask you a few questions that are real fundamental, and will go to your challenges in your job, not unlike what you and I discussed when you came by for a visit, and that is basically about our budget.

President Bush this year is proposing, and will achieve, I believe, a $38 billion increase in our defense budget from $290-something

last year to nearly $330 billion this year with a supplemental in between, and so it is a major increase. However, we have committed to do more for our men and women in uniform, their pay and benefits, and much more needs to be addressed.

It is distressing to me, and I will ask you if you will agree, that even with this largest increase we have had in over a decade, we still are not able to do as much as we need to be doing to recapitalize our aircraft, our ships, and our Army and Marine equipment.

General MYERS. Senator Sessions, that is absolutely the case. The account, the modernization account, if you will, has for a lot of this past decade been used to ensure current readiness and current operations. So, we borrowed from that account to make sure that we were ready to do what we have to do today.

We are reaching the point now where our shipbuilding accounts, our aircraft modernization accounts, our Army transformation accounts are short, and the average age of our aircraft continues to go up. Things are just getting older. The consequences of that are that it costs more to maintain them, and that they are not always as ready as we want them to be when we have to call upon them.

That is a major challenge, how to balance our modernization and transformation needs with our current readiness needs and our personnel needs, the three major elements of our budget. So I agree with you, that is the challenge. That is one of the things that I feel I have to focus on, and have to provide advice to the Secretary as required to do so.

Senator SESSIONS. As Chairman of the Joint Chiefs, I would suggest long-term service to the Department of Defense. That would be your greatest challenge, would you agree, how to handle our transformation and recapitalization?

General MYERS. Yes, Senator, it has to be right up there. I would mention one other, and that is to make sure that the national security strategy, the national military strategy, and our defense strategy are in balance with the force structure that we have to do the job. It kind of goes hand-in-hand with what you are talking about, but those are probably the biggest challenges.

Senator SESSIONS. Well, I think that is well said, so let us look at this. I have heard several talking heads in the last several days say this terrorist attack is what we are going to see in the future. It is the 21st century war. I believe Secretary Rumsfeld has said something like that.

We know that does not mean there will not be any other kind of war, so we have to be prepared for others, but it certainly I think has an element of the truth to it, that we are in an asymmetric threat situation that presents new and unique challenges different from the time when we faced the Russians on the plains of Europe.

Question: do you think the leaders of the services fully understand that we do need to make a transformation? Do they also understand that there will not be as much money as we would like to have to hold onto everything that we may like to do, and is there enough commitment within the uniformed services to make the transformations that will be painful at times to get us ready to handle the threats we will be seeing in the future?

General MYERS. Senator Sessions, you know as well as I do, the Service Chiefs, members of the Joint Chiefs of Staff that I have been with, here, for the last year and a half, are the best this country has to offer. They are very smart men, and they understand very well the challenges of the future. They understand the need to modernize. They understand the need to transform their capabilities to be responsive to the asymmetric threats that we have faced and that we will face, and I think they are absolutely the right ones to do that.

The question is always, this is a tough balance between today's problem and tomorrow's challenge, and it is one—I mean, we wrestle with every day, but they are absolutely the right people to do it, and they are committed to do it.

Senator SESSIONS. I think you are going to have to lead that, and at times some are going to have to give up the cherished dreams for their service. Some of us in Congress may have to find some more money than we actually have been able to find so far, and even with this large increase, it is still not enough, so I think it is going to take a combination of change, refitting for the future.

I believe Secretary Rumsfeld is doing the right thing. I think he has to challenge the old-established thinking. I hope you will help him in that.

General MYERS. Sir, I will. I am committed to that as well.

Senator SESSIONS. Thank you.

Chairman LEVIN. Thank you, Senator Sessions. OK, it is 5:00. We are going to move to Hart 219, which is out that door, and we will ask those Senators who are within the sound of my voice to come there. Secretary Wolfowitz is I believe within earshot, and we will notify him.

One other important announcement which is going to affect the length of this executive session. There is going to be a 5:20 roll call vote on the Harkin amendment on the Commerce, State, Justice Appropriations Bill, which means we are going to have perhaps a half-hour for our executive session, so we are going to begin immediately.

[Whereupon, at 5:04 p.m. the committee adjourned.]

[Prepared questions submitted to Gen. Richard B. Myers, USAF, by Chairman Levin prior to the hearing with answers supplied follow:]

THE VICE CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC, Sept. 10, 2001.

The Hon. CARL LEVIN, *Chairman,*
Senate Armed Services Committee,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I am greatly honored by the President's confidence in nominating me as the Chairman of the Joint Chiefs of Staff. I pledge my full support to our Nation, the President, Congress, the Secretary of Defense, and the men and women of our Armed Forces.

My responses to the questions of your 5 September 2001 letter are attached.

Sincerely,

RICHARD B. MYERS,
General, USAF.

Attachment:
Question Responses.

cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. You have previously answered the committee's policy questions on this subject in connection with your nominations to be Commander in Chief, U.S. Space Command and Vice Chairman of the Joint Chiefs of Staff.

Has your view of the importance, implementation, and practice of these reforms changed since you testified on October 27, 1999?

Answer. No. My views have not changed. I still believe that the defense reforms initiated by Goldwater-Nichols were the appropriate antidote. Today, the reforms have strengthened the warfighting capabilities of our combatant commands by facilitating our evolution into a truly joint force.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the national security strategy? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. I believe Goldwater-Nichols has provided the necessary flexibility to allow us to conduct business the way we should—jointly. There are some necessary mechanical issues related to joint officer management and joint professional military education that must be addressed.

Question. Based upon your experience as Commander in Chief, U.S. Space Command and Vice Chairman of the Joint Chiefs of Staff, do you believe that the roles of the combatant commanders and the Chairman of the Joint Chiefs of Staff under the Goldwater-Nichols legislation are appropriate and that the policies and procedures in existence allow those roles to be fulfilled?

Answer. Yes.

DUTIES

Question. What is your understanding of the duties and functions of the Chairman of the Joint Chiefs of Staff?

Answer. The Chairman is the principal military advisor to the National Command Authorities (NCA) and National Security Council (NSC), as established by Title 10. The Chairman is just that—the principal military advisor—and not, according to the law, in the chain of command that runs from the NCA directly to each combatant commander. The law allows the President to direct that communications between the NCA and the Combatant commanders be transmitted through the Chairman. The current Unified Command Plan (UCP) directs this method of communication, as have all the UCPs since Goldwater-Nichols was enacted. This method of transmission of information ensures that the Chairman is fully involved so that he can provide the NCA with his best military advice.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. The United States military has fully prepared me for this position through myriad duty assignments working with the greatest soldiers, sailors, airmen, marines, and coastguardsmen in the world. During my career, I have commanded at the squadron, weapons school, wing, numbered air force, major, subunified, and unified command levels. I served as the Assistant to the Chairman of the Joint Chiefs of Staff where I gained an even greater understanding of Washington's interagency processes. Of course, during the last year and a half I have served as the Vice Chairman of the Joint Chiefs of Staff, working under the superb leadership and guidance of Hugh Shelton, and dealing with the full spectrum of issues and crises I can expect to face should I be confirmed as the Chairman.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Chairman of the Joint Chiefs of Staff?

Answer. No.

Question. Do you expect the President to continue to direct that communications to the combatant commanders be transmitted through you, if you are confirmed as Chairman of the Joint Chiefs of Staff?

Answer. This time-tested method of communication is critical to the Chairman's ability to fulfill his statutory role and responsibilities as principal military advisor to the NCA and NSC. The Chairman must be kept informed and this is the most

effective way to do it. This communications process is equally critical to the Chairman's ability to perform other NCA-assigned responsibilities such as assisting the NCA in the performance of their command functions, overseeing the activities of the combatant commands, and serving as spokesman for the combatant commanders especially on the operational requirements of their commands.

Question. Do you expect the Secretary of Defense to continue to assign responsibilities for overseeing the activities of the combatant commands to you, if you are confirmed as Chairman of the Joint Chiefs of Staff?

Answer. This is a critical role and is provided for in current DOD directives.

RELATIONSHIPS

Question. Section 151(b) of title 10, United States Code, provides that the Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense. Other sections of law and traditional practice, however, establish important relationships.

Please describe your understanding of the relationship of the Chairman of the Joint Chiefs of Staff to the following officials:

a. The Deputy Secretary of Defense.

Answer. Under existing directives, the Deputy Secretary of Defense has been delegated full power and authority to act for the Secretary of Defense on any matters which the Secretary is authorized to act. As such, the relationship of the Chairman to the Deputy Secretary is similar to that with the Secretary.

Question. b. The Under Secretaries of Defense.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. In discharging their responsibilities, the Under Secretaries may issue instructions and directive memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. They may also obtain reports and information necessary to carry out their functions. As with other communications between the NCA and combatant commanders, communications between the Under Secretaries and combatant commanders should be transmitted through the Chairman of the Joint Chiefs of Staff.

Question. c. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for C^3I, Public Affairs, Legislative Affairs, and Intelligence Oversight, all Assistant Secretaries of Defense are subordinate to one of the Under Secretaries of Defense. This means any relationship with an Assistant Secretary of Defense would be through the Under Secretary of Defense for Policy, the Under Secretary of Defense for Personnel and Readiness, the Under Secretary of Defense for Acquisition, Technology and Under Secretary of Defense (Comptroller/Chief Financial Officer). Since the Assistant Secretaries of Defense for C^3I, Public Affairs and Legislative Affairs are the Secretary's principal staff assistants and advisors for matters within their functional areas, relations between the Chairman and ASD(C^3I), ASD(PA) and ASD(LA) would be conducted along the same lines as those discussed above regarding relations with the various Under Secretaries of Defense.

Question. d. The Vice Chairman of the Joint Chiefs of Staff.

Answer. Title 10, United States Code, section 154(c) states that the Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff as well as those duties prescribed by the Chairman, with the approval of the Secretary of Defense. If confirmed, I do not foresee making significant changes to the duties currently carried out by the Vice Chairman. In addition to the duties as a member of the Joint Chiefs of Staff, the Vice Chairman serves on the Chairman's behalf as the Chairman of the Joint Requirements Oversight Council (JROC) and is his representative to the National Security Council Deputies Committee. Further, the Vice Chairman has the responsibility to stay abreast of ongoing operations and policy deliberations, so that he is able to provide appropriate military advice to the President, the Secretary of Defense, and the NSC and also act as Chairman in the Chairman's absence.

Question. e. The Secretaries of the Military Departments.

Answer. Title 10, United States Code, section 165 provides that, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the Secretaries of the Military Departments are responsible for the administration and support of the forces they have assigned to combatant commands. The Chairman, or the Vice Chairman when directed or when acting as the Chairman, advises the Secretary of Defense on the extent to which

program recommendations and budget proposals of the Military Departments conform with priorities in strategic plans and with the priorities established for requirements of the combatant commands.

Question. f. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. They now have two significant roles. First and foremost, they are responsible for the organization, training, and equipping of their respective Service. With the full support and cooperation of the Service Chiefs, the Combatant commanders can ensure the preparedness of assigned forces for missions directed by the NCA. Next, as members of the Joint Chiefs of Staff, the Service Chiefs have a legal obligation to provide military advice. Individually and collectively, the Joint Chiefs are a source of experience and judgment for the Chairman, the combatant commanders and the NCA. If confirmed, I will continue to work closely and meet routinely with the Service Chiefs as we work together to fulfill the warfighters' requirements.

Question. g. The Combatant Commanders.

Answer. The combatant commanders are the warfighters. By law and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the combatant commanders and is charged with overseeing their activities. He provides a vital linkage between the combatant commanders and other elements of the Department of Defense. If confirmed, I will have frequent dialogue with the CINCs and serve as their advocate and spokesman.

TRANSFORMATION

Question. If confirmed, you will be assuming your duties as the Chairman of the Joint Chiefs of Staff at a time of great expectations for the transformation of our armed forces to meet new and emerging threats.

Please explain what the term "transformation" means to you and the role that technology and experimentation, including joint experimentation, should play in transforming our armed forces?

Answer. Transformation is an on-going process for conceptualizing, developing and fielding new combinations of operational concepts, capabilities, organizational arrangements and training regimens that provide U.S. joint forces with advantages that fundamentally change our own, or render less effective others, ways of waging war. It is usually evolutionary but can be revolutionary. Technology and material-based solutions are only one element of transformation. True transformation can only occur through a co-evolution of change recommendations within all the critical joint force considerations of doctrine, organization, training, material, leadership and education, personnel and facilities (DOTMLPF). A comprehensive DOTMLPF approach is necessary to field and employ future capabilities that fundamentally change and improve our operational and warfighting effectiveness.

A key feature for the achieving joint transformation will be the clear identification and delineation of the roles and responsibilities of the Office of the Secretary of Defense, the Combatant Commands, the Services, JFCOM and the Joint Staff to ensure unity of effort under the Secretary of Defense.

Joint transformation also requires changes within the three supporting processes of requirements generation, acquisition, and the planning, programming, and budgeting system processes. Over the past year, the military has made significant strides in the improvement of the requirements generation process through the evolving strategic integration role of the Joint Requirements Oversight Council (JROC). The Requirements Generation System (RGS) process was shifted from a threat-based system to a joint operational concept and capabilities-based system. Additionally, the process was adapted to enable the introduction and consideration of transformation initiatives from a variety of sources, to include Joint and Service experimentation. The Secretary of Defense is working hard to streamline the acquisition and PPBS systems to facilitate transformation. Further, modernization is a key part in the transformation equation.

Question. Are you confident that the defense review process, now concluding, will outline a clear vision for transformation within the Department and understandable mechanisms for measuring progress toward accomplishing stated transformation goals?

Answer. The Secretary of Defense has received a comprehensive overview of current transformation efforts and processes underway within the Office of the Secretary of Defense, Combatant Commands, JROC, JFCOM and the Services as a frame of reference. Significant process reform has already been accomplished and the mechanisms to nurture develop and eventually field new joint operational concepts and capabilities are in place.

The defense review process does provide a solid foundation for pursuing and achieving the joint and Service transformation desires of the administration, Congress and the military Services. One of the many challenges is the development of a comprehensive DOD strategy for the transformation of the Defense Agencies and the military Services. Unity of effort is essential with clear delineation of the roles and responsibilities within all the Office of the Secretary of Defense, Service, Combatant Command, Joint Staff and JFCOM initiatives to insure the development of a more integrated and highly effective joint force.

Transformation is a long-term effort within an organizing construct that defines the joint operational concepts, capabilities and process metrics that will focus our efforts and enable us to measure progress.

JOINT FORCE

Question. Retired Air Force General James McCarthy, who headed a study on Defense Transformation for Secretary Rumsfeld, recently stated that, "Today we do not have a truly joint force" and, "The problem is we have not identified a way to organize, train and equip joint forces."

How would you respond to those statements?

Answer. We have come a long way since 1985, but we still are not where we need to be. The Services need to field truly 'plug and play' forces while JFCOM develops a functional, standardized joint force headquarters so we all can work as a true joint team. Equipment needs to be interoperable so we can share information and act decisively on that information as a true joint team. We need to better integrate Service specific training and joint command and control so we can train as a true joint team like we fight. Of course, the military view of jointness is not the absence of Service uniqueness. Instead the approach to jointness within the U.S. military emphasizes the following key elements:

- it leverages service core competencies to produce a comprehensive joint capability;
- it relies on the integration of the Active and Reserve components for a total joint force;
- it is focused at the strategic and operational levels of war;
- it retains necessary redundancy with minimal duplication of capability in Service provided forces; and
- it effectively operates within the interagency and multinational environments.

The current law and force planning development system uses the military Services to organize, train, equip and provide joint-capable forces to combatant commanders. The core competencies of each Service reflect their unique capabilities and ensure continuation of both the ethos and the means for future operational and warfighting success. As we seek to transform the armed forces, we do not want to lose the characteristics that have produced the world's premier warfighting Services in their operational dimension. Our challenge is to develop a future joint force with joint core competencies that enable, integrate and employ Service, interagency and multinational core competencies for the achievement of desired effects and outcomes.

The development of complementary joint and Service core competencies will provide a basis for fielding a more capable, effective and integrated future joint force from Service force providers. In that effort we are also addressing joint processes and standards across the critical joint force development considerations of doctrine, organizations, training, material, leadership and education, personnel, and facilities.

ANTHRAX VACCINATION

Question. DOD officials have testified that anthrax is the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA-approved vaccine.

Do you continue to support the policy of vaccinating our service men and women to immunize them against the use of weaponized anthrax?

Answer. I strongly support any policy protecting our service members against anything that puts them at risk. As you stated in the question, and as was recently re-confirmed with our warfighting commanders, anthrax is the agent of highest concern in biological warfare. The pre-exposure vaccination program is the safest and most effective countermeasure in existence today and is the medical cornerstone of our integrated defense strategy to counter this very real threat.

Question. If confirmed, will you support full implementation of the Anthrax Vaccine Immunization Program if sufficient supplies of FDA-approved anthrax vaccine become available?

Answer. Yes. The protection of our soldiers, sailors, airmen, and marines is a top priority. The vaccine is a safe and effective medical pre-exposure countermeasure to anthrax. It's the right thing to do.

Question. The difficulty the Department has experienced in procuring a reliable source of FDA-approved anthrax vaccine has resulted in the Department examining alternative sources of the vaccine, including the establishment of a government-owned, contractor-operated production facility; a contractor-owned, contractor-operated production facility; and other options.

If confirmed, would you support establishment of an additional dedicated vaccine production facility (whether a GOCO or private industry source)?

Answer. I support establishing a long-term, reliable national vaccine production capability. The Department of Defense has a long term need for reliable sources of FDA-approved vaccines for any biological health threat that may impact our soldiers, sailors, airman, and marines now and in the future. How it is done is a policy decision.

PARADIGM SHIFT

Question. During Deputy Secretary Wolfowitz's August 8 and August 16 press conferences in which you participated, he referred to a consensus on a "very significant paradigm shift," which appears to relate to changes in strategy, risk assessment, and warfighting requirements.

Would you describe the elements of this "very significant paradigm shift" and indicate the areas, such as force structure, that could be impacted by it?

Answer. In the past, DOD focused on building a force capable of defeating the threat posed by two, nearly simultaneous major theater wars while also handling smaller scale contingencies. We essentially sized our force to fight two very distant foes, Iraq and North Korea. This approach has been overshadowed by the uncertainties of the changing strategic landscape, and contributed to an imbalance between our previous strategy and the force structure to execute that strategy. The world continues to grow more dangerous and more complex, limiting our ability to forecast who might be possible adversaries. This set of circumstances requires the "paradigm shift" that the Deputy Secretary of Defense referred to in his remarks. The Department will, I believe, be recommending a new, broader strategy to address not only the need to fight and decisively win major theater war, but also the growing need to defend our territory. It will also account for myriad other tasks, including small-scale contingencies, we have asked our forces to do. These small-scale contingencies have been driving up the tempo of our people and equipment. This also drives us to transition from a near term, threat-based approach to a *capabilities-based* approach required to execute a wider range of possible missions in the mid- and long-term. This paradigm shift requires we address not only the warfighting requirements for today, but simultaneously set the stage for building a force that can deal with possible future scenarios that are not in our current planning set. We must then carefully balance between modernizing our current fleets of aging weapons systems and selectively transforming the Department in ways that will allow us to successfully address an entirely new set of threats in the future.

SCIENCE AND TECHNOLOGY

Question. The fiscal year 2002 budget request remains short of the Department's stated 3 percent goal for defense science and technology.

Do you believe that the request of $8.8 billion is adequate to meet the military's need for innovative technologies?

Answer. To meet the 3 percent objective in fiscal year 2002 would have required a total of $9.9 billion. The current program of $8.8 billion represents 2.7 percent of the total DOD budget. It reflects the priorities established in the President's Blueprint Budget by providing emphasis on rotorcraft technologies; unmanned underwater vehicle (UUV) research; unmanned combat air vehicle (UCAV) development; exploration of technologies in support of the Next Generation Bomber (NGB) for the Air Force and the Future Combat System (FCS) for the Army; development of foliage penetration radar; support of an accelerated Joint Experimentation schedule; chem-bio defense modeling and standoff detection; and high speed sealift development.

USE OF MILITARY FORCE

Question. If confirmed, you will be responsible for providing military advice on the use of military force and the other instruments of U.S. power.

What factors do you believe should be considered when contemplating the use of force?

Answer. The National Command Authorities (NCA) will decide when U.S. Armed Forces are employed in a given situation. In consultation with the Service Chiefs and combatant commanders, and based on a clear definition of the mission and interagency and multinational resources available, I expect to advise the NCA in a number of areas. Among them are the effectiveness of the military instrument to achieve the desired national security objectives, employment options and expected costs, and the potential impact on the force's ability to respond to other requirements. I would also provide an assessment of any long-term effects on operations and personnel tempo.

SPACE

Question. What are your views on weapons in space?

Answer. U.S. Space Command has a "Force Application" mission that requires them to plan for and conduct research and development of space-based systems as insurance should the nature of threats and opportunities significantly change. I believe this is a sound approach.

Question. Do you support placing offensive weapons in space?

Answer. Placing weapons is space is a policy decision of the NCA. Consistent with national laws, policy and international treaty commitments, I support research and development into weapons options, should we 1 day be directed to deploy such capabilities.

Question. Under what circumstances and for what purposes would you place offensive weapons in space?

Answer. It's difficult to say under what specific circumstances and for what purposes we would do that. However, if it were determined that offensive weapons in space were the appropriate means to protect our national security interests then the NCA should consider them.

Question. Describe your understanding of the current U.S. military space doctrine as it pertains to the deployment of weapons in space.

Answer. The placement of nuclear weapons or other weapons of mass destruction in orbit around the earth, and use of the moon or other celestial bodies for military purposes are clearly prohibited. Space Doctrine, Joint Publication 3–14, addresses space control and generally addresses force application; however, no such weapons exist. Therefore, the specific deployment of weapons in space is not addressed.

Question. Do you support current U.S. space doctrine as it relates to space control?

Answer. Yes. Our space control doctrine is consistent with our long-standing air and sea doctrines—to ensure freedom of action for ourselves and our allies, and to deny it, where appropriate, to potential adversaries.

Question. Do you believe that achieving control of space will require deploying offensive weapons in space?

Answer. Not necessarily. The easiest way to ensure space control is to interdict satellite ground stations or their communications links.

Question. Describe your understanding of other methods and weapons systems that might be used to achieve space control objectives.

Answer. We use four primary methods for space control: surveillance, protection, prevention, and negation. Tactics vary from attacks with conventional munitions on ground sites or electronic warfare attacks on their links, to encryption, to fielding redundancy in our systems, to our ground-based space surveillance systems. Any weapons system that can be used in these tactics are appropriate to achieve space control objectives.

Question. Do you support increased funding and focus on improving space situational awareness? How would you increase situational awareness?

Answer. Situational awareness is key to operating effectively in any medium. Modernization of our space surveillance capabilities is key to increasing our situational awareness.

Question. Is such an increased awareness a prerequisite to placing offensive weapons in space?

Answer. Space situational awareness is much more than an enabler for offensive weapons in space. The foundation of all space missions is space control.

Question. Do you believe that threats to our space assets are increasing?

Answer. Yes, just like any other technological advancement throughout history, we can expect an increasing challenge for what to us is a key warfighting capability.

Question. Do you agree with the Space Commission assessment that the United States is "an attractive candidate for a 'space Pearl Harbor'"?

Answer. I think the Space Commission did the nation a service by bringing such a possibility into the national debate about the future of space. The lesson we learned from Pearl Harbor is that the only way we can avoid repeating that experience is if we anticipate its possibility again, and are ready for the challenge.

Question. Do you believe that improved space surveillance and space situational awareness can reduce the vulnerability of our space assets?

Answer. Yes.

Question. Do you believe that there is a need to establish an international framework that would be intended to ensure continued access to space for peaceful purposes?

Answer. The Outer Space Treaty of 1967 provides such a framework. It has been the bedrock of the peaceful use of space. I do not currently see the need for any new treaty or international agreement that would address military uses of space.

Question. What are your views on legislative implementation of the recommendations of the Space Commission?

Answer. The Secretary of Defense is currently reviewing S.1368, dealing with the recommendations of the Space Commission. It would be inappropriate for me to comment on it until this review is complete.

NUCLEAR FORCE STRUCTURE

Question. Do you believe that the Strategic Triad should be maintained, or that we should consider eliminating any portion of the triad?

Answer. The Nuclear Posture Review (NPR) is examining the role of the TRIAD and will make recommendations on its composition. The TRIAD has been the foundation of our nuclear deterrent force posture for over 30 years. The inherent capabilities of a robust TRIAD ensure against a catastrophic failure of any one leg of our forces, thereby assuring that the U.S. is always capable of responding to any potential threat. The NPR is examining the unique contributions of each leg.

Question. Do you believe that the United States can make reductions in nuclear weapons below those levels included in START II and still meet current nuclear deterrence guidance?

Answer. Nuclear weapons levels as outlined in the START II Treaty were agreed to in the context of bilateral arms control with the former Soviet Union. The START II Treaty has not entered into force due to conditions added by them during their ratification (April 2000). The ongoing Nuclear Posture Review mandated by Congress is currently examining the strategy and scope of potential reductions. Therefore, it is premature to state at this time what level of reductions can be made.

Question. Can the targeting requirements derived from current nuclear deterrence guidance be met at a level of 2,000–2,500 warheads?

Answer. It is prudent to complete the examination of our national strategy and nuclear deterrent posture prior to committing to a specific warhead band. This is currently being examined in the Nuclear Posture Review.

Question. Do reductions below the level of 2,000–2,500 warheads require revisions to current nuclear deterrence guidance?

Answer. The President has committed to "achieving a credible deterrent with the lowest possible numbers of nuclear weapons consistent with our national security needs including our obligations to our allies." The congressionally mandated Nuclear Posture Review that the Secretary of Defense has undertaken is examining U.S. deterrence strategy to achieve the President's objective.

Question. Do you support revisions to current nuclear deterrence guidance that would allow reductions below the level of 2,000–2,500 warheads?

Answer. I support the President's call for a reduction of nuclear forces to the lowest possible numbers of nuclear weapons consistent with our national security needs. I also support revisions to U.S. strategy which accurately reflect the challenges and opportunities of the new international strategic environment. Deterrence will continue to be the primary role of our nuclear forces particularly against potential adversaries that may consider the use, or threat of use, of nuclear weapons or other WMD. This question is a critical component of the ongoing Congressionally mandated Nuclear Posture Review; therefore, it is premature to comment while the review is still in progress.

Question. Do you support dismantlement of retired nuclear warheads?

Answer. Today the United States no longer has the ability to manufacture some key nuclear weapons components. We have placed in storage a number of weapons

components from previously retired weapons that can be used to assemble weapons in times of emergency. We can only address dismantlement on a case-by-case basis until we restore our ability to manufacture new weapons.

Question. In your view, what should be the minimum number of strategic nuclear warhead designs included in the inactive and active inventories of U.S. nuclear weapons?

Answer. Currently, the United States retains the ability to design and assemble new warheads if the required components are available. While no minimum number of designs can be specified, a sufficient amount must be retained as a hedge against weapons failures and emergency weapons re-manufacturing requirements. The question is currently being examined in the ongoing Congressionally mandated Nuclear Posture Review.

Question. Would you support a return to nuclear weapons testing in the absence of a significant stockpile related problem?

Answer. Today, we can certify the safety and reliability of our nuclear weapons stockpile without testing. The Stockpile Stewardship Program continues to improve our understanding of complex weapons performance issues. Our future capability to certify our stockpile is uncertain. The requirement for testing is evaluated annually and reported to the President. However, we need to retain our ability to conduct nuclear testing in case of unforeseen technical issues.

Question. Under what conditions would you support a resumption of nuclear weapons testing?

Answer. Currently, there is no need for a resumption of underground nuclear weapons testing as science-based tools and an aggressive surveillance program have proven effective thus far in maintaining a safe and reliable stockpile. However, if unforeseen problems arise with weapons in our stockpile, we may need to recommend that nuclear testing be resumed to reestablish confidence in our nuclear arsenal.

Question. If DOD eventually requires a new nuclear weapon design, will the existing science-based Stockpile Stewardship Program allow us to develop a new, safe, and reliable nuclear weapon without testing?

Answer. I must defer to the experts at DOE for this answer.

Question. Do you support development of new low yield nuclear weapons? If so, what requirement would such a weapon meet? Under what circumstances would you support using such a weapon? Does such a weapon have any deterrent value?

Answer. This area is currently being examined in the Nuclear Posture Review. Moreover, we already have a number of low-yield weapons in the current stockpile. It would be premature to speculate on the need for a new weapon.

Question. Do you support the development of a new weapon design in an effort to make sure our experienced weapon designers are maintaining their skills and transferring their expertise to the new generation of designers?

Answer. We currently have no military requirements for a new weapon design, but we support DOE's efforts to sustain the skills and expertise as they see fit.

Question. Do you believe that the Stockpile Stewardship Program can maintain the necessary skills to maintain the nuclear weapons stockpile?

Answer. The skill sets in question reside in DOE. I must defer to their experts for the answer.

Question. If a new design requirement were forthcoming, are you confident our weapon designers could develop the new weapon design, especially if they are not allowed to test such a weapon?

Answer. I must again defer to the DOE experts for the answer. I would rely on their judgement.

Question. Would your confidence remain the same if the new weapon design was primarily developed by designers who never had the opportunity to test a nuclear weapon?

Answer. I understand NNSA is expending significant resources to ensure this new generation benefits from the experience of our current scientists and engineers before they retire. I would defer to NNSA on this issue.

Question. As our experienced nuclear weapons designers continue to reach retirement age, are you concerned that without the development of a new weapon design, their skills, experience, and expertise may be lost forever?

Answer. NNSA is aggressively pursuing programs to ensure that this will not happen, but I would defer to them on this issue.

Question. Is there any requirement for any new nuclear weapon, and under what circumstances would you support development of a new nuclear weapon?

Answer. No, there is currently no military requirement for a new nuclear weapon, but this issue is also being examined as part of the congressionally mandated Nuclear Posture Review.

NUCLEAR TESTING

Question. Former Secretary of Defense and Energy James Schlesinger stated that the United States will have to retain the option of testing nuclear devices on an as-needed basis. He further stated that limitations on testing have already changed the way weapons planners go about their business and that we have had to forego development of new nuclear systems, such as those designed to attack hardened or dispersed targets, to live within the bounds of the self-imposed testing moratorium.

Do you agree with his assessment, and, if not, why not?

Answer. Again, there is currently no military requirement for a new design nuclear weapon. As part of the Stockpile Stewardship Program, however, DOE has retained an ability to resume underground nuclear testing in 2 to 3 years if required.

COOPERATIVE THREAT REDUCTION PROGRAMS

Question. Do you support the Cooperative Threat Reduction (CTR) Program?

Answer. Yes. Cooperative Threat Reduction (CTR) helps the Former Soviet Union eliminate strategic offensive arms consistent with their treaty obligations; prevent the proliferation of weapons of mass destruction and associated delivery systems, materials and expertise; and pursue military reductions and reform. All of this serves to enhance U.S. security. Given their fiscal austerity, it is not at all clear that countries such as Russia, Ukraine, Kazkahstan and Uzbekistan would eliminate their strategic arms and be able to comply with their treaty obligations without the CTR program of assistance. Moreover, leaving those systems in place makes them vulnerable to theft or sale to other state or transnational groups.

Question. In your view, does the CTR program support national security through its strategic forces dismantlement and other efforts and should it continue to be a DOD program?

Answer. Yes. Cooperative Threat Reduction (CTR) does support national security. What's important is not where the program resides as long as we continue to execute it effectively and reap the benefits of fewer weapons of mass destruction.

BALLISTIC MISSILE DEFENSE

Question. The Clinton administration established four criteria for determining whether to deploy ballistic missile defense systems to defend the United States against limited ballistic missile attacks:

1) The threat should warrant deployment;
2) The system should be cost-effective and affordable;
3) The system should be operationally effective; and
4) Deployment should make us more rather than less secure.

Do you believe these criteria should continue to be used for considering whether to deploy missile defenses against limited long-range missile attacks? Please indicate the reasons for your answer.

Answer. Militarily, these criteria make sense for any weapons system under consideration. Missile defense is an essential component for deterring the emerging ballistic missile threat. It is part of a broader security approach that encompasses non-proliferation and counter-proliferation.

Question. The Bush administration has proposed a large missile defense research and development program for fiscal year 2002, including efforts in boost-phase, mid-course and terminal defenses for land-based, sea-based, air-based and space-based systems.

How do you believe we should determine the proper level of effort and resource allocation to ballistic missile defense relative to other defense needs?

Answer. We balance program needs through the Department's programming and budget review process. The Department initiated several major reviews at the outset of the new administration and the defense strategy review is still in progress. Any major defense program changes will await the outcome of that review.

Question. Today, our forward deployed military forces face current and growing threats from short-range and medium-range theater ballistic missiles.

How high a priority do you believe that fielding operationally effective theater missile defense systems should be for our military?

Answer. The President has stated we will deploy defenses capable of defending the U.S., our allies, and friends. The Department has already signaled its intention to stop differentiating between "national" and "theater" missile defense systems. We are pursuing a layered defensive system, capable of intercepting missiles of any range at every stage of flight—boost, mid-course, and terminal. Since the Gulf War and the casualties we suffered due to a missile attack, protecting our troops against such a missile attack is a top priority.

MULTIPLE INDEPENDENT RE-ENTRY VEHICLES (MIRV)

Question. Certain Russian officials have indicated that if the U.S. withdraws from the ABM Treaty, Russia may not de-MIRV its land-based ICBMs as required by treaty and may re-MIRV or newly MIRV other land-based systems.

Answer. The START II Treaty is not in force. It is the only treaty requiring elimination of MIRVed ICBMs. The START I Treaty is in force and allows for retention of MIRVed ICBMs by both Russia and the U.S.

Question. Do you believe that it is in the U.S. national security interest that all land-based ICBMs be de-MIRVed?

Answer. There are no significant military advantages to the elimination of MIRVed land-based ICBMs. From the U.S. perspective, the recent budget submission reflects future retirement of all U.S. Peacekeeper MIRVed ICBMs, and the U.S. is downloading one of three wings of MIRVed Minuteman III ICBMs to a single reentry vehicle. These actions reflect the military conclusion that these MIRVed systems are no longer required for national security.

Question. Do you believe that it is in the U.S. national security interest to deploy a ballistic missile defense system to defend the United States against limited ballistic missile attack and to defend U.S. troops deployed abroad and U.S. allies from such attack?

Answer. Yes. We should take all measures possible to defend U.S. and allied interests.

MILITARY-TO-MILITARY CONTACTS

Question. This committee has been a strong supporter of military-to-military contacts and comparable activities that are designed to encourage a democratic orientation of the defense establishments and military forces of other countries.

What is your view of the value of military-to-military contacts?

Answer. They are absolutely essential to the execution of our National Military Strategy. They are fundamental to our ability to enhance the national security of the United States, and our interoperability with allies in securing theirs. Military-to-military contacts range from senior officer visits, counterpart visits, ship port visits, bilateral and multilateral staff talks, personnel exchange programs, unit exchange programs, formal military contacts programs, and State Partnership for Peace activities. They are essential for enhancing the U.S. military's ability to operate with coalition and partner nations through interactions with foreign military personnel, equipment, and culture. The experiences and relationships developed by military-to-military contact significantly enhance the operational flexibility and cohesiveness of future coalition operations at the tactical, operational and strategic levels. The trust, goodwill, and influence our military gains with those of other nations are invaluable. By promoting democratic ideals among militaries worldwide provides, we also enhance regional security, ensure U.S. access, and increase coalition interoperability.

NATIONAL MILITARY STRATEGY

Question. The last National Military Strategy document was issued in September 1997, shortly after the completion of the last Quadrennial Defense Review (QDR).

Although there is no statutory requirement for such a document, if confirmed, would you prepare and issue a National Military Strategy in the aftermath of the completion of the 2001 QDR?

Answer. The National Military Strategy (NMS) and Joint Vision are key documents used by the Chairman of the Joint Chiefs of Staff to fulfill his Title 10 responsibility of assisting the President and Secretary of Defense in providing for the strategic direction of the Armed Forces. If confirmed, I intend to issue a new NMS. It will be developed in consultation with the Joint Chiefs of Staff and combatant commanders, and convey my advice in implementing the Secretary of Defense's Quadrennial Defense Review, and any additional guidance contained in the President's National Security Strategy.

COLOMBIA

Question. U.S. military personnel have been involved in the training and equipping of Colombian military forces involved in counter-drug operations. U.S. military personnel, however, do not participate in or accompany Colombian counter-drug or counter-insurgency forces on field operations in Colombia.

Do you favor continuation of this limited role for U.S. military personnel in Colombia?

Answer. Yes, in accordance with current law and Secretary of Defense directives. Any proposed increase in role or scope of military actions in Colombia is a matter of policy.

QUADRENNIAL DEFENSE REVIEW

Question. Section 118(e) of title 10, United States Code, provides for the Chairman of the Joint Chiefs of Staff to prepare and submit to the Secretary of Defense the Chairman's assessment of the QDR, including the Chairman's assessment of risk. The Secretary, in turn, is required to submit the Chairman's assessment, with the Secretary's comments, in the report in its entirety, when the report is submitted to the Committees on Armed Services of the Senate and House of Representatives. If the QDR is not complete by the end of the current Chairman's term, the preparation and submission of the Chairman's assessment of the QDR, including the Chairman's assessment of risk, will be the responsibility of the next Chairman of the Joint Chiefs of Staff.

If confirmed, are you committed to making a comprehensive and straightforward assessment of the report, including an assessment of risk, even if that assessment differs from the view of the Secretary of Defense?

Answer. Yes.

PRIORITIES

Question. General Shelton has established asymmetrical warfare, joint readiness, information operations and force protection as priorities and readiness, modernization and core compensation elements as enduring priorities.

If confirmed, what would be your priorities?

Answer. I agree with General Shelton. I think they're all enduring priorities, and will continue to demand our attention for quite some time. If confirmed, my initial priorities will be closely related to them. First, joint warfighting is fundamental. The Armed Forces must continue to enhance our joint warfighting capabilities. Second we must find the proper balance between, and find resources for modernization and transformation. Third, we need to continue our efforts to make the JROC more strategically focused. Fourth, we should better define the military's role in homeland security. Fifth, we must find ways to enhance Joint Forces Command's role in experimentation and transformation. Sustaining our quality force and taking care of our people first are, of course, the ultimate means of accomplishing all of this.

LESSONS LEARNED

Question. What are the most important lessons that you have learned as Commander in Chief, U.S. Space Command and Vice Chairman of the Joint Chiefs of Staff?

Answer. Those experiences were invaluable. The lessons I took from them only confirmed what I have learned throughout the 36 years of my uniformed service to the nation.

First, the armed forces aren't made up of people, rather that the people are the armed forces. Sometimes we lose that focus. The issue isn't the Services or the gadgets they bring to the fight, but rather that the people who, regardless of the tools they use or the uniform they wear, are the key to achieving our national security objectives. They're the real source of our Armed Forces power.

Second, all efforts of those in our Armed Forces must be geared toward one thing—warfighting. Every effort made, from the smallest field detachment to the loftiest offices in the Pentagon should be focused on that one idea.

Third, there must be unity of effort with DOD as we work through our modernization and transformation activities.

Finally, Service competition can often be a good thing as competition breeds excellence. But in the end, all efforts must be focused on the contribution to the joint fight.

JOINT REQUIREMENTS OVERSIGHT COUNCIL

Question. During your tenure as the Chairman of the Joint Requirements Oversight Council (JROC), there has been a shift in the JROC's focus to a more strategic level and an initiative to better integrate Joint Forces Command's joint experimentation efforts into the JROC and other DOD decision-making processes.

Would you describe the reasoning behind and the impact of these changes?

Answer. In April 2000, I appeared before the Emerging Threats and Capabilities Subcommittee to discuss the Joint Requirements Oversight Council (JROC) and its evolving role in supporting our Armed Forces. My concern was centered on improv-

ing the JROC's ability to provide the strategic guidance necessary to advance future joint warfighting. The JROC needed to provide the up-front guidance necessary for requirements integration and joint interoperability.

A critical key to achieving joint interoperability rests in establishing a framework from which to assess increasingly complex systems. This framework consists of joint operational concepts and joint operational architectures that drive development of materiel and non-materiel solutions. We view this as a crucial component of DOD-wide transformation. Operational architectures are the key to system interoperability because they establish the interoperability requirements that give us the ability to make the necessary system and technical architecture decisions.

The impact of these changes has been significant. It is my view that the JROC has been working to establish a process that supports institutional transformation. First, the JROC is leading the ongoing development of joint operational concepts and architectures, which it will use to provide discrete standards that ensure systems are "born" joint interoperable. Second, the JROC is now integrating joint doctrine, organizations, training, leadership, personnel and facilities (DOTLPF), with the materiel (system) solutions. Third, the JROC is continuing to work very closely with Joint Forces Command (JFCOM) to integrate its experimentation efforts in support of operational concept and architecture development.

Finally, I would like to comment on three specific initiatives the JROC is working. First is our standup of the Joint Interoperability and Integration (JI&I) organization at JFCOM. This organization's function is to act as the transformation engine for joint interoperability requirements of future and legacy systems and provide operationally prioritized recommendations regarding joint doctrine, organization, training, material, leadership, personnel and facilities. Second, is our Single Integrated Air Picture (SIAP) System Engineer effort, which is focused on recommending system level fixes to the JROC for existing Joint Distributive Network deficiencies with the goal of delivering fused, near-real-time and real-time data from multiple sensors to produce a common, continuous and unambiguous air picture. Third, our commitment to develop a Family of Interoperable Operational Pictures (FIOP) will provide an all-source picture of the battle space containing actionable, decision-quality information to the warfighter through a fusion of existing databases. I would solicit your continued support for all of these important initiatives.

Question. If confirmed, would you intend to make any other changes in the JROC's role or process?

Answer. I am confident we're on the right track. We need to continue our current efforts to develop operational concepts and architectures that will drive future system development. In fact, I am looking at ways to accelerate these efforts. I am also committed to continuing our work with Joint Forces Command to fully integrate its joint experimentation efforts. It's going to take us some time to work our way through the development of these joint operational concepts and architectures that will form the basis of future JROC guidance and requirement integration.

EXCESS INFRASTRUCTURE

Question. How high a priority would you place on the closure of excess Department of Defense installations and why?

Answer. I share the Secretary's view. According to the April 1998 DOD BRAC report, we currently have 23 percent excess infrastructure capacity, a situation that directly impacts the ability of the Service Chiefs to provide, train, maintain, and equip today's force. By removing excess capacity, we could save significant resources in the long-term—money needed to fix infrastructure in remaining bases. We also need a sustained period of increased funding for infrastructure to develop and properly maintain what's needed to support the next generation of weapon systems. The Services should be relieved of the burden of maintaining sites with limited military use.

ENCROACHMENT

Question. On November 27, 2000, the Senior Readiness Oversight Council identified several "encroachment" problems confronting the Department of Defense including protection of endangered species, unexploded ordnance and other constituents, commercial demand for bandwidth and frequency, sustainability of the maritime environment, demand for use of airspace, protection of air quality, abatement of airborne noise, and growth of urban areas. At a March 20, 2001, hearing before the Readiness and Management Support Subcommittee, representatives of the military services expressed concern that this encroachment was hindering their Title 10 responsibility to train the forces.

If confirmed, what actions would you take to address these problems?

Based on the testimony provided by the services at the Readiness Subcommittee hearing on March 20, 2001, it appears that the time is ripe for the development and implementation of a comprehensive strategy that addresses both the individual and the cumulative effects of environmental encroachment issues.

If confirmed, how would you propose to facilitate the development and implementation of a comprehensive strategy intended to address readiness concerns related to these encroachment issues?

Answer. Training is critical to the readiness of combat forces and encroachment is a serious issue with national security implications. The training of the Armed Forces is a Service responsibility, and the Services are working hard not only to maintain their training facilities, but to improve their stewardship of the environment, while strengthening their relationships with local communities.

There is a collaborative Departmental effort to address encroachment issues. We have draft action plans for the various aspects of encroachment. We are working a community outreach program to minimize the impact of encroachment by fostering a dialogue with local leadership, discussing work-around initiatives, and developing potential technology solutions to provide a similar level of training.

This is a solid and prudent approach for resolving the encroachment issues. If confirmed, I'll continue to support these efforts.

READINESS REPORTING SYSTEM

Question. The systems that the military services use to measure their readiness have been criticized as outdated and inappropriate for a military of the 21st century. Some of the specific criticisms raised have been that they measure past readiness rather than future readiness, and they measure the readiness of the forces to perform a major theater war mission rather than the mission to which they are currently assigned.

Do you agree with these criticisms and, if confirmed, what actions would you take to change the systems?

Answer. As Vice Chairman I have been involved in the readiness of the force, the assessment process, and in identifying solutions to our shortfalls. The Joint Staff hosts annual CINC/Service conferences on readiness, and based on the CINC/Service's feedback, I believe our focus on joint warfighting is the proper emphasis, and is also in accordance with Title 10, U. S. Code, Section 117. Units are designed-manned, armed, equipped, and trained-to conduct wartime missions. But I also recognize the necessity to assess our readiness for missions other than war. Less than 2 years ago we created a reporting mechanism within the Global Status of Resources and Training System to do this. While this was a good first effort, expansion and/or refinement of this reporting mechanism needs to be explored. As set forth in the DPG, the Services and Chairman must recommend to the Secretary of Defense a comprehensive readiness reporting system. If confirmed I will continue to further enhance the timeliness, accuracy, and usefulness of the readiness reporting system.

CINC–IDENTIFIED READINESS DEFICIENCIES

Question. Over the last several years the Quarterly Readiness Reports that the Department prepares for Congress have outlined a number of CINC-identified readiness related deficiencies. Many of these are listed as Category I deficiencies which entail significant warfighting risk to execution of the National Military Strategy. Although these deficiencies have been reported for the past several years, they have not as yet been effectively addressed. This has raised concerns that the requirements of the warfighting CINCs are not being incorporated into the military services budgets and the Department's acquisition process.

If confirmed, what actions will you take to ensure that these requirements are understood and funded within the Department's budget?

Answer. If confirmed, I will continue to report the combatant commanders' identified readiness deficiencies. I will also make assessments and recommendations to the Secretary of Defense regarding the effectiveness of the Services' budgets and the acquisition process to solve these deficiencies.

COMMERCIAL VS MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. The Federal Government is trying to identify a band of frequencies that can be used for the operation of 3rd Generation Wireless Communications devices. As a part of this overall effort, the Department of Defense conducted a study to determine the cost and operational impact that would result if the military services were to surrender the use of the 1755—1850 MHZ band of frequencies upon which they currently operate their equipment. That study found that it would take at least

$4.3 billion and 17 years to vacate the band if a suitable band of alternative frequencies were identified for the Department's use. The Secretary of Defense and General Shelton recently signed a letter to Members of Congress that outlined the importance of spectrum availability, and this band in particular, for the Department's operations.

What is your view of this assessment?

Answer. I fully support the position of the Secretary of Defense and General Shelton. Spectrum access is vital to combat operations and training. Guaranteed access to spectrum is a cornerstone of information superiority and our warfighting abilities. Without this access, the ability of the Department to use current and planned weapon systems, employ new technologies, and effectively command and control conventional and nuclear forces is seriously compromised. The 1755–1850 MHz frequency band supports over a $100 billion investment in key satellite, air combat training, precision weapons guidance and battlefield communications systems. These systems provide commanders and their forces real-time intelligence, voice, data, and video information and precision strike ability necessary for a leaner, more agile and more flexible force to meet global mission requirements. Competition for spectrum, nationally and internationally, is increasing and the Department's growth and need for spectrum parallels commercial industry's needs. We must ensure any spectrum decision carefully considers national security, the needs of commercial interests, and other important national interests.

I agree with the conclusions of the Department's report on the 1755–1850 MHz band. We simply cannot afford to lose the capabilities the systems in this band provide the warfighters. The report concluded we cannot share the band with 3rd generation systems and vacating the band cannot occur prior to 2017 without potentially compromising critical capabilities and support. Also, spectrum that is comparable in terms of technical characteristics and regulatory protections in which to relocate our systems must be identified, DOD must receive full and timely reimbursement of any relocation costs, and we require adequate time to transition to new spectrum. We are working with the White House, Department of Commerce, and the Federal Communications Commission to explore different scenarios for 3rd generation systems.

We are fully committed to cooperating with Congress and the Federal Communications Commission and within the administration in finding solutions for 3rd generation implementation that meets commercial needs while protecting essential national security capabilities.

COMBATING TERRORISM

Question. Chairman Shelton recently recommended to the Secretary of Defense that the Antiterrorism/Force Protection functions of the Joint Staff be transferred to the Assistant Secretary of Defense for Special Operations and Low-Intensity conflict.

What are your views on this recommendation?

Answer. I agree with General Shelton's recommendation and rationale to transfer the Antiterrorism/Force Protection (AT/FP) functions of the Joint Staff to the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict (ASD(SO/LIC)).

ASD(SO/LIC) and J–34 perform many overlapping functions. Therefore, to eliminate redundancies, it is appropriate to consolidate AT/FP functions under ASD(SO/LIC) and return the J–34 military billets to the Services and return the two civilian billets to the Washington Headquarters Service.

AFRICA

Question. The Defense Department is currently involved in a number of initiatives in Africa to help certain nations be better prepared to provide their own regional peacekeeping forces and humanitarian missions.

In your view, is it in our national security interest to continue such programs as the African Crisis Response Initiative, which are aimed at helping African nations to be better prepared to respond to a regional crisis?

Answer. The U.S. has a number of important interests in Sub-Saharan Africa to include:

- Deterrence/response to transnational threats (terrorism, weapons proliferation, organized crime, narcotics trafficking, and diseases (HIV))
- Secure strategic lines of communication
- Prevention/response to humanitarian crisis
- Conflict resolution
- Access to bases/facilities for U.S. operations

- Support for U.S. allies
- Protection of U.S. citizens.

In the previous decade the majority of our material resources have been utilized to support our allies, both European and African in responding to conflicts and humanitarian crises. U.S. personnel have seen service all over the continent in the conduct of Non-Combatant Evacuations (NEO) and humanitarian relief operations. Current initiatives, including ACRI are designed to not only enable African nations and institutions to address these issues on their own but also to prevent such occurrences. ACRI has provided a base of knowledge on peacekeeping, humanitarian crisis response, multi-national military operations and protection of human rights. Specifically, ACRI and our other engagement efforts, such as African Center for Strategic Studies (ACSS) and IMET seek to encourage shaping of African militaries to:

- Develop the proper size, budget, and capability for legitimate security requirements
- Support initiatives to encourage regional approaches to African problems
- Support structuring of militaries to emphasize defensive capabilities, peacekeeping and humanitarian response
- Support efforts to foster a regional conflict prevention and resolution capability
- Support democratic principles and respect the rules of law and promotion of human rights.

COMMAND AND CONTROL

Question. Despite significant investment in military service, national and combatant commander command and control systems, more than one of the recently convened defense review panels concluded that U.S. forces do not have a deployable, joint command and control system that can immediately be placed into operation to coordinate the efforts of U.S. and coalition forces.

If confirmed, what actions would you take to ensure the rapid development of such an important capability?

Answer. This is an absolutely critical capability and we do have deficiencies in addressing the full command and control interoperability required by a Joint Task Force (JTF) headquarters. The current DPG calls for plans to establish standing JTF headquarters and recommends improvements to operating procedures and capabilities, to include addressing rapidly deployable interoperable command and control. This will be a major part of the experimentation in JFCOM's Millennium Challenge 2002 exercise. Additionally, Joint Forces Command will take the lead to identify and fix current mission critical JTF C2 legacy interoperability issues. Further, I fully support the criticality of development and fielding of rapidly deployable, interoperable, command and control systems. If confirmed, I will ensure the Vice Chairman, in his delegated role as Chairman of the Joint Requirements Oversight Council along with the Service Vice Chiefs, provide the necessary senior military perspective to achieve an interoperable joint command and control capability.

INFORMATION OPERATIONS

Question. Joint Vision 2020 and various defense reviews have highlighted the importance of information operations in future warfare.

What role and what obstacles do you see for information operations as an integral part of U.S. joint military operations?

Answer. Information operations are a means to ensuring decision superiority—the key to successful military operations in the future. But we're faced with three challenges: planning and executing these activities the same way we would any wartime campaign; integrating the military's efforts with those of other U.S. Government agencies; identifying and removing unintended effects while keeping up with rapidly changing information technologies. We can meet these challenges.

Question. Are you satisfied that there is unity of effort within the Department of Defense in the development of information operations capabilities?

Answer. Emerging computer network attack and defense capabilities represent an important aspect of information operations. We have been working hard to enhance the security of DOD computer networks and to defend those networks from unauthorized activity (e.g., exploitation of data or attack). Recognizing that the threat to our networked systems is real and increasing, we established the Joint Task Force—Computer Network Defense in December 1998, and assigned responsibility for that mission to U.S. Space Command in 1999. We have incorporated intrusion detection software in many of our networks, erected firewalls, and increased awareness training for our personnel through our information assurance program.

In October 2000, we designated the Commander in Chief, U.S. Space Command, as the military lead for computer network attack as well, and charged U.S. Space Command with overseeing the development of capabilities and procedures for this aspect of offensive information operations. In April 2001, U.S. Space Command redesignated the Joint Task Force—Computer Network Defense as the Joint Task Force—Computer Network Operations to reflect this new mission. The Services also cooperate with other Defense and Intelligence Community agencies in efforts to defend the networks that are vital to our national security.

As you have indicated, the Services, Defense Agencies, and combatant commanders are all devoting a great deal of effort to this area. I believe we have the structures and procedures in place to keep duplication of effort to a minimum and ensure the broadest diffusion of advances in information operations capabilities across the Department.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the next Chairman of the Joint Chiefs of Staff?

Answer. If I am confirmed, my first priority will be to ensure our soldiers, sailors, airmen, marines, and coastguardsmen are ready to meet the near-term challenges of executing the tasks that support our defense strategy. We have to make sure they are organized, trained, equipped, and supported with the tools required to protect our nation's security interests—at home and abroad. Second, we must have the proper force structure to exercise our military strategy. Third, we must make the investment to modernize, recapitalize, and transform our forces to meet the challenges of the 21st century. Finally, we must adopt knowledge and decision based warfare to enable us to win in the joint battlespace of the future.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I'll work with the Secretary of Defense, Combatant Commanders, and Service Chiefs to ensure we focus on readiness issues for the near-term challenges while implementing programs in concert with the Secretary's Defense Planning Guidance to transform and modernize the force.

Question. What do you consider to be the most serious problems in the performance of the functions of the Chairman of the Joint Chiefs of Staff?

Answer. The most important function of the Chairman is to provide military advice to the President, the National Security Council, and the Secretary of Defense. Currently there are no major problems in performing this function. But, recent exercises demonstrate the need to enhance the Chairman's ability to communicate with military organizations around the globe on a real time basis.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, my first priority would be to better equip our staffs to enable swift, accurate information flow. Our information and decision capabilities are critical to providing accurate and timely advice to the NCA. We must ensure that these systems are state of the art and interoperable. We must further ensure that our transformation efforts enhance joint command and control throughout DOD. Initiatives such as the Standing Joint Task Force Headquarters will ensure these efforts provide timely and accurate information in warfighting headquarters as well as other higher headquarters.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Chairman of the Joint Chiefs of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR BILL NELSON

AIRCRAFT CARRIERS

1. Senator BILL NELSON. What, in your view, is the operational risk of having all but one of the Navy's east coast aircraft carriers stationed at Naval Station Norfolk?

General MYERS. With five of the six east coast carriers stationed in Norfolk, operational risks are increased somewhat by the number of carriers in port at any given time. This number averages between two and three, with one in shipyard maintenance and one or two pier-side. These operational risks are mitigated by a robust force protection plan (on both the ship and Naval Station), training, and situational awareness. The disadvantages are also balanced by the ability to consolidate protection forces in one place.

Although the channel leading from sea to the Naval Station is deep enough to accommodate the carriers, it is also narrow. Any restriction of the channel could affect the movement of carriers out of the harbor. This risk is mitigated as well by a robust force protection plan, which includes the Coast Guard and local and state law enforcement.

2. Senator BILL NELSON. What, in your view, is the operational value of having an aircraft carrier stationed at Naval Station Mayport, Florida? What, in your view, would be the operational risk if we do not have an aircraft carrier stationed at Naval Station Mayport?

General MYERS. Maintaining a carrier homeported in Mayport provides operational flexibility for the Navy by keeping that facility active and fully operational as an alternative east coast facility. As Mayport Naval Station can service two carriers simultaneously, it provides an operational value to the Navy. There is no specific risk associated with not having a carrier based at the Mayport Naval Station other than the reduced flexibility should the Norfolk facility become untenable.

QUESTIONS SUBMITTED BY SENATOR JOHN MCCAIN

AIRCRAFT CARRIER AND AMPHIBIOUS BATTLE GROUPS

3. Senator MCCAIN. Later this month, the Pentagon will forward the Quadrennial Defense Review (QDR) to Congress. There have been some disturbing press reports regarding cuts in our military's power projection capability, including cuts in the number of aircraft carriers battle groups and amphibious readiness groups. Based on recent events, the history of aircraft carrier battle groups and amphibious battle groups have been called upon in times of crises by JCS over 80 times in the past 25 years, and the self-sustaining nature and flexibility of the CVBG, do you believe that we can afford to further reduce the number of aircraft carrier and amphibious battle groups? Would you please elaborate on your answer?

General MYERS. The short answer is the Quadrennial Defense Review (QDR) did not recommend further reductions in the number of aircraft carrier battle groups (CVBGs), amphibious ready groups (ARGs), or the wide range of aircraft they support. As recent events make all too clear, the availability of CVBG strike and fighter aircraft has been and will continue to be an essential element in the maintenance of global security and stability.

B–1 FORCE STRUCTURE

4. Senator MCCAIN. General Myers, you seem qualified to answer my next questions based on your background-especially your distinguished military record of over 600 hours of combat flying in the F–4 Phantom in Vietnam.

Do you support the force structure cuts of 33 B–1B Lancer bomber aircraft announced earlier this year by the Secretary of the Air Force and the Secretary of Defense? Please explain.

General MYERS. I support the Department's decisions on current Force Structure levels. The fiscal year 2002 DOD budget reflects the Departments commitment to

sound stewardship by reshaping and modernizing the B–1 Lancer fleet. The consolidation of the B–1 force—from 93 to 60 aircraft, to be based at two major facilities—is part of an overall approach to maximize the strategic and operational effectiveness of America's long-range strike aircraft fleet for the 21st century. The savings that will result from this plan—estimated at upwards of $1.5 billion over the next 5 years—will be reinvested directly to enhance the lethality, survivability, readiness, and sustainability of the B–1 force.

5. Senator MCCAIN. Is the delay in the B–1B force restructuring worth the $100 to $165 million that it will cost the taxpayer and would you describe higher priority programs where this critical funding could be better used based on what you understand from the Services' "Fiscal Year 2002 Unfunded Priority Lists?"

General MYERS. Until we complete the Fiscal Year 2003 Budget Review later this fall, I will be unable to confirm whether $100–165 million is the right cost to the taxpayer. Based on an earlier assessment we realized the current B–1 force structure was neither cost-effective nor efficiently deployed for future combat operations. By reshaping the size and posture of the B–1 fleet, the Department could save hundreds of millions of dollars annually that could be invested in overdue defensive systems upgrades and weapons modernization efforts to make the remaining fleet "whole." At the same time, by basing the remaining B–1's at two large, active duty Air Force bases, the new Lancer fleet would be more capable, efficient and affordable. Under this consolidation plan, no bases will close, and the new arrangement will free up hundreds of airmen who can be employed in critical and emerging missions, ranging from current mobility and surveillance systems to next generation strike and unmanned vehicles.

6. Senator MCCAIN. Do you find it necessary, as this committee has done, to prohibit the cuts in the B–1B bomber force before the following reports have been submitted to Congress: the National Security Strategy Review, the Quadrennial Defense Review, the Nuclear Posture Review, Secretary of Defense Report on the B–1B Bomber, Bomber Force Structure Report, and Comptroller General Report on the B–1B Bomber.

General MYERS. There will be a window of opportunity to readdress bomber force structure in the coming months. While the Air Force has announced plans to reduce B–1B from 93–60 Aircraft, the future bomber force structure is not final pending results of the fiscal year 2003–2007 Program and Budget Review currently in progress. These reviews will allow the Secretary of Defense to evaluate how the Air Force intends to integrate guidelines established by Quadrennial Defense Review, Nuclear Posture Review, and relevant bomber studies. A final decision on B–1 force structure will be reflected in the fiscal year 2003 President's Budget Submission in February 2002.

7. Senator MCCAIN. As you understand Defense Secretary Rumsfeld's proposal called the "Freedom to Manage Act," does the Senate Armed Services Committees' prohibition with respect to the B–1B appear to be in conflict with the Secretary's legislative proposal—as you understand it? Please explain your answer.

General MYERS. Until the legislative proposal is finalized, I am not in a position to comment on it.

IRAQ

8. Senator MCCAIN. Given the clear and present danger of both terrorism and weapons of mass destruction—and Iraq's aggressive development of such weapons, as extensively documented by Gary Milhollin and other proliferation experts—would you agree that we need to undertake a more assertive policy against Saddam Hussein that relies not on simply patrolling Iraq's skies, but that instead seeks to liberate Iraqi territory and undercut his rule?

General MYERS. There is clear and indisputable evidence that Saddam Hussein has demonstrated the will to use WMD as a terror weapon. He has employed chemical weapons against his people and his neighbors. Absent on-site inspections of suspected Iraqi WMD facilities, we must monitor Iraq's actions related to its WMD capability from a distance. We should do everything possible to keep WMD from falling into the hands of terrorists and we can not rule out the possibility that Saddam would provide WMD to terrorist organizations that are hostile to the United States.

HOMELAND DEFENSE

9. Senator MCCAIN. Homeland defense now takes on immediate urgency in the wake of Tuesday's horrors, although its details remain controversial. Do you support the creation of a Department of Homeland Defense, as called for by the Hart-Rudman Commission on U.S. National Security in the 21st century? What other steps do you envision implementing to improve our defenses here at home?

General MYERS. I fully support the President's creation of an Office of Homeland Security and the Homeland Security Council and believe that this initiative should meet the overall goals of the Hart-Rudman Commission's report. In regard to what other steps are required to improve our defenses here at home, the SECDEF and I are reviewing the current unified command structures. To ensure that the DOD is properly organized we should structure ourselves to take on the challenges outlined in the QDR to meet not only the risks to our home but also maintain the global campaign against terrorism. Additionally, the U.S. Armed Forces will continue to provide military support to civil authorities wherever military capabilities are required by the President or Secretary of Defense, or in the case of the National Guard, State Governors.

10. Senator MCCAIN. Are you satisfied that the expressions of political and diplomatic support we have received from friends and allies across the globe will be matched by their provision of any military support necessary to conduct retaliatory actions in staging areas for U.S. forces and/or joint military operations?

General MYERS. One of the most gratifying parts of this campaign is the support we have received from our friends and allies around the world. Support for this effort has come in many different forms and includes elements from all the instruments of national and international power. Our friends and allies are contributing in different ways according to their own capabilities, geographical location, and interests. Examples range from political leverage to economic measures to information sharing to military forces for support or combat operations. A broad range of military support has already been offered and accepted in this multinational and multifaceted effort. The U.S. has received overflight authorizations for aircraft, landing rights, basing and logistical support, intelligence sharing, military equipment and air, land, and sea forces. More specifically, 45 countries have offered military forces and capabilities including combat and support forces. These contributions provide the capability to conduct and support joint and combined missions such as surveillance and reconnaissance, combat search and rescue, special operations, and direct offensive actions.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

SPACE PLANE

11. Senator SMITH. Last week, I received notice from General Ryan that the Air Force was terminating its work on a military space plane/reusable launch vehicle with NASA's X–33 and X–37. With Al Smith bowing out as AF Undersecretary—whom I know from his days at Sanders/Lockheed in New Hampshire—I'm concerned there may be a vacuum in Air Force thinking about space at the highest levels. Some people believe we won't be able to test and demonstrate any capability in Bush's first term. I've heard you support a military space plane. Do you agree that a space plane could address our long-range bomber needs? How does the Air Force plan to support reusable launch capability?

General MYERS. We believe reusable launch vehicles (RLVs) will play a key role in our Nation's ability to leverage the space medium. The Air Force is presently working with NASA to develop a roadmap that will identify the way ahead for RLVs. This roadmap, which includes a military space plane concept, will better define DOD and NASA requirements, build on previous NASA efforts (including the X–33 and X–37), and harness current technology initiatives.

From an Air Force perspective, the Air Force/NASA team is exploring the potential military utility of space planes as future long-range bombers, as well as for precision strike and maneuver against hardened targets, deployment of responsive satellite sensors, and the refuel and repair of on-orbit systems. We will have a better understanding of the art of the possible when the roadmap is complete in the spring of 2002.

AIR FORCE WAR PLANNING

12. Senator SMITH. There has been criticism of Air Force war planning as drifting towards the improbable. Specifically, that the U.S. has been steadily losing access to foreign bases, and buying short-range fighters, while its long-range bombers are shrinking in number. Second, that although Air Force war planning contends that enemy defenses will be quickly destroyed, the Air Force retired electronic-warfare planes capable of hiding non-stealthy planes from enemy radar. How do you respond to this criticism?

General MYERS. Although we have closed some overseas bases for budgetary reasons as we drew down the force over the last 10 years, we continue to have access to foreign airfields when we need them. Regarding the fighter/bomber mix, as well as the retirement of the Air Forces EF–111s, these decisions are two good examples of how we must balance our capabilities as we modernize our force. It is crucial that we balance range, lethality, responsiveness, cost, survivability, and a number of other factors, within budgetary constraints and global realities, to meet our Defense Strategy. I am confident the Air Force will continue to work toward the best possible force structure mix to meet our Nations needs.

Retiring the EF–111 allowed us to consolidate our electronic warfare capability into one platform, the Navy and Marine Corps EA–6B. The savings from deactivation of the F–111 and its support structure could then be used to meet ocher high priority requirements. To ensure that our electronic warfare requirements will continue to be met, the EA–6B will be receiving further capability enhancements, including an improved avionics package. An additional EA–6B squadron is slated to become operational in fiscal year 2003, bringing the total number of Navy and Marine Corps EA–6B squadrons to 20. Five of the Navy squadrons will be earmarked for land-based expeditionary deployments. Given the planned retirement of the EA–6B force beginning in 2010–2015, the Department has initiated a joint effort to determine the capabilities that should be developed for a successor system or systems.

All force structure decisions are critically reviewed during the Quadrennial Defense Review and each year during the budget review cycle and development of the Defense Planning Guidance. Constructive criticism is welcomed as a healthy input to these reviews. We will, of course, continue to review current plans in light of the events on 11 September 2001.

SPACE

13. Senator SMITH. Today we cannot afford to build enough ships to sustain our Navy, enough tankers and long-range bombers to give us the dominant global force we need without relying on overseas bases; and enough lift capability to get our current heavy ground forces quickly into theater. We must consider the possibility that spacepower systems can meet some of our future needs in a cost-effective way. We need advocates for space systems. When I think of GLOBAL force projection, I don't think of flying 18 hours from point A to point B to deliver ordnance, only to fly 18 hours home. I don't think of months of preparation time to bring forces into theater. I don't think of sensitive negotiations with allies for basing rights. I think of space—24 hour per day global presence. Yet space has, so far, been relegated a support role—providing information superiority for our land, sea, and air forces. Do you think space should have a force projection role? What space systems other than spaceplane, should we develop for force projection?

General MYERS. Our ability to address emerging threats may well require the use of space in a force application role. For the time being, however, the U.S. has not fielded operational space weapon systems. U.S. Space Command's third mission, Force Application, requires them to plan for and conduct research and development of space-based systems as insurance should the nature of threats and opportunities significantly change. Some of this R&D is focusing on concepts such as the spaceplane, exo-atmospheric common aero vehicles, and space-lased lasers. I would anticipate that developing these capabilities would serve as a deterrent to potential adversaries, and may be appropriate should the policy decision be made to field them.

UNMANNED AERIAL VEHICLES

14. Senator SMITH. Do you think our global force projection aircraft need to be manned (given our low tolerance for casualties and breakthroughs in automation and remote operations)? Should aircraft like Global Hawk be delivering ordnance? General Ryan recently promoted spiral development for Global Hawk—and said our

U2s are attriting—is Global Hawk or other unmanned aerial vehicles more or less vulnerable than U2s—esp. in light of recent losses in our UAVS over Iraq? Is reopening the U2 line a cost-effective option?

General MYERS. Advances in automation and remote technologies have created opportunities for us to expand the use of unmanned aerial vehicles (UAVs)in numerous military operations(e.g., Nobel Anvil, Southern Watch, Enduring Freedom). As UAV programs continue to mature and meet operational requirements, we will increasingly depend upon unmanned vehicles to carry out missions which place manned vehicles in unnecessary risk.

The GLOBAL HAWK program was initiated with the goal of alleviating shortfalls in Intelligence, Surveillance and Reconnaissance (ISR) capabilities. There exists the possibility that during spiral development of GLOBAL HAWK, the capability to deliver ordnance may be added. However, it could possibly delay achieving the required ISR mission if an attempt to add the capability to deliver ordnance is made at this juncture, as reengineering of the current system would likely be required. In addition, other programs such as the Unmanned Combat Air Vehicle (UCAV) are already being developed to address the capability to deliver ordnance.

The current plan for spiral development of GLOBAL HAWK is necessary in order to both achieve the fastest possible introduction of high altitude, long endurance unmanned ISR support while simultaneously allowing the program to keep pace with the rapidly improving technologies associated with these systems.

While we have experienced the loss of several PREDATOR air vehicles over Iraq, GLOBAL HAWK was designed to fly at higher altitude (65,000 feet vice 25,000 feet). This has the added benefit of defeating many anti-air capabilities. Due to its high altitude capability, GLOBAL HAWK has proven to be less vulnerable than the PREDATOR.

The U2, while tremendously capable, is nearing the end of it's service life and represents aging airframe technology. To reopen the U2 production line would be costly. The current plan is for GLOBAL HAWK to replace the U2 when it demonstrates the ability to provide comparable capabilities. Prior to that occurring, it would be premature to make any force structure decisions.

AIR FORCE SPACE PROGRAMS

15. Senator SMITH. It was encouraging to see a space program, "Space Lift," as the Air Force's number one priority. Unfortunately, it is an unfunded priority. While more space programs are on this year's list than ever before, space programs still constitute a disproportional small percentage of Air Force unfunded priorities—are space programs properly funded or is there a continuing aircraft bias in the Air Force that tends just to support expensive fighter upgrades?

General MYERS. I agree that correctly funding space is a concern. Accordingly, I have made Joint Warfighting and Transformation two of my highest priorities. Within this context, we will attempt to balance space programs against more traditional programs to provide optimum capabilities to the Joint Warfighter. I believe funding decisions will be based upon operational requirements and that space programs will be properly represented as opposed to any institutional bias favoring aircraft.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

PRECISION GUIDED MUNITIONS

16. Senator SANTORUM. In 1998, President Clinton ordered Tomahawk cruise missile attacks on Afghanistan and Sudan in response to the terrorist attacks on U.S. embassies in Kenya and Tanzania. Later, the U.S. led an air-dominated attack on the Yugoslav forces of Slobodan Milosevic, relying on large quantities of stand-off munitions to halt the aggression of these military and police forces. In a classified briefing I received, I learned of the approximate number of precision guided munitions (PGMs) or preferred munitions that were in the inventory of the U.S. military at the time. Can you tell me if the U.S. has enough PGMs to enforce a robust military operation against the parties responsible for carrying out the terrorist attacks of September 11, 2001 in New York City and Arlington, Virginia? Are there sufficient PGMs to support an attack on the perpetrators of these terrorist attacks and yet still provide a necessary reserve for other possible military engagements? Lastly, do you support the competitive procurement of laser guided bombs?

General MYERS. Considering our worldwide standing ordnance stockpiles, which contain a wide array of cruise missiles, precision guided munitions and more con-

ventional ordnance, and industry's ability to flex production, we are confident that we have sufficient capacity to carry out our global war on terrorism, while still retaining an adequate, but reduced, Reserve for future military engagements. However, over the entire course of Operation Enduring Freedom, our expenditure rates for select PGMs, such as Joint Direct Attack Munitions (JDAM), exceeded current production rates. We have received supplemental funding to increase munitions production rates and enhance industry's long term production capacity for both JDAM and the family of laser guided bombs. We also would support competitive procurement of laser guided bombs.

CYBER-TERRORISM

17. Senator SANTORUM. One of the main concerns of this committee has been the threat posed by cyber-terrorists or by those who carry out malicious/criminal attacks on our economy and/or government. In your opinion, what are the things that we are doing well with respect to cyberthreats?

General MYERS. We are doing well in identifying cyber threats in a timely manner and reacting with sufficient speed to guard against what I would consider a loss of our command, control, and communications capability. Making this possible are several interrelated things. The Commander Joint Task Force, Computer Network Operations watches the cyber environment for threats as well as managing the Information Assurance Vulnerability Alerts (IAVA) program. IAVA provides DOD critical information to resolve a recognized information vulnerabilities that if exploited could cause grave damage to our C^4 networks.

We also have instituted an Information Condition program that outlines certain procedures and actions that must be taken to guard against a cyber threat. USSPACECOM is assigned responsibility to manage worldwide the military Information Condition program.

18. Senator SANTORUM. Conversely, what are those areas that require additional effort?

General MYERS. Two primary areas: People and allied/coalition interoperability.

People are our primary resource in protecting our digital environment. That means a training continuum to meet the ever-growing sophistication of the cyber threat. System administrators are the foot soldiers of the cyber battlefield. They must not only know the basic skills necessary to keep the networks up and functioning, but must be able to detect, defend, react, and restore those networks when a cyber threat impacts performance. One thing we are doing is pursuing a standard skill set for our system administrators that cross service boundaries and provide known & expected level of skill expectations.

Future warfare means working with coalitions and allies. We need to improve our C^4 interoperability and we are working to accomplish this. Coalition Wide Area Networks (COWANs) are proving themselves tactically valuable. We are working to establish doctrine and policy to govern setup, operations, security certification & accreditation, and developing training opportunities to refine all of the above.

19. Senator SANTORUM. Can you tell me the types of actions or policy directives you will consider implementing to guard against cyberthreats as Chairman of the Joint Chiefs?

General MYERS. Future warfare on the cyber battlefield requires an interagency approach that cross DOD and non-DOD governmental lines. We need to improve an already growing interaction to further develop an effective information assurance umbrella that protects both military networks and critical civilian infrastructures. This will support Homeland Defense and National Defense objectives.

20. Senator SANTORUM. Do you believe that the cyber security scholarships authorized by this committee will be useful in helping to address the shortage of skilled personnel to address cyberthreats?

General MYERS. I am strongly in favor of this scholarship action by the committee. We hope to see more colleges become accredited to support this scholarship action and we ask the committee's continued support for a most welcomed initiative. Young men and women who take advantage of this scholarship program will focus on cyber security/information assurance. The cyberthreat will grow as information technology advances. People skilled in the field of information assurance/cyber security will play the most important role in our government in protecting our critical infrastructures from the cyberthreat. This scholarship program also generates opportunities for us to employ some of the Nation's brightest men and women in gov-

ernment service. Once they have experienced the challenges that face us in information assurance/cyber security many of them will remain for a career.

THE ABM TREATY

21. Senator SANTORUM. In your opinion, do you believe that the provisions specifying that the President of the United States must secure additional congressional approval before spending money that conflicts with the ABM Treaty strengthens or weakens the President's hand in consultations with the Russian government?

General MYERS. As you are aware, after my September 13, 2001, testimony, the provisions of the Fiscal Year 2002 Defense Authorization Bill mentioned in your question were withdrawn from the bill. The United States provided formal notification of its withdrawal from the ABM Treaty, effective 6 months from 13 December 2001, due to new national security threats and the imperative of defending against them. Although President Putin said the U.S. decision to withdraw from the ABM Treaty is a "mistake," he also said that U.S. missile defense is no threat to the security of the Russian Federation and both countries should create, as soon as possible, a "new framework of our strategic relationship." We are currently engaged in intensive consultations with the Russian government intended to move beyond the Cold War mentality enshrined in the ABM Treaty. To give these consultations every chance for success, I believe it is essential that we maintain maximum flexibility as we proceed through the coming months.

NATIONAL GUARD AND RESERVES

22. Senator SANTORUM. What do you think is the appropriate role of the National Guard and Reserves as to the mission of homeland defense?

General MYERS. As the requirements of Homeland Security evolves, we will find many mission areas for the National Guard and Reserves. Homeland security is a vital mission for the Reserve component forces, however it clearly is not, nor should it be their only mission. Reserve component forces must also continue to fulfill their other vital peacetime and wartime missions, to include force generation, wartime augmentation, and as a strategic Reserve.

A vital aspect of homeland security is the dual roles performed by the National Guard, in which they serve both their individual states and our Nation as a whole. Most Guardsmen presently safeguarding our airports nationwide, are mobilized in a Title 32 state active duty status. Only through existing Federal wartime missions, and the subsequent equipping and training initiatives, is the National Guard able to successfully perform their multiple missions. The suitable role of the National Guard and Reserves in fulfilling a homeland security mission is to perform a variety of mutually protective homeland security missions-providing safety of our land, airspace, and coastal waterways-defending the U.S. populace and protecting its critical infrastructures.

[Deleted].

23. Senator SANTORUM. What are the missions or tasks that you believe the National Guard and Reserves are ideally suited for in the area of homeland defense?

General MYERS. In addition to fulfilling the tasks as described in the previous question, Reserve component members are ideally suited for sustaining homeland security missions by fulfilling a variety of operational and support tasks, to include: security, logistics, transportation, intelligence, command & control, administrative, and training base support functions.

The National Guard and Reserves are capable of performing a wide range of homeland security missions and tasks. In essence, Reserve component forces serve as one of the military's most visible institutional links to the American society-for Guardsmen and reservists are directly representative of the many communities from which they are from and which they are protecting.

The missions and tasks that Guardsmen and reservists are ideally suited for are those, which leverage both their prior service and civilian acquired skills. Specifically, members working in civilian life in such specialized fields as emergency management, security & law enforcement, aviation, hazardous material management, medicine, computer technology, civil assistance, and human services are able to apply their professional expertise by serving in units performing similar tasks for homeland security.

24. Senator SANTORUM. Do you believe that National Guard and Reserves end strength ought to be on the table during the Quadrennial Defense Review and the Administration's Strategic Review?

General MYERS. Yes. We are a total force. It is important that we not separate our forces into segments, especially when making adjustments that will potentially affect the entire force and our overall warfighting ability.

25. Senator SANTORUM. If so, how might end strength level reductions impact our ability to carry out the homeland defense mission?

General MYERS. Before we can decide whether force structure changes may be necessary, we must first determine the appropriate homeland defense role for the Department of Defense (DOD). At the present time, the DOD homeland defense role is still emerging. Once this role is determined, mission requirements will follow. We can then assign and apportion the proper force structure—Active, Guard, and Reserve—to meet the mission requirements.

As noted earlier, homeland security mission is only one of our significant missions. Sufficient Reserve component forces must also be readied to fulfill other wartime missions, to include: force generation (training & preparing units for deployment), augmentation of Active-Duty Forces (to support war plans and contingency missions), and to serve a strategic Reserve (to exploit operational opportunities and to avert tactical disasters). These issues must also be considered during force structure discussions.

OBJECTIVE FORCE

26. Senator SANTORUM. I am concerned that the Army is not receiving the resources necessary to maintain its legacy systems, support a new interim force and transition to an effective objective force. It appears that the Army has been expected to transform itself without an increase in its budget. That is, the Army has been expected to transform by taking funds "out of hide." Regrettably, the Army lacks the resources needed to transform and sustain current modernization requirements. What actions can you take to ensure the viability of the U.S. Army and its ability to transform to meet 21st century threats? Will you be a vocal supporter of additional resources to help address the Army's modernization needs? Lastly, will you strongly support robust increases in science and technology funds to support the Army's transformation initiative?

General MYERS. The Army has worked hard to maintain its current readiness and warfighting capabilities while transforming for tomorrow. I will work with the SecDef to ensure that future budget submissions provide funding for the Army's Interim and Objective Force, while ensuring the Army priority is to be ready for war today.

[The nomination reference of Gen. Richard B. Myers, USAF, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 4, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601 and 152:

To be General

Gen. Richard B. Myers, 7092.

[The biographical sketch of Gen. Richard B. Myers, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF GEN. RICHARD B. MYERS

General Richard B. Myers is the Vice Chairman of the Joint Chiefs of Staff. In this capacity, he is a member of the Joint Chiefs of Staff and the Nation's second highest ranking military officer. General Myers is the fifth officer to hold the position.

General Myers was born in Kansas City, Missouri. He is a 1965 graduate of Kansas State University, and holds a Masters Degree in Business Administration from Auburn University. The General has attended the Air Command and Staff College at Maxwell Air Force Base, Alabama; the U.S. Army War College at Carlisle Barracks, Pennsylvania; and the John F. Kennedy School of Government at Harvard University.

General Myers entered the Air Force in 1965 through the Reserve Officer Training Corps program. His career includes operational command and leadership positions in a variety of Air Force and Joint assignments. General Myers is a command pilot with more than 4,000 flying hours in the T–33, C–21, F–4, F–15 and F–16 including 600 combat hours in the F–4.

From August 1998 to February 2000, General Myers was the commander in chef, North American Aerospace Defense Command and U.S. Space Command; commander, Air Force Space Command; and Department of Defense manager, space transportation system contingency support at Peterson Air Force Base, Colorado, responsible for defending America through space and intercontinental ballistic missile operations. Prior to assuming that position, he was the commander, Pacific Air Forces, Hickam Air Force Base, Hawaii, from July 1997 to July 1998. From July 1996 to July 1997 he served as the assistant to the chairman of the Joint Chiefs of Staff, the Pentagon; and from November 1993 to June 1996 General Myers was the commander of U.S. Forces Japan and 5th Air Force at Yokota Air Base, Japan.

As the Vice Chairman, General Myers serves as the Chairman of the Joint Requirements Oversight Council, Vice Chairman of the Defense Acquisition Board, and as a member of the National Security Council Deputies Committee and the Nuclear Weapons Council. In addition, he acts for the Chairman in all aspects of the Planning, Programming and Budgeting System to include participating in meetings of the Defense Resources Board.

General Myers is married and has three children, two daughters and a son.

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Gen. Richard B. Myers, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Richard Bowman Myers.

2. **Position to which nominated:**
Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
September 4, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
1 March 1942; Kansas City, Missouri.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary Jo Myers (Rupp).

7. **Names and ages of children:**
Nicole M. Little, 30; Erin L. Voto, 28; Richard B. Myers, Jr., 22.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.
Vice President, Myers Brothers of Kansas City (Non-active position with family-owned business).

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable and other organizations.
Air Force Association, Kansas State University Alumni Association, U.S. Army War College Alumni Association, Sigma Alpha Epsilon (Fraternal), The Retired Officers Association, Vietnam Veterans of America.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.
Ira Eaker Fellow, Air Force Association; 1991 Alumni Fellow Award, College of Engineering, Kansas State University; Kansas State University, Engineering Hall of Fame; General Thomas D. White Space Award; General James V. Hartinger Space Award; Canadian Meritorious Service Cross; American Academy of Achievement Award.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the *information* provided therein is, to the best of my knowledge, current, accurate, and complete.

GEN. RICHARD B. MYERS, USAF.

This 31st day of August, 2001.

[The nomination of Gen. Richard B. Myers, USAF, was reported to the Senate by Chairman Levin on September 14, 2001, with the

recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 14, 2001.]

NOMINATIONS OF GEN. PETER PACE, USMC, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF; GEN. JOHN W. HANDY, USAF, FOR REAPPOINTMENT TO THE GRADE OF GENERAL AND FOR APPOINTMENT AS COMMANDER IN CHIEF, UNITED STATES TRANSPORTATION COMMAND AND COMMANDER AIR MOBILITY COMMAND; AND ADM. JAMES O. ELLIS, JR., USN, FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL AND FOR APPOINTMENT AS COMMANDER IN CHIEF, UNITED STATES STRATEGIC COMMAND

TUESDAY, SEPTEMBER 25, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 10:19 a.m., in room SH–216, Hart Senate Office Building, Senator Max Cleland, presiding.

Committee members present: Senators Cleland, Landrieu, Reed, Akaka, Bill Nelson, E. Benjamin Nelson, Warner, Roberts, Hutchinson, and Collins.

Committee staff members present: David S. Lyles, staff director.

Majority staff members present: Richard D. DeBobes, counsel; and Terence P. Szuplat, professional staff member.

Minority staff members present: L. David Cherington, minority counsel; Suzanne K.L. Ross, research assistant; and Richard F. Walsh, minority counsel.

Professional staff members present: Charles W. Alsup, Brian R. Green, Gary M. Hall, Carolyn M. Hanna, and Thomas L. MacKenzie.

Staff assistants present: Dara R. Alpert, Daniel K. Goldsmith, and Thomas C. Moore.

Committee members' assistants present: Barry Gene (B.G.) Wright, assistant to Senator Byrd; Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; Eric Pierce,

assistant to Senator Ben Nelson; J. Mark Powers, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; James P. Dohoney, Jr., assistant to Senator Hutchinson; Kristine Fauser, assistant to Senator Collins; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR MAX CLELAND

Senator CLELAND. The hearing will come to order.

As might be obvious to the audience, you can see the terribly low state of our readiness with Senator Roberts and myself chairing the hearing. [Laughter.]

We need you fine men to fill the holes out there and do the great job for our country that we want you to do.

I would like to thank all of you for your attendance at the hearing today. The Senate is considering the National Defense Authorization Act for Fiscal Year 2002, and Chairman Levin has asked that I begin this important hearing while he manages the bill on the Senate floor.

This morning we will recognize the nominations of three individuals to senior leadership positions in the United States Armed Forces: Gen. Peter Pace, United States Marine Corps, to be Vice Chairman of the Joint Chiefs of Staff; Gen. John Handy, United States Air Force, to be Commander in Chief, United States Transportation Command (USTRANSCOM), and Commander, Air Mobility Command (AMC); and Adm. James O. Ellis, Jr., United States Navy, to be Commander in Chief, U.S. Strategic Command (STRATCOM). We will need your strategic guidance as the days move forward.

On behalf of the Armed Services Committee, I would like to welcome you and your families. I apologize that my schedule and recent events prevented me from meeting with each of you. However, having read your biographies, I have tremendous confidence in the ability of each of you to carry out your new positions. You certainly have my support.

We have a tradition of asking nominees to introduce family members who are present. General Pace.

General PACE. Mr. Chairman, thank you very much. Several members of my family are present today; first is my wife Lynne, who has held my hand for 34 years and been my wife for 30; our daughter, Tiffany Marie, who is a year 2000 graduate of the University of New Hampshire, is currently working with a law firm here in Washington, DC as a research assistant; my brother Sim, a 1965 graduate of the United States Naval Academy, United States Marine, 6 years active duty, twice wounded in combat in Vietnam; his wife of 33 years Mary; and one of their three sons, Bradley, who works with Worldcom in the Washington, DC area. That is my family present today, sir. My son, who is not here, is a First Lieutenant in the United States Marine Corps. He just returned to Camp Pendleton, California, from a 6-month deployment. I regret that he cannot be here, but I am proud he is serving his country.

Senator CLELAND. Hoorah.

General PACE. Thank you, sir.

Senator CLELAND. General Pace, we are honored to have you and your family here today. I now see that part of the secret of your success is the great support you have had from your family. We are honored to have you and your family members here, especially those who have served the country.

I would like to thank you for all your help over the past 2 years. General Handy, why don't you introduce your family.

General HANDY. Yes, sir. I am pleased to introduce my wife of 33 years, Mickey; my sister, Margaret McLaurin; her husband, Bill, who came from Kernersville, North Carolina, to be with me this morning; my secretary, Eleanor Bain, is also in the cheering section, and I am proud because she is an extraordinary member of my family, too.

Senator CLELAND. Thank you very much, General Handy. Ladies and gentlemen, we are glad to be with all of you.

Admiral Ellis, do you have family members with you today?

Admiral ELLIS. Thank you, Senator Cleland. Present with me today is my wife, Polly, my bride and partner over these 31 years of an incredible journey. My son cannot be with us today. He is a Captain in the United States Army serving with the 2nd Ranger Battalion in Fort Lewis, Washington, and is currently deployed to Germany. I have a daughter who lives in California and also cannot be with us, but she presented us with a new granddaughter last month. Thank you very much.

Senator CLELAND. Thank you very much. You are very kind to mention those distinguished members of your family.

General Handy, I would like to thank you for all your help over the last 2 years in formulating the Air Forces' plan to invest in the C–130J aircraft. As an airlifter, General Handy, you understand the importance of investing in this next generation of aircraft, and I personally appreciate your vision and work on this program.

I think that your experience and background make you more than qualified to command the United States Transportation Command and Air Mobility Command. No matter what form of action the President takes in responding to the recent terrorist attacks on our Nation, your position will be vital in getting the mission started, sustaining the mission, and bringing our troops home.

General Pace has led marines in Vietnam, Korea, Japan, and Somalia. For the last year as Commander in Chief, U.S. Southern Command, he has guided our military relations with 32 nations in Central America, South America, and the Caribbean. If confirmed for the position of Vice Chairman of the Joint Chiefs of Staff, General Pace will be the first marine to be the Vice Chairman of the Joint Chiefs of Staff.

Admiral Ellis, as Commander in Chief, U.S. Strategic Command you will help shape and implement the ongoing review of this Nation's long-range nuclear force structure. That is a vital mission.

Again, I welcome you all. You are going to play a pivotal role in our military in the days to come.

I will recognize my colleague here, Senator Roberts, for any comments he might want to make.

STATEMENT OF SENATOR PAT ROBERTS

Senator ROBERTS. Mr. Chairman, it is a pleasure to serve with you as chairman during this important confirmation hearing. We have been riding either stagecoach or sidesaddle, or whatever the term should be, for some time. It is a real privilege to be here with you.

I have a very short statement, some of which will be repetitive. But it bears repeating, especially because of the quality of the witnesses and their families.

Welcome to General Pace, Admiral Ellis, and General Handy, and congratulations on your nominations.

I would like to say the world has changed dramatically since you were nominated by the President for these high positions. The importance of these key positions and the grave responsibilities of the individuals placed in these commands have only intensified since the infamous day of September 11. If you are confirmed, as I fully expect, we will look to you for innovative leadership in the difficult, challenging years ahead.

On September 13, only 2 days after the terrorist attacks on the World Trade Center and the Pentagon, we conducted the nomination hearing for General Myers. The Senate quickly confirmed him as the next Chairman of the Joint Chiefs. It was imperative then, and it remains so today, that we demonstrate our resolve and our commitment to meet the new challenges we face by trying to expedite and facilitate these nominations and provide the Secretary of Defense the strong and determined military leaders he needs to fight the war on terrorism. I thank the chairman for scheduling this hearing so promptly.

General Pace is no stranger to this committee. If confirmed, he will be the first marine to serve in the capacity of Vice Chairman, a milestone this marine and all marines, past and present, can certainly be proud of. In his present capacity as Commander in Chief, United States Southern Command, General Pace has confronted firsthand the very corrosive effects of terrorism. There are numerous, difficult challenges facing the United States and our friends and allies in the Southern Command region. I commend General Pace on his service in that area of operations. His many leadership accomplishments in numerous joint billets worldwide with combat marines will serve him well as the Vice Chairman of the Joint Chiefs of Staff.

Admiral Ellis is also well known to this committee. He has had a most distinguished career as a naval aviator. He performed superbly as the NATO Joint Force Commander for Operation Allied Force, exercising operational command of U.S. and allied forces involved in Kosovo combat and humanitarian operations. He also served admirably as the Deputy Chief of Naval Operations for Plans and Policies. He is a nuclear-trained officer with extensive command experience.

General Handy, as Vice Chief of Staff for the Air Force, has played a key senior leadership role in directing the air staff, serving on the Joint Requirements Oversight Council. He has had extensive experience in the United States Transportation Command, serving as Director of Operations and Logistics. He is a command

pilot with more than 4,800 flying hours, primarily in airlift aircraft, as indicated by our distinguished chairman.

General Handy and all of our witnesses are eminently well qualified for the positions to which they have been nominated. Gentlemen, you have my support. I applaud your willingness to serve and I look forward to working with you.

Thank you, Mr. Chairman.

Senator CLELAND. Thank you, Senator Roberts.

Senator Hutchinson, do you have any comments to make about our panelists?

STATEMENT OF SENATOR TIM HUTCHINSON

Senator HUTCHINSON. I have had the opportunity to visit with all of the nominees today, and they are, as Senator Roberts said, very qualified.

I also commend the chairman and the committee for the determination to move quickly on these confirmations. We cannot choose the times in which we live, and these times are difficult. They are trying, challenging, and dangerous. While we grieve the loss and suffer the pain of the tragedy of recent days, it is also an opportunity for good men and qualified leaders to serve and serve well. While I do not relish the task that you have ahead of you, I am assured that we have the right people for the times in which we live. I look forward to supporting your nominations.

Senator CLELAND. Thank you very much, Senator Hutchinson.

Now we have a special introduction by Senator Bill Nelson, who has a word to say about one of our nominees.

STATEMENT OF SENATOR BILL NELSON

Senator BILL NELSON. Mr. Chairman, I could, of course, speak for all the nominees, but I particularly want to speak on behalf of General Pace, a resident of my State. He is particularly suited for this time in this position because of his extraordinarily honed skills as a diplomat.

I had the privilege of observing him in action earlier this year with our chairman, Senator Levin, and several other members of the committee because we went to southern Colombia and into the jungles. We were accompanied by General Pace. It soon became apparent that this was a military officer extraordinaire, not only skilled in matters of military, but skilled in matters of diplomacy as well.

I was intrigued, for example, when he was extolling the fact that the location of the Southern Command, once we had to leave the Republic of Panama, was put in a crucial area where the traffic was the highest for the diplomats and governmental officials from all of the Central and South American countries. The Southern Command is in Miami, which is a focal point for so many of these governmental officials who travel in and out of the country. He explained how that gave him the additional opportunity to interact and build a personal relationship with the leaders and diplomats of foreign governments. That is modernized thinking about how we are going to conduct our military affairs. Indeed, as we now are responding to the tragedy of September 11, we see that not only is

a military response necessary, but that a diplomatic response is required for the best possible, most successful response.

It is interesting how Gen. Pete Pace was nominated before the September 11 tragedy to be Vice Chairman, and how the value of that nomination has been underscored since.

I am happy to be here. Of course, I could say other things, but I do not want to get the other services all up tight about the fact that General Pace is going to be the first marine in this position. It is an exceptionally good choice, and I am glad that I can be here.

I apologize for not being present earlier, but we just had a crucial vote on the National Defense Authorization Act for Fiscal Year 2002 and the chairman had asked me to stay and help him.

I am glad to be here to highly recommend Gen. Pete Pace.

Senator CLELAND. Thank you very much, Senator Nelson. We appreciate those glowing remarks. General Pace, you have a lot to live up to there. [Laughter.]

At this point, I would like to submit the statements of Senators Thurmond and Allard.

[The prepared statements of Senators Thurmond and Allard follow:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman, I want to join Chairman Levin and Senator Warner in welcoming General Pace, General Handy, and Admiral Ellis. Although each of these officers has had a long and distinguished career, the fact that Admiral Ellis is a native of Spartanburg, South Carolina, makes him stand out in my eyes.

To each nominee, I want to extend my congratulations. The challenges ahead have always been enormous, but after the tragic events of September 11, they will be greater yet. I believe I can speak for every member of the committee when I say that you should not hesitate to call on us if you need support as you carry out the national security role of your command.

I wish you success and expect the Senate to act swiftly to confirm your promotions and appointments.

Thank you, Mr. Chairman.

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Thank you Mr. Chairman, I want to thank the three of you for coming here today. Your areas of responsibility are of vital interest and of strategic importance to the United States. You are accepting an immense amount of responsibility at a most important and challenging time in our country. I want to thank you in advance for your efforts, your dedication to duty, and your overwhelming commitment to the soldiers, sailors, airmen, and marines in your charge.

Your areas of responsibility are of much political and economic interest to the United States. There are areas of conflict, but of opportunity as well. I have the upmost confidence in your ability to handle them.

So gentlemen, I thank you for your service, and I look forward to working with you.

Senator CLELAND. The nominees have responded to the committee's prehearing policy questions and our standard questionnaire.

It is now time for opening statements. Why do we not go General Handy, General Pace, and Admiral Ellis? General Handy.

STATEMENT OF GEN. JOHN W. HANDY, USAF, FOR REAPPOINTMENT IN THE GRADE OF GENERAL AND FOR APPOINTMENT AS COMMANDER IN CHIEF, UNITED STATES TRANSPORTATION COMMAND, AND COMMANDER, AIR MOBILITY COMMAND

General HANDY. Senator, thank you very much for the kind remarks from all of you this morning. It is with a great deal of humility that I appear before you today. You have our statements submitted for the record, and I look forward to any questions that we might engage in throughout this morning. Thank you very much.

Senator CLELAND. Thank you very much, General.

General Pace.

STATEMENT OF GEN. PETER PACE, USMC, FOR REAPPOINTMENT IN THE GRADE OF GENERAL AND FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

General PACE. Sir, I would like to thank you and the committee for the opportunity to appear before you this morning. It is indeed a great honor to be nominated to be the Vice Chairman of the Joint Chiefs of Staff. I pledge to you and the members of the committee that, if confirmed, I will do everything in my power to ensure that the magnificent men and women in our Armed Forces receive all the support that they so richly deserve.

I would also like to thank the members of this committee for your strong bipartisan support of all of us in uniform. It makes a difference. Although Senator Nelson has had to leave, I would like to thank him publicly for adopting me today, for saying things about me that my father would be scratching his head about and my mother would be saying, that is exactly right. [Laughter.]

But I deeply appreciate him taking time to do that.

I look forward to your questions, sir.

Senator CLELAND. Thank you very much, sir.

Admiral Ellis.

STATEMENT OF ADM. JAMES O. ELLIS, JR., USN, FOR REAPPOINTMENT IN THE GRADE OF ADMIRAL AND FOR APPOINTMENT AS COMMANDER IN CHIEF, UNITED STATES STRATEGIC COMMAND

Admiral ELLIS. Thank you, Mr. Chairman. It is a personal and professional pleasure to appear before you today as the nominee for the position of Commander in Chief, United States Strategic Command. As you have noted, in this time of unprecedented challenge and change for our Armed Forces and our Nation, I too am humbled by the prospect of continued service in this post alongside the incredibly talented men and women in both the Strategic Command and in its service components. If confirmed, I will add all my energies to theirs in sustaining and enhancing the unique and essential contributions that STRATCOM makes to our national security.

I thank you and the members of the committee for the speed with which you are moving on this with the pace of other events which make demands on your time. As with the other nominees, I look forward to your questions.

Senator CLELAND. Thank you very much, sir.

The nominees have responded to the committee's prehearing policy questions and to our standard questionnaire. Without objection, these responses will be made a part of the record.

The committee also has received the required paperwork on the nominees, and we will be reviewing that paperwork to make sure that it is in accordance with the committee's requirements.

There are several standard questions that we ask nominees who come before the committee. I would like to ask all of you the same question, and you can answer all at once.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress and to give your personal views, even if those views differ from the administration in power?

General HANDY. Yes, sir.

General PACE. Yes, sir.

Admiral ELLIS. Yes, sir.

Senator CLELAND. Thank you.

Have you adhered to the applicable laws and regulations governing conflict of interest?

General HANDY. Yes, sir, I have.

General PACE. Yes, sir, I have.

Admiral ELLIS. Yes, sir, I have.

Senator CLELAND. Thank you.

Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General HANDY. No, sir, I have not.

General PACE. No, sir, I have not.

Admiral ELLIS. No, sir, I have not.

Senator CLELAND. Will you ensure that the joint staff complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings?

General HANDY. Yes, sir.

General PACE. Yes, sir.

Admiral ELLIS. Yes, sir.

Senator CLELAND. Thank you.

Will you cooperate in providing witnesses and briefers in response to congressional requests?

General HANDY. Yes, sir, I will.

General PACE. Yes, sir, I will.

Admiral ELLIS. Yes, sir, I will.

Senator CLELAND. Will those witnesses be protected from reprisal for their testimony?

General HANDY. Yes, sir, they will be.

General PACE. Yes, sir, they will be.

Admiral ELLIS. Yes, sir, they will be.

Senator CLELAND. Thank you.

We will proceed with the first round of questions limited to 6 minutes for each Senator on the basis of the early bird rule. I will let my distinguished colleague, Senator Roberts, go ahead with questions.

Senator ROBERTS. I thank the distinguished chairman.

General Pace, in the Senate version of the National Defense Authorization Act for Fiscal Year 2002 we worked hard to put a provi-

sion establishing a central transfer account for all of DOD's combatting terrorism programs. I know that it is hard to define what is and what is not terrorism. But we had some objections from the administration at that time in the House conference. They did not want to go down that road. The provision was not included in the final bill.

However, the DOD, as directed by Congress, has now consolidated all of its combatting terrorism programs under the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. Having taken that step, do you believe that establishing a central transfer account for all of the Department's combatting terrorism programs is a next logical step?

General PACE. Senator, thank you. I do not have the specifics in my head yet of the mechanisms that function here in Washington, as far as funding. My approach to answer that question would be to determine the most efficient and effective way to support our service members in the field, and if a centralized account would, in fact, provide the best protections for the young men and women in uniform, then I would support that, sir. But sitting here before you today, I do not understand the mechanism well enough to define it.

Senator ROBERTS. We can have a good conversation about that. We were trying to determine from a funding standpoint and an authorizing standpoint exactly where we were in combatting terrorism and force protection within the DOD. It sounds easier than it is.

General PACE. Yes, sir.

Senator ROBERTS. We will be happy to visit with you about that.

President Bush recently announced the establishment of a cabinet level homeland security agency led by Governor Ridge. How will the establishment of this agency, in your view, impact the Department's current supporting role in combatting domestic terrorism?

My specific question is, will this agency have ultimate authority over DOD's combatting terrorism budget, including force protection? There is a school of thought by many commissions that the distinguished chairman and I have worked with on how you approach terrorism, that says in the new position or homeland security agency somebody has to have the horsepower and the budget authority. How is that going to match up with what some of us feel is a pretty important pasture that we are in charge of? Can we work that out? How do you feel about that?

General PACE. Senator, I think we can work that out, and I think that the position itself will help focus the government debate on the proper way ahead. Clearly, the Department of Defense has many things that we can do to assist in homeland defense. There are also some lines which, as a citizen, I would not want to cross as a person in uniform as we work together to find out how our intelligence network, Reserve Forces, and National Guard Forces, which in a very real measure are forward deployed today inside the United States, can assist with homeland defense. Just like how our Active Forces are forward deployed overseas and Reserves support them, in a very real way the Reserve and Guard Forces are forward deployed in the communities around the Nation, and they

have tremendous capabilities that they can bring to bear. As we work together to determine how best and most efficiently to use the resources involved, I think that having the new cabinet level position is going to assist us all in focusing the debate in making the right decisions.

Senator ROBERTS. One of the things I have been interested in with regard to your predecessor in the Southern Command, General Wilhelm, who I think is an outstanding general, outstanding marine, is there has been a lot of debate in regard to our country's role in Colombia. Some insist we should provide only counternarcotics support to the Colombian Government. Others believe that the counternarcotics assistance is inseparable from the war against the revolutionary armed forces of Colombia. Some would call those terrorists. I would. Can you give me your views on this issue, particularly in light of the recent events?

General PACE. Sir, I can. Thank you. I agree with your estimate of General Wilhelm. He is a great man and a great patriot, and I thank you for bringing him up in this hearing, sir.

I believe that our current support to Colombia has been exactly and properly focused to support President Pastrana in Plan Colombia. Senator, Plan Colombia has 10 parts, one of which is the military; the others address health and judicial reform, schools, roads, and alternative development. None of those other parts of Plan Colombia can grow until there is security throughout the Nation.

Today, the combination of the Colombian police and the Colombian military is not sufficient to provide security throughout the Nation. Our assistance to their counternarcotics brigade, the provision by this Congress through our State Department of helicopters, has, in fact, strengthened Joint Task Force South under Brigadier General Montoya in the Putamayo Province and allowed him to do a fantastic job. They began operations last December. In less than a year, they have eradicated almost 30,000 hectares. They have wiped out some 300 labs. They are providing security where they are. But the fact of the matter is, if they were to move from the Putamayo Province to somewhere else, then the stability of that province would be undermined.

I believe the proper way ahead in the current support for Plan Colombia is to assist the Colombian Government in building additional counternarcotics brigades that can do what Joint Task Force South has done; first, take on the counternarcotics problem; second, move more into a homeland security type organization that can provide stability so that Plan Colombia can ultimately be successful.

The Revolutionary Armed Forces of Columbia (FARC) are terrorists. The National Liberation Army (ELN) are terrorists. The Autodefensas in Colombia (AUC) are terrorists. The amount of money in the drug trade, hundreds of millions of dollars, is awash throughout the world, and within at least that specific category, there are very healthy targets for our worldwide campaign against terrorism, sir.

Senator ROBERTS. Basically, you are saying that when you are awash in money from the drug cartels, regardless of the region, that that money is fungible, which is precisely the subject that the President and others are addressing even as we speak.

My time is expired, Mr. Chairman. Thank you.

Senator CLELAND. I would like to ask a couple basic questions. I would like to ask each of you, bringing your military experience to this issue, what have you learned in the wake of the September 11 terrorist attack's on the country? Can you also comment across the board about anything you have learned?

How will the September 11 terrorist attacks affect your new role? What are some of the challenges you face?

General Handy.

General HANDY. Thank you, Senator.

Clearly, the events of September 11 struck a deeply personal blow to each of us as Americans. It has caused us all to have a great deal of personal reflection as individuals. Also, as a man with almost 35 years in the military, I have some deep and lingering thoughts from a professional perspective about what the future may portend.

The sanctity of this Nation and the protection of its citizens has always been something that we hold very sacred, and a challenge such as this from terrorists outside this great Nation should cause us all to pause.

As I look in the future, if I am confirmed as the Commander in Chief of United States Transportation Command, I see the potential for a worldwide aggressive approach to suppressing terrorism and eradicating these horrendous individuals, the stresses and strains on the U.S. transportation system, our airlift, sealift, and in great measure, even our internal road and rail networks. They have become quite a challenge. On the long distance support of troops abroad, our airlift resources come into potentially very stressful situations as we are today moving in that direction. General Pace mentioned our issues in Southern Command. There is no doubt we need to exercise our authorities continually in that region, as well as others around the world. So, as I approach this job, I will remain concerned and very anxious to try to work with this committee to highlight and solve those stressing problems in this business of ours.

Senator CLELAND. Thank you very much.

General Pace. What have you learned?

General PACE. Senator, as we all have known for the past decade, the United States' conventional forces are, quite simply, untouchable, and we would, if attacked, be attacked asymmetrically. We obviously have not been able to understand the type of attack that would occur, like it did, nor to be properly positioned to defeat it. But, now that it has occurred and we have begun to focus our attention on how to prevent it in the future and how to disassemble the terrorist organizations that spurn this, I think we have several things we need to do.

We must increase our intelligence capability, whether it be for a combatant commander in the field like myself right now, or in support of organizations like the FBI and other law enforcement. We must have the eyes and ears both forward deployed and at home, to understand the environment in which we are working and to understand the networks against which we are going to proceed.

We are also going to need an interagency approach to execution of the decisions made by our President. I think our system of Dep-

uty Committees' meetings, Principals Committees' meetings, National Security Council meetings are very good at teeing up for the President the decisions that he makes.

The execution side sometimes devolves back to stovepipe approaches so that what comes to the State Department to do, they do, what comes to the Department of Defense, we do, without enough coordination at the top to ensure that all of our energies are being expended wisely and in synergy. I believe that what we are going to need to do, and if confirmed, what I will strive to do as Vice Chairman, is to bring together the interagency here in Washington in a way that allows us to focus all the energies of this Nation.

There is some part of this that is going to be kinetic. There will be bombs dropped. There will be things that happen in a purely military way. But there are enormous strengths of this government that will be brought to bear that are outside the realm of DOD. In DOD, we must understand how we can support a mechanism to make all the work smoothly and efficiently, sir. It is going to be needed.

Senator CLELAND. Senator Roberts has a comment.

Senator ROBERTS. It is more of a question, and I apologize to Senator Hutchinson and Senator Collins and Senator Nelson.

When something happens, we have been having hearings, what I call the "oh, my God" hearings, in the Intelligence Committee and on this committee as well. I am terribly concerned about what I consider to be, I do not know if I want to call it a massive failure, but certainly an unintentional failure of preventive analytical ability in terms of our intelligence capabilities. We have the technology. We have an amazing amount of resources. We have good people. We have plused up accounts on Signals Intelligence (SIGINT), on Human Resources Intelligence (HUMINT), and on attracting people to our intelligence agencies.

But I must tell you that after Khobar Towers, after the U.S.S. *Cole,* after the Khartoum chemical plant bombing where we made a mistake and ended up in world court, after the failure of the intelligence community to detect the India nuclear test, and we can go on and on, something is dreadfully wrong. We are still continuing hearings on the *Cole* to get the preventive intelligence available, in your case, sir, to the warfighter.

When Tommy Franks was in charge of the Central Command, it seemed to us on the Intelligence Committee, upon investigation, that there were enough red flags. As you take a look at what we are into now, we are at war, perhaps a warning notice could have been sent. Now, that is very difficult to do. It is very easy to criticize with 20/20 hindsight.

But we have to do better in regards to our analytical ability, and I think we have too many folks there who are into risk aversion, who do not think out of the box, do not think improbably. If we are going to detect so that we can deter the next attack—because the same people that planned the bombing in regards to Khobar Towers are the same kind of people that did it with the *Cole,* the same kind of people that did it in Washington and New York, and the same kind of people that are doing it right now—and I must say that I am terribly concerned and frustrated.

Every time we have hearings, we have people who sit in front of us and say, "Here is what we reported, here is what we reported, here is what we reported." It is very difficult. It takes weeks and months to do. We have "leap-ahead" technology now to help us out in that respect. I am very concerned about it. If we do not do that, much of what we talk about here is just not going to be possible.

I am being a little argumentative, and I apologize to my colleagues for making a speech.

Do you have any comment about this in regards to force protection and what you are going to be about? You say that you are going to be the person that tries to develop a better joint approach to this so that all of these stovepipes and the cultures we have can say, "Whoa, wait a minute." We have to step back from this, understand we are at war, and come up with a better plan.

General PACE. Senator, you clearly have articulated it better than I could. I would simply add, based on my recent experience in SOUTHCOM, that human intelligence is where I see our biggest failing. For example, the vast majority of the large successes that we have had in the counternarcotics operations have been because we received information that something was going to happen at a certain time, and received it from a person who had knowledge from another person. It is that kind of information that we do not have enough of, and that is an area that I would recommend we focus on as we look to shore up our intelligence apparatus.

Senator ROBERTS. Would either of the other two gentlemen, Admiral, General, have any comments about this, other than to say, "yes, I agree?"

General HANDY. Certainly, that is an imperative. General Pace is absolutely right about the human intelligence problem today.

But, Senator, what you point out is also the over-arching issue that we all face, and that is integration of all of the intelligence that we receive. Certainly, our intense focus must be on breaking down those stovepipes and continuing to pull this together with the technology that we know is within our reach. The technology is a potential solution. From an Air Force perspective, with my Vice Chief of Staff hat on, our endeavors certainly bring us some relief, potentially in the near term, as well as in the long term. Sharing integrated intelligence, especially human intelligence, is a huge leap in the right direction. We have certainly almost dispatched that capability, and we need to resurrect it and give some strength to it as well.

Senator ROBERTS. Admiral Ellis.

Admiral ELLIS. Yes, sir. I would only add that while an improvement in the intelligence architecture and the automated tools can clearly bring us what you and my colleagues have described, speedier analytical capability is essential. But Pete is right on the mark when he talks about the critical utility and role of human intelligence.

I would only add, based on my experience overseas, that we also have the ability to draw human intelligence from allies and coalition partners. They are increasingly forthcoming in those types of dealings, based on my experience with our Balkan operations, and this certainly is the case in the tremendous outpouring of support that we have received overseas from our allies since the tragic

events of September 11. I would only add that as we think HUMINT, in addition to those capabilities which we need to generate ourselves, perhaps there are ways in which we could expand and draw more completely on those capabilities that already exist on the part of our allies and partners.

Senator ROBERTS. Mr. Chairman, in the interest of my colleagues and their valuable time, please consider that my second 6 minutes, and I will cease and desist.

Senator CLELAND. Thank you very much, Senator.

Admiral Ellis, any further lessons learned about September 11?

Admiral ELLIS. Certainly, sir; I share the lessons that everyone has brought home so tragically on September 11 in the unexpected scope of this terrorist threat, which we know has been confronting us for over a decade. Clearly, we have been looking outward and we have worked very hard, as we have already articulated, to ensure the safety of our deployed forces and for those forces that go in harm's way. We have redefined the nature of that threat clearly in one single, heinous act on the 11th of September.

As I mentioned earlier and alluded to in my previous remarks, the support that we have received from our allies has been absolutely tremendous, and it is right down to the tactical level. I have received calls from the heads of the Armed Forces of virtually all of the NATO allies, telegrams of support, offers of sympathy, and more importantly, they have translated that into real offers of security. Heretofore, issues that had been perhaps pushed back a bit by them, in the interest of sovereignty concerns, all of those obstacles have been removed and they certainly have been forthcoming.

If confirmed as Commander of the United States Strategic Command, the future of what we now define as deterrence has to include a larger number of elements in that concept as we look at new threat environments and, indeed, in a real sense, new strategic environments in which that deterrent policy must serve us.

In the meantime, based on my understanding, Strategic Command continues to support the Commander in Chief's (CINCs) worldwide in terms of intelligence information. I believe that the organization also would stand ready to support, in whatever construct is deemed appropriate, the issues that are emerging in terms of homeland defense. Clearly, all of us, as you have properly noted, are going to see a much different situation than we would have anticipated when initially nominated for these posts a few short months ago.

Senator CLELAND. Thank you all very much.

Senator Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

It is a pleasure to see you again, General Pace. As the other Senator Nelson said, we journeyed together to Colombia. I appreciated very much your insight, as well as your support there for that mission.

It is good to see Admiral Ellis, soon to become a Cornhusker. We are looking forward to having you come to Nebraska. I saw Admiral Mies socially on Saturday evening and he is very much looking forward to you succeeding him as the CINC at Strategic Command.

General Handy, I look forward to working with you in the months and years ahead, certainly to deal with the logistics of mov-

ing troops quickly and safely. You have a significant role and a tremendous job ahead of you, as we look forward to the months, possibly years ahead, to deal with challenges as we battle against terrorism.

My question to you all today comes from an opinion in the *Atlanta Journal Constitution* written by the former chairman of this committee, former Senator Sam Nunn. He tells about the time that the communist empire broke apart. The former Soviet Union left as a legacy some 30,000 nuclear warheads, more than 1,000 tons of highly enriched uranium, 150 tons of plutonium, 40,000 tons of chemical weapons, 4,500 tons of anthrax, and tens of thousands of scientists who know how to make weapons and missiles, but obviously do not even know how to feed their families.

The fear continues to be that the former Soviet Union and the republics, even working the United States, have been unsuccessful in assuring the security of these weapons of mass destruction. Do we have and can we put together a plan that, in the midst of a war against terrorism, focuses on objects that could be used against the United States, against the world for that matter, in this battle against terrorism?

I guess I would start with you, General Pace.

General PACE. Senator, thank you.

The answer to can we put together that type of an organization——

Senator BEN NELSON. Or have we? I think the suggestion is that we have not been able to do it to date. If that is the case, then the question obviously becomes can we.

General PACE. Sir, if I may constrain my answer in this public forum?

Senator BEN NELSON. Yes. I think we have to keep it secure.

General PACE. In a very general overview way, I would address your question by saying that there have been efforts in the past which are being reinforced as we speak. I believe we can have a proper mechanism for cooperating and sharing as much information as available. My personal opinion is that we probably can never have a foolproof system of knowing everything about every possible type weapon that has been transferred from legitimate government hands to illegitimate hands.

If I may stop there in this forum, sir, I would like to.

Senator BEN NELSON. That would be fine.

Admiral Ellis, I know that you are going to be taking charge of the offensive portion of our nuclear force, and perhaps you have some thoughts as well.

Admiral ELLIS. Yes, sir, Senator, I would be pleased to share those.

Certainly, as we discussed in the office the other day, those types of concerns that you have just articulated and that Senator Nunn articulated in the op-ed piece are shared by all of us. Indeed, there have been programs, as you are well aware that have attempted to address this in the past and have done a great deal in terms of addressing some of the specifics of that.

How we need to reshape and reevaluate the magnitude and the level of those programs, in light of current situations, is certainly an appropriate question. The Nunn-Lugar program has contributed

over $2.7 billion to an effort to provide technical advice to the Russians specifically on how to dismantle and enhance the security of their nuclear and strategic systems.

There is, and there has been, a focus on the security element, the counterproliferation element, and the denuclearization of the former Soviet states, as you are well aware. How we need to readdress that in the light of the current strategic environment is certainly an appropriate issue.

Senator BEN NELSON. Thank you.

My question involves you, General Handy, as you move troops.

General HANDY. Senator, thank you very much.

Recognizing the constraints that General Pace has mentioned, I have perhaps another thought, that it is not just the Defense Department that has these concerns. There are several other agencies of our Government that are actively engaged. Together, we ought to continue working the problem.

The other point would be that I think it is well known to everybody that it is not just a former Soviet Republic problem. We must be diligent around the world for weapons of mass destruction and be on our guard in more than just that sector. Nunn-Lugar has certainly pointed us in the right direction, but there are other issues too that we ought to be very careful about.

Senator BEN NELSON. This is not so much a question as it is a comment of optimism. It is encouraging that there is a recognition that we have to think outside the box, as we protect for homeland security and for our force protection, that we are willing to think of new ideas.

I hope it does not get to the point, either in protecting against the use of these weapons against ourselves or in the protection of other areas, that we are unwilling to listen to people such as Tom Clancy, who make their living thinking outside the box, entertaining and thrilling us with their novel ideas. I hope that we, in our intelligence efforts, are willing to listen and bring people in who will challenge our thinking about security rather than simply go with the old ways. If you always do what you have always done, you will always get what you have always got. We have to move beyond that. I am encouraged to hear you suggesting things of this sort, and I appreciate it.

My time is expired. I, too, have to return to the Senate floor because I have an amendment. Thank you.

Senator CLELAND. Senator Nelson, would you consider entering Senator Nunn's op-ed piece into our hearing record?

Senator BEN NELSON. If there is no objection, I certainly would. Thank you.

[The article of Senator Nunn follows:]

The Atlanta Journal-Constitution

Living in a New Era of Insecurity

September 16, 2001
OPINION
By SAM NUNN

The bitter events of last week will never pass from the American memory. But whether they are remembered as an isolated, unrepeated horror or the first nightmare in a new era of insecurity may well depend on what we do now.

The terrorists who planned and carried out the attacks of Sept. 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was restricted only by the power of their weapons.

As we strengthen airport and airplane security, we must not automatically assume that the next attack against America will be like the one we just experienced.

Though we may not yet know with certainty which group sponsored these attacks, we do know that Osama bin Laden declared in 1998 that acquiring weapons of mass destruction is "a religious duty." This statement should not be taken lightly. We have had a look at the face of terrorist warfare in the 21st century, and it gives us little hope that if these groups gained control of nuclear, biological and chemical weapons they would hesitate to use them.

As America prepares a response, we must build a new framework for national security that protects us from the full range of new dangers we face.

Ten years ago a communist empire broke apart. Its legacy: 30,000 nuclear warheads; more than 1,000 tons of highly enriched uranium; 150 tons of plutonium; 40,000 tons of chemical weapons; 4,500 tons of anthrax and tens of thousands of scientists who know how to make weapons and missiles but don't know how to feed their families. Russia's dysfunctional economy and eroded security systems have undercut controls on these weapons, materials and know-how and increased the risk that they may flow to hostile forces.

Our nation understands from heart-shattering experience that America is targeted

for terrorist attack. But we do not fully grasp how Russia's loose controls over weapons, materials and know-how dramatically increase our vulnerability to an attack with nuclear, biological and chemical weapons. In 1998, an employee at Russia's premier nuclear weapons laboratory was arrested for trying to sell documents on weapons design to agents of Iraq and Afghanistan. Just this year, a former bin Laden associate admitted to a federal grand jury his role in a plot to purchase uranium.

Threats of terrorism and threats of weapons of mass destruction are not separate, but interrelated and reinforcing. The world's security now depends in great part on who is faster and smarter - those trying to get weapons, materials and know-how, or those trying to stop them.

To reduce these threats to our own security, we have - for the past 10 years - helped the Russians secure weapons and weapons materials to prevent theft, convert nuclear weapons facilities to civilian purposes and employ their weapons scientists in peaceful pursuits. But we need to do much more.

Russia itself has experienced terrible terrorist attacks in recent years, and its outpouring of support in the past few days indicates there may be a real opportunity for enhanced U.S.-Russia cooperation.

Early this year, a distinguished bipartisan task force declared loose weapons, materials and know-how in Russia "the most urgent unmet national security threat to the United States," and called for a fourfold funding increase to reduce these threats. We need to reflect this sound advice in our budget priorities. Keeping weapons of mass destruction out of terrorists' hands is either a priority or an afterthought. If it is an afterthought, after what?

The tragic events of this week have given us a rare opportunity to lead a world coalition against terrorism. NATO, for the first time in 52 years, has formally declared that the alliance has been attacked, and 19 democracies are now committed to join America in hitting back. We also have other partners in Europe, Asia, the Middle East, Latin America, and Africa.

To carry out the Bush administration's declaration of war against terrorism, we must:

- Prevent terrorist groups from getting nuclear, biological or chemical weapons, weapons materials and know-how.
- Eliminate terrorist cells wherever they are, including in the United States.
- Enlist the support of our coalition partners to destroy the infrastructure and cut off the funding of terrorist groups wherever they are.
- Make no distinction between the terrorists who committed these acts and those who knowingly harbor them, as President Bush has said.
- Take every feasible and reasonable step in our military planning to avoid inflicting large numbers of civilian casualties that will only sow the seeds for the next generation of fanatical, suicidal terrorists.
- Make it clear by our words and actions that our war is against terrorism, not a war against Islam at home or abroad.
- Continue to address the underlying conflicts and conditions around the world that breed fanatical hatred and terrorism - probably our most difficult challenge.
- Promote and enhance the diplomacy, intelligence gathering and cooperation that are our first line of defense.

In implementing this strategy, we must make sure that we don't undercut the international cooperation we need to protect ourselves against a wide range of

dangers.

The United States cannot identify and eliminate terrorist groups, destroy their funding and support, apply pressure to rogue regimes, secure dangerous materials, limit the spread of weapons of mass destruction and gather intelligence without the support and active cooperation of allies and former adversaries. While we must be prepared to act alone if necessary, if we are going to go after terrorists before they come to our shores, we must have partners abroad.

We must develop a comprehensive defense against the full range of threats, based on relative risk and supported by strong alliances so that the pain of today will not be known by the children of tomorrow.

Former U.S. Sen. Sam Nunn (D-Ga.) is co-chairman of the Nuclear Threat Initiative, an organization working to reduce the threat from nuclear, biological and chemical weapons. He was chairman of the Senate Armed Services Committee.

Senator CLELAND. Thank you very much.

Senator Hutchinson.

Senator HUTCHINSON. Thank you, Mr. Chairman.

If I might pick up on Senator Nelson's comments regarding our force protection and homeland security. For quite a while, I have expressed serious concerns about our military vaccination program, which has been in disarray for a number of years. General Pace, if I could just ask you, are the troops that are being deployed to the Middle East in your opinion receiving adequate protection against biological weapons?

General PACE. Sir, to my knowledge, not all the troops we are deploying have had the opportunity to receive the vaccination because of the lack of vaccine. I do not know the specifics. I can get you who has and who has not, but I would be surprised if all the forces that are deploying have had the opportunity because it has not been available recently.

Senator HUTCHINSON. Right. Of course, that is the only answer we can give. We know that the vaccines have not been available because of a disastrous program over the last several years.

As I listened to Senator Roberts talk about the hearings on the failures of the intelligence services and how we rue our failure to either provide the resources or to provide the guidance or to make the adjustments to have properly alerted us to what we were facing, I fear that we are going to, in the years ahead, look back at the failure that we have had on our vaccine production program or lack thereof, and we are going to rue that day. We are going to rue the fact that we have not taken adequate steps, that we have not taken that issue seriously enough, and that we have not moved quickly and expeditiously enough. I think the implications are not just for force protection, but for homeland security and the threat of biological, terrorist attack upon the United States. Frankly, as I remarked to General Myers, the tragedy of New York City would pale in comparison to a biological weapon attack on the homeland or upon our forces who are inadequately protected.

I hope that we will now begin to take this issue very seriously, and move toward a vaccine production facility that will have the backing of the United States Government and the assurance that

those vaccines are going to be available not only for our military but for our public.

General Pace, you mentioned in response to Senator Roberts' questions about homeland security and the role of the military in homeland security that there are certain lines that you would not feel comfortable crossing as a citizen. Can you expand upon that? Where is that line?

General PACE. Sir, I think if it is properly the role of law enforcement agencies in this country, it should remain role of the law enforcement agencies in this country. If we are going to expand military capabilities in particular areas, I think we should also look to what law enforcement capabilities need shoring up in this country and exert or apply the proper resources to that.

I would think one area that the military could assist in, for example, would be chemical decontamination. It would be very useful for our Reserve and National Guard Forces to have a chemical decontamination capability. That would be very useful inside the U.S. military structure, but would also possibly be very useful to support civil authorities in the homeland.

I would not want to see U.S. troops given the authority to arrest citizens, for example, just to use two examples of the kinds of things that I think are valuable to do and things that would be, in my mind, threats to the Bill of Rights.

Senator HUTCHINSON. Good. Thank you.

General Pace, when do you anticipate the Quadrennial Defense Review (QDR) will be submitted to Congress, and will it take into account the new strategic realities since September 11?

General PACE. Sir, what I have been told in the building is that the Secretary of Defense intends to meet his obligation of sending the QDR to this building by the 30th of September. I have no reason to believe that is untrue.

We all had the opportunity, as combatant commanders, to participate in the development of the QDR. If anything, the recent events have validated many of the concepts that were being put into the QDR. I think in a very real sense, the QDR already embodies the lessons that we would reinforce, sir.

Senator HUTCHINSON. General Handy, let me join Chairman Cleland in thanking you for your support of the C–130 program. Does the active duty Air Force currently have any of the C–130Js?

General HANDY. Not yet, Senator.

Senator HUTCHINSON. It was a leading question. Go ahead.

General HANDY. As we have discussed many times, our current plan for the C–130J beddown started with the hurricane hunters at Keesler, Mississippi and has continued to respond to some of the oldest aircraft that the Air National Guard has. We currently have plans to introduce the "J" appropriately through active duty units by targeting the schoolhouse for the C–130, as well as the oldest aircraft in our fleet at Pope and Ramstein. Those plans are on target, and with your tremendous support on this committee, we look forward to executing it.

Senator HUTCHINSON. Thank you for that. It has come to my attention that the active duty C–130 fleet is significantly older than the Reserve and National Guard.

General HANDY. Absolutely. Just anecdotally, several of the aircraft I flew in my checkout and initial program in 1968, I still fly. Aircraft I flew in 1970 in Vietnam that supported me well then as a pilot, we are still flying at Pope and Ramstein. So, that is a vote for an incredible airplane. It also says, no sort of dagger at my own personal age in the cockpit, but these are old airplanes, Senator, and we certainly, as you well appreciate, need to replace them.

Senator HUTCHINSON. Thank you, General Handy. My time is up. Thank you, Mr. Chairman.

Senator AKAKA [presiding]. Thank you very much.

At this time I would like to call on Senator Collins.

Senator WARNER. I wonder if the Senator would be kind enough to yield to me because I am on the floor managing the bill, and I have a very strong need to get back right away.

Senator COLLINS. I would be happy to.

Senator WARNER. Would that be agreeable?

Senator AKAKA. Senator Warner.

Senator WARNER. I will not take but a minute.

General Pace, as one who wore marine green with great humility many years ago, I cannot tell you the pride that I take in seeing our President recognize you first as an individual and then, of course, as the first marine in the history of the United States to serve in this high a position. It is a great recognition of your own career.

As I remarked to you yesterday when we spoke together in my office, General Jones undoubtedly laid the path to this appointment and you recognize that. He was under serious consideration himself for the top slot, and then at his own initiative he withdrew because of his loyalty and the longstanding tradition of commandants of the Marine Corps: when they get their assignment by the Commander in Chief they serve out their terms.

The combination of these factors led to your appointment, and you are eminently qualified to take on this heavy responsibility at this very critical time in the history of our Nation. I thank you and I thank your family for also volunteering to stand by your side in the years to come.

General PACE. Thank you, sir.

Senator WARNER. Admiral Ellis, you and I have known each other for many years, and again the President has recognized excellence within the ranks to take on this responsibility. As you and I visited yesterday, we shared our views on the need for you to review the work done by your predecessor, particularly his ability to, from time to time, communicate to Congress, both in hearings and in private sessions with Members of Congress, the complexity of our strategic posture and the need for the utmost care as the President arrives at decisions predicated on the recommendations of people in your position, as well as the Chairman of the Joint Staff, and others.

I wish you well in this task because it will be an integral part of our future relationships primarily with Russia. You and I know full well of the need to move forward in this area for both nations. I wish you luck, together with your family.

Admiral ELLIS. Thank you very much, Senator.

Senator WARNER. General, when we visited yesterday you said you have some of the oldest inventory and some of the newest inventory, and somehow you have to bridge the gap between the old and the new aircraft and press on with future acquisition of the C–17, as well as the J model of the C–130. You also have to keep up the morale of your brave aviators, as they fly some of those machines which are older than they are in some instances. Am I not correct on that?

General HANDY. Yes.

Senator WARNER. But the B–52 fellows laid down that tradition and established it well, and I am sure your pilots and air crew will do the same.

I am interested, though, in this program by which there could be private sector participation in another acquisition of C–17s. Would you basically outline the program that we discussed yesterday, and address the procedural aspects as the Department of the Air Force looks at that program?

General HANDY. Thank you, Senator.

Senator WARNER. It is the one that General Cassidy, one of your predecessors, has worked on for some period of time.

General HANDY. We currently have a proposal. There is a Request for Proposal (RFP) out to industry now to approach, primarily, the potentially large or even small package carriers to acquire the C–17, up to 10, to introduce as a commercial variant of the C–17 that, in times of crisis or need, could be put in service of the United States Air Force and the Services who need that lift capability.

Senator WARNER. In other words, recalled from the private sector and taken into the active Air Force rolls. Is that correct?

General HANDY. That is correct. The advantage, of course, is that the Air Force gets the lift that they produce without the cost of having acquired the entire airframe, and it is a combination of an underwritten purchase agreement. Those bidders for that business, supported by the United States Air Force, but primarily by their own dollars out of their pockets.

As we develop this proposal, as we communicate with industry, we are excited about that. It is something that currently the Air Mobility Command and the United States Transportation Command and the Air Force are watching very carefully. It will take as we discussed yesterday, the strong, continued support of this committee as we march forward.

Senator WARNER. It is sort of a first cousin to the Civil Reserve Air Fleet (CRAF) program, which we have had for many years whereby the private sector incorporates in the construction of certain of their passenger aircraft features which then, in the event those aircraft are required for military use, are there in the airframes. This is somewhat different, but the concept is the same, bringing aircraft from the private sector back into active duty, somewhat like a Reserves and National Guard call-up.

The issue that I think requires very careful scrutiny is the private sector undertaking this heavy lift capacity offer at a time when the projected business is not as firm as we would like to see it. Consequently, they would require, I think, some backup by the Federal Government should there come a time they need it after

an honest effort to make this program work. I am not suggesting it will not work. But any financial planner has to be cautious, particularly the private sector that has to protect their stockholders and lenders. Then, if it does not work, there is a system by which these planes can be brought into the Department of the Air Force and that Congress can authorize and appropriate the necessary funds to acquire them from the private sector.

That is an area which I understand you are looking at now, and eventually some proposal, hopefully, will come before Congress. Am I correct?

General HANDY. Yes, sir. The current analysis clearly demonstrates that this is a viable option for industry, so it is very appealing to a wide range of potential bidders out there today. But as you point out very accurately, we are concerned about the long-term impact honestly brought on by the September 11 terrorist attacks. There are some insurance concerns, some liability concerns, that complicate this relationship. We will have to play out in time and be very careful about where we proceed.

Senator WARNER. I intend to work with you and other colleagues here in the Senate, and hopefully we can make it happen.

I thank the chairman. I thank my colleagues.

I shall support each of you. My welcome to your family too, General Handy. I would like to submit my opening statement for the record.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Welcome, General Pace, Admiral Ellis, and General Handy, and congratulations on your nominations.

The world has changed dramatically since you were nominated by the President for these high positions. The importance of these key positions and the grave responsibilities of the individuals placed in these commands have only intensified since September 11. If you are confirmed, as I fully expect, we will look to you for innovative leadership in the difficult and challenging years ahead.

On September 13, only 2 days after the terrorist attacks on the World Trade Center and the Pentagon, we conducted the nomination hearing for General Myers, and the Senate quickly confirmed him as the next Chairman of the Joint chiefs. It was imperative then—and it remains so today—that we demonstrate our resolve and our commitment to meet the new challenges we face by facilitating these nominations in order to provide the Secretary of Defense the strong, determined military leaders he needs to fight this war on terrorism. I thank the Chairman for scheduling this hearing so promptly.

General Pace is no stranger to this committee. If confirmed, he will be the first marine to serve in the capacity of Vice Chairman, a milestone all marines, past and present, can be proud of. In his present capacity, as Commander in Chief, United States Southern Command, General Pace has confronted firsthand the corrosive effects of terrorism. There are numerous, difficult challenges facing our friends and allies in the United States Southern Command region, and I commend General Pace on his service in that area of operations. His many leadership accomplishments, in numerous joint billets worldwide and with combat marines, will serve him well as the Vice Chairman of the Joint Chiefs of Staff.

Admiral Ellis is also well known to this committee. He has had a most distinguished career as a naval aviator. He performed superbly as NATO Joint Force Commander for Operation Allied Force, exercising operational command of U.S. and allied forces involved in Kosovo combat and humanitarian operations. He served admirably as Deputy Chief of Naval Operations for Plans and Policy. He is nuclear-trained officer with extensive command experience.

General Handy, as Vice Chief of Staff for the Air Force, has played a key senior leadership role, directing the Air Staff and serving on the Joint Requirements Oversight Council. He has had extensive experience in the U.S. Transportation Command, serving as director of operations and logistics. He is a command pilot with

more than 4,800 flying hours, primarily in airlift aircraft. He, and all our witnesses, are eminently well-qualified for the positions to which they have been nominated.

Gentlemen, you have my support. I applaud your willingness to serve, and I look forward to working with you.

Senator AKAKA. Thank you very much, Senator Warner.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Gentlemen, I want to congratulate you on your appointments and thank you for your service to our great Nation. I look forward to supporting each of your confirmations.

General Handy, at my request the General Accounting Office (GAO) has been working for many months with my staff at the Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee on a project relating to the security of a certain type of facility that falls under the authority of the Transportation Command.

Now, in light of recent events, TRANSCOM has deemed it necessary to classify what were previously unclassified results of the investigation. In fact, we had been scheduled to release the two reports with the GAO on September 13. Due to the classification of the reports, I cannot discuss the details now, but I will say that we found some very serious security problems with these facilities. The problems would make these facilities dangerously vulnerable to terrorists. In short, the sites that we examined are terribly insecure and vulnerable to unauthorized access by criminals or by terrorists.

After we discovered the problems, I immediately telephoned Deputy Secretary Wolfowitz, this was back in May, to alert him to the problems and to urge the Department to move quickly to correct these very serious deficiencies. As a result of my call and his intervention, some steps have, indeed, been taken to improve security at the facilities in question. In my view, however, and in the judgment of the GAO, much more needs to be done, especially in light of the terrorist threat that we face.

My first question to you is, are you familiar, and I realize I am talking sort of in code here, with the findings and the recommendations of my subcommittee's investigation with the GAO? If you are not, I would request that my staff brief you very soon about what we found.

Second, can I count on your commitment to take these very serious security lapses seriously and to resolve completely all the problems that we identified?

General HANDY. Thank you very much, Senator.

Let me assure you that I am familiar with the report and have read it. I agree entirely with every word that you have said. I know that our folks that are out in TRANSCOM, as well as the commander himself, are aggressively pursuing solutions to those problems. I assure you that I will be very eager to work with you and your staff, if I am confirmed in this position, to eliminate every potential problem that we have seen articulated in that report. I will be very anxious to talk with you about it.

Senator COLLINS. Thank you. I look forward to working with you very soon, to make sure that all the steps that need to be taken, are. Thank you for that commitment.

General Pace, last week when I was in Maine, I discussed the role of the National Guard with General Tinkham, who is the head of the Maine National Guard. We talked about expanding the role of the National Guard and our Reservists in homeland security. Could you comment on the critical role of our National Guard and Reserve Forces in the defense of our homeland, and in particular, do you see them playing an expanding role in combatting asymmetric attacks on our Nation, such as we experienced on September 11?

General PACE. Yes, Senator. Thank you. I specifically endorse the concept that our Reserves and our National Guard have a great deal to offer our Nation for homeland security and support to civil authority in that endeavor, everything from the heavy lift capability that they have, to the ability to provide security, communications, and intelligence. There are many ways in which the U.S. military in the form of the National Guard and the Reserves can, in fact, play a key and essential support role to the lead law enforcement agency or lead agency of the Federal Government. I would look for them to expand that opportunity.

Senator COLLINS. As General Tinkham pointed out to me, they are already forward deployed, which is a major advantage to their being able to assist in beefing up our homeland defenses.

General PACE. Yes, ma'am. Just before you were able to join the committee today, we had a previous discussion on that, and, in fact, that exact point was brought out.

Senator COLLINS. Thank you very much. Thank you, Mr. Chairman, and I want to thank my colleague from Louisiana as well.

Senator AKAKA. Thank you very much, Senator Collins.

Senator Landrieu.

Senator LANDRIEU. Thank you, Mr. Chairman. I apologize. I had another committee meeting and had responsibilities on the floor. I know that there have been some excellent statements submitted for the record and excellent questions asked. My staff has been able to brief me on those in a shorthanded way.

Let me say I have a statement for the record that I would like to submit. I would also like to make a few statements and then I ask one or two questions.

I guess it goes without saying, gentlemen, that our military is in a state of transition and transformation. With the tragic events of last week, these transitions hopefully will become more dynamic, and the urgency in which we address them will be more clear. I want to say what you already know, that our traditional notions of warfighting are being, and must be, reconsidered, that our Armed Services must have the vision and wherewithal to adapt to a new paradigm of warfighting. I chair the Emerging Threats and Capabilities Subcommittee, and unfortunately, these threats have emerged and are emerging and developing before our eyes, and they will continue to pose great obstacles to peace and freedom throughout the world. No longer is it a time to be anchored to the way things used to be done.

As I have reviewed each of your backgrounds in preparation for this hearing, I am confident that each one of you has the ability, the intelligence, background, experience, and vision to lead us at an extraordinary time like this. You will have my full support and

my vote in your confirmations, and I look forward to working with all of you as we overcome the tremendous challenges of this new century.

I know you are aware of this, but 260 million-plus Americans count on your good work every day, and the quality of life of millions if not billions of people around the world, will be dependent on the decisions you will make in the months and years to come. You most certainly have my support.

Mr. Chairman, without objection, I would like the rest of my statement submitted for the record.

Senator AKAKA. Without objection, it will be included in the record.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT BY SENATOR MARY L. LANDRIEU

Thank you, Mr. Chairman, it goes without saying that our military is in a state of transition and transformation. The tragic events of September 11 will, unfortunately, but necessarily so, speed up the transformation. Our traditional notions of warfighting must be reconsidered, and our armed services must have the vision and where with all to adapt to a new paradigm of warfighting. Emerging threats have emerged, and they will only continue to pose an obstacle to peace and freedom around the world. No longer is it a time to be anchored to the way things used to be done. I am confident that you gentleman before us today have the vision to use your new roles of leadership to innovate and create an armed forces that can successfully overcome the new challenges of the 21st century. Two hundred and eighty-five million Americans and millions of people around the world depend on you.

General Pace, it certainly has taken too long for a marine to rise to such prominence on the Joint Chiefs of Staff. As we enter this new era in military strategy and war fighting, I am hopeful that the hard nosed marine work ethic and the innate ability for marines to think intelligently and react quickly will positively affect the hearts and minds of all those on the Joint Chiefs of Staff. I am also excited that you have an M.B.A. The Pentagon is not run like a business. Rather, all too often, the deliberation of procurement, research and development, and readiness issues move through the department of defense at a snail's pace. I am hopeful you can use your business acumen as Vice Chairman to improve the efficiency along your chain of command.

Admiral Ellis, your track record is impeccable. You have served as both a ship captain and fighter pilot. Your background in nuclear engineering can only serve as an asset as Commander in Chief of the U.S. Strategic Command. Deterrence is a critical issue in the 21st century. Moreover, I am confident you will capably oversee the nuclear triad and its deterrence capabilities while working with the Russians to reduce their nuclear stockpiles. The reduction of Russia's nuclear stockpiles is an issue of great importance to me, and I look forward to talking with you today and at a later date on this matter.

I also look forward to working with you both in my role Chair of the Emerging Threats Subcommittee and as a Senator from Louisiana, home to Barksdale Air Force Base and the B–52s that are so crucial to STRATCOM.

What I truly want to know is how a Navy man with such a distinguished career and so many tours at sea will get used to defending the shores of Nebraska?

General Handy, you have performed admirably as an airlift pilot during times of war, and you have served the Air Force well during your time as Vice Chief of Staff. Nevertheless, the importance of Transportation Command today is as great or greater than it has ever been.

TRANSCOM's importance will only continue to grow in the coming years. As you have stated, TRANSCOM is tasked to (a) get our warfighters to the fight, (b) sustain the warfighter during the fight, and (c) bring the warfighter home after the fight. TRANSCOM is displaying its reason for being as we speak, as it delivers service men and women to desolate far reaches across the globe. Under your guidance, I am confident TRANSCOM will accomplish its three objectives.

As Chairwoman of the Subcommittee on Emerging Threats and Capabilities, I look forward to working with all of you as we address new challenges and work to overcome them. Thank you.

Senator LANDRIEU. Thank you.

I just have three questions at this time. General Pace, the North American Aerospace Defense Command is conducting the operation designed to keep hijacked aircraft from being used as terrorist missiles currently in the United States. Meanwhile, Joint Force Command has the responsibility through the Joint Task Force-Civil Support to provide military assistance to civil authorities for the consequence management of weapons of mass destruction.

Does that mean that the defense of the U.S. homeland is assigned to several commands, or are some aspects of homeland defense not assigned at all? This is one of the issues that Congress is grappling with with the administration to try to stand up the kind of operations that we need to. Could you just comment specifically on the record about that and share any thoughts you might have with us?

General PACE. Yes, Senator. Right now, the defense of the United States is shared amongst commands. North American Aerospace Defense Command (NORAD) certainly has the defense responsibilities that you have already mentioned, and Joint Forces Command in Norfolk, Virginia, with their Joint Task Force-Civil Support, has the response to chemical, biological, radiological, and high explosive events to support civil authorities.

It was a part of the Quadrennial Defense Review plan for the way ahead was to determine how best to provide for the security of the United States. That, of course, now has been put on a significantly reduced time line, but that is an item of interest and importance to those in the leadership right now.

I am aware of the need to do that. I am aware of my fellow combatant commanders saying we should do that. I have not yet had any briefings on where we might be, because I currently have my responsibility for SOUTHCOM. But I do know that is a proper and important function to have efficiently conducted for the United States.

Again, I would simply state that one of my concerns would be, as we provide what the U.S. military can provide for the defense of the United States, that we do so with absolute respect for the Bill of Rights.

Senator LANDRIEU. Thank you.

Let me just follow up with your role in SOUTHCOM. I understand that Senator Roberts, the ranking member on Emerging Threats and Capabilities Subcommittee, had asked you this question, but Plan Colombia has been of interest to us both, particularly in light of this new emerged threat. I know that you have gone on record explaining or giving your views about the situation, but could you just take this moment to either add to those thoughts for the record, thoughts that you did not get out on that particular question? Basically should we be aware of something more in light of what has happened? What are our plans of intercepting planes right now, given the pulling of assets to other areas?

General PACE. If I may take those in inverse order, Senator. The Colombian military, the embassy led by Ambassador Ann Patterson, and myself, all are prepared for and support resumption of providing the Colombian military the intelligence support they need so that they can vector to their own aircraft to intercept airplanes.

There are several parts of the two investigations that were done by our own State Department folks and there are a couple of checks that still need to be put in the block, but we have a U.S. military/U.S. State Department agreement and we are prepared to resume that data flow. There is much that we can do through our radar system without having the additional input of some of the airframes that we would like to have, but they are not absolutely critical to the information flow.

To answer your second question, with regard to the money, the hundreds of millions of dollars that are available to the terrorist organizations, the FARC, the ELN, and the AUC, all of those organizations, although not directly linked, that we know of, to Al-Qaeda and the attacks of September 11, the enormous amount of money awash in the international terrorist community needs to be addressed. My recommendation would be that we find a way to suck that money out of the international arena. It would help us both in what we are trying to do for global terrorism and in what we are trying to do to support President Pastrana in Plan Colombia.

Senator LANDRIEU. I hear what you are saying, but the difficulty of actually accomplishing that is quite complicated. Even today, the President is announcing the suggestion of freezing 37 specific accounts. That number might have gone up since this morning. While freezing assets is an important deterrent, it gets to be quite difficult in the way this money is moving through the system.

I thank you for going on record because I think you have made an excellent point.

My time has expired, Mr. Chairman, and I have another committee hearing to attend. I thank you very much. Gentlemen, you have my full support.

Senator AKAKA. Thank you very much, Senator Landrieu.

I want to welcome you even at this late time to this meeting and especially welcome your families who are here and who have supported you. As my wife says, she made me what I am, and I am sure your families have done the same. We welcome you here and know that you made a big difference in the rise of those who have been nominated. I want to also congratulate you for being nominated to the positions to be confirmed.

You know that you come at a time when our Nation is under a huge burden of continuing to keep, not only our country, but also the rest of the world, secure. You, and all of us, have a tough job to do that. With that, you are up for confirmation, and I want to wish you well.

I have read the answers to the advance policy questions and was pleased to see that all of you placed emphasis on the necessity of working together or bringing about a cohesive team to accomplish your mission not only within the military, but with other agencies, as well as with communities that support the military's activities.

I would like to ask General Handy just one question. I am interested in your assessment of the Full Service Moving Project (FSMP) pilot program. You indicated in your advance answers that the military services decided to cease participation in the FSMP at the end of fiscal year 2001 and that USTRANSCOM is going to make an assessment between the FSMP pilot program, the Navy

sailor arranged move pilot program, and the Military Traffic Management Command's (MTMC) pilot program.

Understanding that the FSMP pilot began in January 2001, is there going to be enough data for a fair assessment of this program?

General HANDY. Senator, thank you very much. I can directly answer from an Air Force perspective as the Vice Chief that it is in fact true, as indicated in my advanced remarks. All the services will cease their funding for the full service movement program as it currently exists in test at the end of this month.

One reason for that was the exponential rise in cost within the program lacking a commensurate rise in quality of service to the families involved in those moves. It became very clear that we, in fact, do have a considerable amount of data to support that conclusion.

We will then take the good portions of the data, the good feedback, and develop programs over the near term to try to ensure that when we move family members and the military person as well, that we are doing that with the care and concern that we owe them. This particular project was just not returning quality on the investment.

Senator AKAKA. Thank you very much.

Admiral Ellis, I am pleased to see your support for the National Nuclear Security Administration and its plan to modernize many aspects of the nuclear weapons manufacturing complex. If confirmed, what actions will you take to ensure that the U.S. nuclear stockpile remains safe, secure, and reliable?

Admiral ELLIS. Thank you, Senator.

As you know from the answers to the questions that I submitted, that is certainly my top priority both in my role as CINCSTRAT, if confirmed to that position, and in support of General Gordon in his efforts in the National Nuclear Security Administration.

Clearly, the proper resourcing of NNSA in its roles is essential, and I thank you, other members of this committee, and our Congress for that support. It is critical that we continue to resource them at the level that is appropriate so that they can then deliver on the commitment that they have to the Nation to certify the continued reliability of that strategic stockpile.

My personal commitments are to be involved personally in meeting with General Gordon to familiarize myself, if confirmed, with all of the agencies that have direct oversight on this critical responsibility; to personally visit the laboratories and the infrastructure facilities that are such an important element of this so that I more fully understand the challenges that are confronting NNSA in their august responsibilities; and to appropriately exercise the roles that have been established for CINCSTRAT in assessing the continued safety and reliability of our nuclear stockpile.

Senator AKAKA. Thank you for those responses.

General Pace, with respect to the training range located in Vieques, are you aware of any suitable alternatives that would satisfy the current training capability for the Navy and Marine Corps?

General PACE. Senator, I participated in a long analysis of alternate training sites. Admiral Fox Fallon and I were not able to find another location in the Atlantic or in the Gulf of Mexico that pro-

vided the air, land, and sea space to conduct the full range of operations that we are able to do in Vieques. My short answer to your question is, no, sir.

Senator AKAKA. Given the Secretary of Navy's announcement that training on Vieques will cease in fiscal year 2003 and the fact that there is no suitable alternative training range, as you have mentioned, do you have any thoughts regarding appropriate actions to take to maintain the readiness of the Navy and Marine Corps units which utilize the training range at Vieques?

General PACE. Sir, my recommendation to the Navy and the Marine leadership will be that they continue to use the other facilities that are available to them to hone the skills as best they can. If I can use a football analogy, they will still be able to block, they will still be able to tackle, they will still be able to throw passes and catch them at various ranges; they will be able to perfect those skills. But without Vieques, they will not be able to scrimmage and they will not be able to pull all of the elements together at one time, sir.

Senator AKAKA. I thank you for that. We will be discussing this, or we are doing it right now on the floor of the Senate. I thank you very much for your responses.

I have no further questions, and there are no other Senators to ask questions here. Again, I want to thank you so much for your responses to all of our questions. I want to congratulate you for your nomination and wish you well in your confirmation. To your families, I want to wish them well as they support you.

There being no further questions, this meeting stands adjourned.

[Whereupon, at 11:45 a.m., the committee was adjourned.]

[Prepared questions submitted to Gen. Peter Pace, USMC, by Chairman Levin prior to the hearing with answers supplied follow:]

DEPARTMENT OF DEFENSE,
UNITED STATES SOUTHERN COMMAND,
OFFICE OF THE COMMANDER IN CHIEF,
Miami, FL, September 21, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As requested, my responses to the questions of your 12 September 2001 letter are attached.

It is my distinct honor to receive the President's nomination to be Vice Chairman of the Joint Chiefs of Staff. I am humbled by the opportunity to continue to serve our Nation, and the magnificent men and women of our Armed Forces.

Sincerely,

PETER PACE,
General, U.S. Marine Corps.

Enclosure.
cc: Senator John Warner.
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Has your view of the importance, implementation, and practice of these reforms changed since you last testified on this matter?

Answer. No.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the national security strategy? If so, what areas do you believe it might be appropriate to address in these possible modifications?

Answer. I do not see the need for any additional modifications at this time.

Question. Based upon your experience as Commander in Chief, U.S. Southern Command and Director for Operations (J–3) of the Joint Staff, do you believe that the roles of the combatant commanders and the Vice Chairman of the Joint Chiefs of Staff under the Goldwater-Nichols legislation are appropriate and that the policies and procedures in existence allow those roles to be fulfilled?

Answer. Yes. In addition to strengthening civilian control over the Armed Forces, it also gives the various unified combatant commanders clear responsibility and authority for accomplishing their respective missions. Command and control of joint forces from the National Command Authorities through the combatant commander has eliminated much of the confusion and competing command and service influences that existed in the pre-Goldwater-Nichols era.

DUTIES

Question. What is your understanding of the duties and functions of the Vice Chairman of the Joint Chiefs of Staff?

Answer. Section 154(c), Title 10, U.S. Code, states that the Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff, as well as those duties prescribed by the Chairman, with the approval of the Secretary of Defense.

Currently, in addition to the duties as a member of the Joint Chiefs of Staff, the Chairman has assigned the Vice Chairman to act as the Chairman of the Joint Requirements Oversight Council (JROC), and as his representative to the National Security Council Deputies Committee. Further, the Vice Chairman has been charged with responsibility to stay abreast of on-going operations and policy deliberations, so that he is able to provide appropriate military advice to the President, the Secretary of Defense, and the National Security Council in the Chairman's absence. Although it will be within the Chairman's judgement as to which of these duties I will exercise as Vice Chairman, if I am confirmed, I have no reason to anticipate significant changes.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. From my first command as a platoon leader in Vietnam to my current position as Commander in Chief, United States Southern Command, I have served in command and staff duties that have given me a global perspective and understanding on how our own government functions and a keen appreciation of how fortunate we are to be citizens of the United States. These insights and practical experience will serve me well if confirmed as the Vice Chairman.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of Vice Chairman of the Joint Chiefs of Staff?

Answer. My background and experience have prepared me to assume the Vice Chairmanship of the Joint Chiefs of Staff. That said, it will be important for me to listen to the advice of those around me and to do my homework on each issue and challenge I will face.

RELATIONSHIPS

Question. Section 162(b) of Title 10, United States Code, provides that the chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the combatant commands. Other sections of law and traditional practice, however, establish important relationships outside the chain of command.

Please describe your understanding of the relationship of the Vice Chairman of the Joint Chiefs of Staff to the following officials:

The Secretary of Defense.

Answer. As a member of the Joint Chiefs of Staff, the Vice Chairman performs the duties prescribed for him and other such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

Additionally, in the absence or disability of the Chairman, the Vice Chairman acts as the Chairman and performs the duties of the Chairman until a successor is appointed or until the absence or disability ceasesd. These duties include serving as the principal military adviser to the NCA.

As a member of the Joint Chiefs of Staff, the Vice Chairman may submit advice or opinions to the Chairman in disagreement with, or in addition to, the advice presented by the Chairman to the President, the National Security Council or the Secretary of Defense. The Chairman submits such opinion or advice at the same time he delivers his own, to the President, the National Security Council, or the Secretary of Defense.

The Vice Chairman, as a member of the Joint Chiefs of Staff, may also individually or collectively, in his capacity as a military adviser, provide the Secretary of Defense advice upon the Secretary's request.

Question. The Deputy Secretary of Defense.

Answer. Under existing directives, the Deputy Secretary of Defense is delegated full power and authority to act for the Secretary of Defense on any matters concerning which the Secretary is authorized to act. As such, the relationship of the Vice Chairman with the Deputy Secretary is similar to that with the Secretary.

Question. The Under Secretaries of Defense.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. In discharging their responsibilities, the Under Secretaries may issue instructions and directive-type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. They may also obtain reports and information necessary to carry out all their functions. In carrying out their responsibilities, communications from the Under Secretaries are transmitted through the Chairman of the Joint Chiefs of Staff.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for C^3I, Public Affairs, Legislative Affairs, and Intelligence Oversight, all Assistant Secretaries of Defense are subordinate to one of the Under Secretaries of Defense. In carrying out their responsibilities, as with Under Secretaries, communications from the Assistant Secretaries are transmitted through the Chairman of the Joint Chiefs of Staff.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as may be prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

Question. The Secretaries of the Military Departments.

Answer. Title 10, United States Code, Section 165 provides that, subject to the authority, direction and control of the Secretary of Defense, and subject to the authority of the combatant commanders, the Secretaries of Military Departments are responsible for administration and support of forces that are assigned to unified and specified commands. The Chairman or Vice Chairman when directed or when acting as the Chairman, advises the Secretary of Defense on the extent to which program recommendations and budget proposals of the Military Departments conform with priorities in strategic plans and with the priorities established for requirements of the combatant commands.

Question. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. They have two significant roles. First and foremost, they are responsible for the organization, training, and equipping of their respective Service. Without the full support and cooperation of the Service Chiefs, no CINC can ensure the preparedness of his assigned forces for missions directed by the NCA. As advisors to the Chairman and the NCA and as the senior uniformed leaders of their respective Services, the Service Chiefs play a critically important role in shaping and transforming their Services' force structure and capabilities. If confirmed, I will work closely with the Service Chiefs and their Vice Chiefs to fulfill warfighting requirements.

Question. The Combatant Commanders.

Answer. The combatant commanders are the warfighters. By law and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the Combatant commanders and is charged with overseeing their activities. He provides a vital linkage between the Combatant commanders and other elements of the Department of Defense. When the Vice Chairman is performing the Chairman's duties in the latter's absence, Combatant Commanders' relationships are as if the Vice were the Chairman.

JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC)

Question. As a combatant commander, you have been the user of the equipment, systems and systems of systems that have been provided by the Services to the operating forces. Over the years, there have been a number of after-action reports that have documented the lack of interoperability and jointness of equipment and systems. In the past year, the JROC has shifted its focus to a more strategic level so as to make sure that the systems coming along are, as General Myers put it in his testimony before the committee, "born joint." If confirmed, you will be the Chairman of the JROC.

Question. Based on your operational experience, particularly as Commander in Chief, U.S. Southern Command, do you support this shift in focus?

Answer. Yes.

Question. What role, if any, do you see for the combatant commanders in the JROC process?

Answer. The fundamental changes made to the JROC process, starting 16 months ago, have as their central focus and goal to advance joint warfighting and give future joint force commanders the capabilities they will need to decisively defeat future threats. To this end, the JROC embarked on developing future operational concepts and corresponding architectures that will drive future weapon system requirements as well as crucial changes to doctrine, organization, personnel and other nonmaterial solutions.

In chartering the Joint Warfighting Capability Assessment (JWCA) teams to lead the development of these operational concepts and architectures, the JROC is ensuring that our combatant commanders have an active and visible role in developing and validating those concepts. The JROC has clearly recognized that the involvement of the combatant commanders in developing future requirements is central to delivering the interoperable joint systems and overall capability our warfighters need and deserve. The same holds true for the ability of the combatant commanders to influence and gain the JROC's support to deal with more immediate priorities as they continue to work closely with the JROC during the Planning, Programming, and Budgeting System (PPBS) decision cycles.

Question. What is your vision for both the role and relevancy of the JROC?

Answer. Since the Defense Reorganization Act of 1986, the JROC has fulfilled a multifaceted role which includes overseeing military requirements generation, defense acquisition programs, and formulating the Chairman's programmatic advice and alternative program recommendations. Early in 2000, the Chairman initiated efforts to strengthen the JROC's strategic focus. These efforts represent a fundamental shift in how the JROC does business, and are anchored on: enhancing the JROC's influence of requirements integration through the development of operational concepts and architectures; integrating US Joint Forces Command joint experimentation efforts into the JROC process; and shifting the JROC's focus to future joint warfighting requirements while still addressing current CINC priorities.

Key to the JROC's strategic focus is the development of operational concepts and architectures that establish up-front interoperability and integration standards. This represents the cornerstone of the JROC's crucial role in transforming the future joint force. In his recent report to Congress on the status of the JROC evolution, General Shelton outlined numerous examples and actions that demonstrate the JROC's progress in accomplishing each of these goals.

Question. What changes in its organization, if any, would you recommend?

Answer. I would not recommend any further organizational changes at this time.

ROLE OF U.S. JOINT FORCES COMMAND

Question. U.S. Joint Forces Command (USJFCOM) has been assigned the complementary missions of being the chief advocate for jointness and interoperability, being the DOD executive agent for joint concept development and experimentation, and playing a role in the joint requirements process. Those are similar to the functions given to the Chairman/Vice Chairman of the Joint Chiefs of Staff by law and regulation.

If confirmed, how would you envision working with the Commander in Chief, USJFCOM, and what role would you expect that individual to play in the JROC process?

Answer. For the last 18 months, the Chairman, Vice Chairman, Services, the USJFCOM CINC, and elements of the Joint Staff have been working to formalize JFCOM's role. JFCOM supports the joint process by evaluating operational concepts chartered by the Chairman and JROC, and must focus its experimentation efforts to support the development of these concepts and architectures. Also, because joint doctrine, organization, training, materiel, leadership/education, personnel and facili-

ties (DOTMLPF) has the potential to be as crucial as materiel, the agreed JROC process will now evaluate those key elements.

If confirmed as Vice Chairman, I will push for continued cooperation between the JROC and JFCOM to enable early review, oversight, and endorsement of critical JFCOM interoperability recommendations.

VIEQUES

Question. Over the past 2 years Naval forces deploying from the East Coast of the U.S. have been unable to conduct live-fire training on the Navy's training range on Vieques, Puerto Rico, which has degraded the readiness of these forces to execute their wartime missions.

Based on your previous experience in looking at potential replacements for Vieques, do you believe a replacement site can be found that satisfies the Navy's goal of providing equivalent training capability for our Navy and Marine Corps units?

Answer. No. The Navy and Marine Corps have conducted a number of very thorough examinations of various sites in a search for potential training locations. No other single location in the Atlantic Ocean or Gulf of Mexico provides the air, land, sea space, and support facilities that exist at the Vieques range complex.

Question. If so, do you believe this can be accomplished with a single replacement site?

Answer. No.

Question. Do you believe a replacement for Vieques can be identified and made available for training purposes by May 2003?

Answer. No.

Question. Do you believe we should cease training on Vieques by a certain date or only when a replacement for Vieques has become operational?

Answer. The Secretary of the Navy has made that decision and it is a service call his decision to make.

Question. Do you believe the referendum on the future of live-fire training on Vieques currently scheduled for November 6, 2001, should be canceled?

Answer. The planning and execution of the referendum on Vieques is an issue addressed by both the current and previous administrations and this Congress. I intend to follow the direction of the President and the laws of the land.

COLOMBIA

Question. As Commander in Chief, U.S. Southern Command, you have played a major role in dealing with the Colombian civilian, military and law enforcement authorities and in overseeing the U.S. military's training of the Colombian military's counter-narcotics forces and the provision of other assistance. Some commentators have criticized U.S. assistance on the basis that some members of the Colombian military have allegedly violated the human rights of its citizens and have cooperated with the paramilitaries; others believe that U.S. assistance should not be limited to fighting drug traffickers and should be expanded to include counter-insurgency so as to preserve Colombia's democratic form of government; and finally, others fear that any U.S. assistance might eventually result in U.S. military involvement in the conflict in Colombia.

Would you provide your views on the appropriate role of U.S. assistance to Colombia?

Answer. Our role should be one of continued training of the Colombian security forces because today the combined capabilities of both the Colombian National Police and military are insufficient to provide security throughout the country. Without countrywide security for both citizens and infrastructure, Plan Colombia will not succeed nor will the Government of Colombia be capable of providing law and order.

We can provide the needed training within the current personnel limits and without U.S. military involvement in the conflict. Properly trained counter-narcotics forces will ultimately transform from an exclusive counter-narcotics role to one of providing sustained security.

MILITARY-TO-MILITARY ENGAGEMENT

Question. U.S. Southern Command uses military-to-military engagement, including combined operations, exercises, training and education, security assistance, and humanitarian assistance programs, with host nations' forces to engender regional security.

Do you believe that Southern Command's military-to-military engagement has been successful and is cost effective?

Answer. Yes. Through our investment in military-to-military engagement, we are making a positive difference in helping to strengthen democracy, promote prosperity, and foster regional security in Latin America and the Caribbean. The resources invested in appropriate, focused engagement have helped shape a security environment characterized by increased regional cooperation and improved regional security.

We deploy small preventive forces today to avoid large scale, conflict resolution deployments later.

Question. Based upon your assignments elsewhere, do you believe that military-to-military engagement is a valuable tool for other regions of the world?

Answer. Yes.

ANTHRAX VACCINATION

Question. DOD officials have testified that anthrax is the greatest biological weapon threat to our military force because it is highly lethal, easy to produce in large quantities, and remains viable over long periods of time. The anthrax vaccination program has been curtailed because of limited quantities of FDA approved vaccine.

Do you continue to support the policy of vaccinating our service men and women to immunize them against the use of weaponized anthrax?

Answer. Yes. This is a force protection issue. We must do everything possible as a nation, to protect our soldiers, sailors, airmen and marines from the threats they face in an uncertain environment.

Question. If confirmed, will you support full implementation of the Anthrax Vaccine Immunization Program if sufficient supplies of FDA approved anthrax vaccine become available?

Answer. Yes.

LESSONS LEARNED

Question. What are the most important lessons that you have learned as Commander in Chief, U.S. Southern Command.

Answer. I have gained an appreciation of the strategic importance of the U.S. Southern Command's Area of Responsibility (AOR) to U.S. national security interests. Thirty nine percent of U.S. trade is conducted in this hemisphere. Nearly 35 percent of our oil imports come from Latin America and the Caribbean, which is more than all of the Middle East countries combined. Of every dollar spent by countries in the AOR, 49 cents are on U.S. goods and services. Hispanics are the largest and fastest growing minority in the U.S. due mainly to immigration from Latin America. Although Colombia and counterdrug activities are important, U.S. Southern Command should not become Colombia or counterdrug centric. The strategic importance of the region is far too great to neglect our other partners and issues in the theater. We must strike a balance between our immediate priorities and our long-term interests.

Given the dominant role that military forces traditionally play in Latin America, U.S. Southern Command's comprehensive and multifaceted engagement strategy has, and will continue to positively influence governments in the region. We must allocate sufficient resources to leverage these engagement opportunities and thereby continue to enjoy the benefits of a stable southern flank.

I have also found that most regional problems and issues in the U.S. Southern Command's AOR require an interagency approach to be fully successful. Coordination and cooperation with the interagency has significantly improved our engagement with Partner Nations, counterdrug operations, and effectiveness in responding to regional crises.

Finally, I must state my admiration for the truly outstanding soldiers, sailors, marines, airmen, coastguardsmen and civilians that serve at U.S. Southern Command. They are dedicated professionals and I am proud to serve with them and their families.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Vice Chairman of the Joint Chiefs of Staff?

Answer. If I am confirmed, my first priority will be to ensure our soldiers, sailors, airmen, marines, and coastguardsmen are ready to meet the near-term challenges of executing the tasks that support our National Military Strategy. We must ensure they are organized, trained, equipped, and supported with the tools required to protect our Nation's security interests—both at home and abroad. Second, we must have the proper force structure to implement this strategy. Third, we must make

the investment to modernize, recapitalize, and transform our forces to meet the challenges of the 21st century.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I'll assist the Chairman in working with the Secretary of Defense, the Service Chiefs, and the combatant commanders to ensure we focus on readiness issues for the near-term challenges while implementing programs in concert with the Secretary's Defense Planning Guidance to transform and modernize the force.

Question. What do you consider to be the most serious problems in the performance of the functions of the Vice Chairman of the Joint Chiefs of Staff?

Answer. The most important function of the Vice Chairman is to assist the Chairman in his duties to provide military advice to the Secretary of Defense, the President, and the National Security Council. Currently, there are no major problems in performing this function.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, one of my top priorities would be to assist the Chairman in his efforts to better equip our staffs to enable swift, accurate information flow. Our information and decision capabilities are critical to providing accurate and timely advice to the National Command Authority (NCA). We must ensure that these systems are state of the art and interoperable. Furthermore, we must ensure that our transformation efforts enhance joint command and control throughout DOD.

COMBATTTING TERRORISM

Question. The Joint Task Force-Civil Support (JTF–CS) located within Joint Forces Command is a relatively new task force that is expected to be a key player should the Department of Defense be called upon to play a supporting role in the U.S. Government's response to a domestic weapons of mass destruction (WMD) event.

What steps do you think should be taken to ensure that the JTF–CS is fully prepared to fulfill its responsibilities in the event of a domestic WMD event?

Answer. Joint Forces Command was directed to create a full-time, standing Joint Task Force Headquarters for Civil Support capable of responding to a Lead Federal Agency (e.g., the Federal Emergency Management Agency) request for assistance during an event involving Chemical, Biological, Radiological, Nuclear, or High Explosive (CBRNE). Though JTF–CS has no standing forces assigned, forces may be assigned, attached, or placed under the operational control of JTF–CS on a situational basis.

Important steps associated with developing the capabilities of JTF–CS have already taken place, to include mission analysis, (including possible expansion) and then developing internal and external plans and exercises with the interagency. In light of recent events, it is clear that the capabilities of this trained Joint Task Force Headquarters are more critical than ever if DOD should be needed to respond for Consequence Management (CM) support to CBRNE incidents. Continued interagency liaison and training exercises are critical to the continued refinement of tactics, techniques and procedures to ensure a rapid and efficient DOD response.

ENCROACHMENT

Question. On November 27, 2000, the Senior Readiness Oversight Council identified several "encroachment" problems confronting the Department of Defense including protection of endangered species, unexploded ordnance and other constituents, commercial demand for bandwidth and frequency, sustainability of the maritime environment, demand for use of airspace, protection of air quality, abatement of airborne noise, and growth of urban areas. At a March 20, 2001, hearing before the Readiness and Management Support Subcommittee, representatives of the military services expressed concern that this encroachment was hindering their Title 10 responsibility to train the forces.

If confirmed, what actions would you take to address these problems?

Answer. Training is critical to the readiness of combat forces and encroachment is a serious issue with national security implications. Under Title 10, U.S. Code, training of the Armed Forces is a Service responsibility, and the Services are working hard not only to maintain their training facilities, but to improve their stewardship of the environment, while strengthening their relationships with local communities.

There is a collaborative effort within the Department of Defense to address encroachment issues. We have draft action plans for the various aspects of encroachment. We are working a community outreach program to minimize the impact of encroachment by fostering a dialogue with local leadership, discussing work-around initiatives, and developing potential technology solutions to provide a similar level of training.

This is a solid and prudent approach for resolving the encroachment issues. If confirmed, I'll continue to support these efforts.

READINESS REPORTING SYSTEM

Question. The systems that the military services use to measure their readiness have been criticized as outdated and inappropriate for a military of the 21st century. Some of the specific criticisms raised have been that the systems measure past readiness rather than future readiness, and measure the readiness of the forces to perform a major theater war mission rather than the mission to which they are currently assigned.

Do you agree with these criticisms and, if confirmed, what actions would you take to change the readiness reporting system?

Answer. I agree in part. As Vice Chairman, I will be involved in the readiness of the force, in the assessment process, and in identifying solutions to our shortfalls. The Joint Staff hosts annual CINC/Service conferences on readiness, and based on the CINC/Service's feedback, the focus on joint warfighting is the proper emphasis, and is also in accordance with Section 117, Title 10, U.S. Code. Units are designed-manned, armed, equipped, and trained to conduct wartime missions. But I also recognize the necessity to assess our readiness for missions other than war. Less than 2 years ago, the Joint Staff created a reporting mechanism within the Global Status of Resources and Training System to do this. While this was a good first effort, we need to explore the expansion and/or refinement of this reporting mechanism. As set forth in the DPG, the Services and Chairman must recommend to the Secretary of Defense a comprehensive readiness reporting system. If confirmed, I will assist the Chairman to further enhance the timeliness, accuracy, and usefulness of the readiness reporting system.

CINC-IDENTIFIED READINESS DEFICIENCIES

Question. Over the last several years, the Quarterly Readiness Reports that the Department prepares for Congress have outlined a number of CINC identified readiness related deficiencies. Many of these are listed as Category I deficiencies which entail significant warfighting risk to execution of the National Military Strategy. Although these deficiencies have been reported for the past several years, they have not as yet been effectively addressed. This has raised concerns that the requirements of the warfighting CINCs are not being incorporated into the military services budgets and the Department's acquisition process.

If confirmed, what actions would you take to ensure that these requirements are understood and funded within the Department's budget?

Answer. If confirmed, I will assist the Chairman to report the combatant commanders' identified readiness deficiencies. I will also assist the Chairman to make assessments and recommendations to the Secretary of Defense regarding the reporting system, the effectiveness of the Services' budgets, and the acquisition process to solve these deficiencies.

COMMERCIAL VS MILITARY REQUIREMENTS FOR FREQUENCY SPECTRUM

Question. The Federal Government is trying to identify a band of frequencies that can be used for the operation of 3rd Generation Wireless Communications devices. As a part of this overall effort, the Department of Defense conducted a study to determine the cost and operational impact that would result if the military services were to surrender the use of the 1755–1850 MHZ band of frequencies on which they currently operate their equipment. That study found that it would take at least $4.3 billion and 17 years to vacate the band if a suitable band of alternative frequencies were identified for the Department's use. The Secretary of Defense and General Shelton recently signed a letter to Members of Congress that outlined the importance of spectrum availability, and this band in particular, for the Department's operations.

What is your view of that assessment?

Answer. I fully support the position of the Secretary of Defense and General Shelton. Spectrum access is vital to combat operations and training. Guaranteed access to spectrum is a cornerstone of information superiority and our warfighting abilities. Without this access, the ability of the Department to use current and

planned weapon systems, to employ new technologies, and to effectively command and control conventional and nuclear forces is seriously compromised. The 1755–1850 MHz frequency band supports over a $100 billion investment in key satellite, air combat training, precision weapons guidance, and battlefield communications systems. These systems provide commanders and their forces real-time intelligence, voice, data, and video information and precision strike ability necessary for a leaner, more agile and more flexible force to meet global mission requirements. Competition for spectrum, both nationally and internationally, is increasing and the Department's growth and need for spectrum parallels commercial industry's needs. We must ensure any spectrum decision carefully considers national security, the needs of commercial interests, and other important national interests.

We are fully committed to cooperating with Congress and the Federal Communications Commission and within the administration in finding solutions for 3rd generation implementation that meet commercial needs while protecting essential national security capabilities.

ROLE OF CINC'S

Question. Based on your service as the Commander in Chief, U.S. Southern Command, do you have any recommendation on ways to improve the effectiveness and capabilities of the regional combatant commanders?

Answer. Sound management of PERSTEMPO, equipment modernization, and investment in infrastructure will lead to more capable and efficient forces. One area in need of greater interagency synergy is the implementation of policy decisions. We need a mechanism at the national level to track and coordinate the efforts of individual departments.

QUALITY OF LIFE, U.S. SOUTHERN COMMAND HEADQUARTERS

Question. Since the establishment of U.S. Southern Command Headquarters in Miami, there have been consistent concerns over the quality of life of our military personnel assigned to the Command.

What, if any, improvements should be taken to improve the quality of life for these dedicated personnel?

Answer. Concern for quality of life issues is a critical element of leadership, one which properly reflects commitment to our personnel and helps create an environment supportive of recruitment, retention, and readiness. Regarding SOUTHCOM headquarters in Miami, I applaud the efforts of the Army, in particular, and of other organizations such as the Defense Commissary Agency, as they develop new and creative means to support quality of life requirements for SOUTHCOM personnel. The key element is providing predictability—a reasonable degree of consistency in the programs, policies, and services offered from one assignment to another, from one location to another.

The current SOUTHCOM headquarters location is strategically important for executing the mission of the command but it is in no way traditional; there is not an active installation from which to draw support. However, this does provide the opportunity to develop new and creative methods to meet requirements. Partnering with the local community and local businesses has been a key to development and continued improvement of support and services that are comparable to those found on a typical military installation. Childcare requirements, for example, are addressed by contracting for available space at nationally accredited childcare centers so that the service member pays rates comparable to those at any military installation. Junior enlisted housing is another example, we lease apartments from the existing capacity in the local community to provide for our junior personnel—and currently no one is on a waiting list. These are just two examples of progress.

Still, there are shortcomings. We have not yet established a partnership within the local community to approximate typical commissary savings for service members. However, we have received great support and flexibility from the Defense Commissary Agency to bring commissary benefits and savings to military personnel residing in Miami through a "Tent Sale" every 4 months. This is only an occasional relief, but it makes a positive impact and takes us a step closer to predictability. Another concern is with medical support. There is a small medical clinic and dispensing pharmacy at the headquarters that adequately serves as the primary care manager for SOUTHCOM active duty personnel and their family members. Additional requirements for specialized treatment, laboratory work, or dental care are met through the network of providers in the greater Miami area that participate with Tricare. The turnover of doctors participating in Tricare has been frustrating. Implementing changes or procedures that decrease the turnover in doctors will greatly improve continuity of care and satisfaction. Further, problems with adminis-

trative and billing processes have caused difficulty in the past. Though some progress has occurred in this area, systemic improvements are needed. In addition, full implementation of the basic allowance for housing entitlement increases—eliminating the "out-of-pocket" burden for our personnel—is especially important. Finally, we will continue to seek a cost-of-living allowance (COLA) to offset the high cost in Miami.

COMMAND AND CONTROL

Question. Despite significant investment in military service, national and combatant commander command and control systems, more than one of the recently-convened defense review panels concluded that U.S. forces do not have a deployable, joint command and control system that can immediately be placed into operation to coordinate the efforts of U.S. and coalition forces.

What actions do you think are necessary to ensure the rapid development of such an important capability?

Answer. This is an absolutely critical capability and we do have deficiencies in addressing the full command and control interoperability required by a Joint Task Force (JTF) headquarters. The current DPG calls for plans to establish standing JTF headquarters and recommends improvements to operating procedures and capabilities, to include addressing rapidly deployable interoperable command and control. This will be a major part of the experimentation in JFCOM's Millennium Challenge 2002 exercise. Additionally, JFCOM will take the lead to identify and fix current mission critical JTF C2 legacy interoperability issues. Further, I fully support the criticality of development and fielding of rapidly deployable, interoperable, command and control systems. If confirmed, I will, in my delegated role as Chairman of the Joint Requirements Oversight Council along with the Service Vice Chiefs, provide the necessary senior military perspective to achieve an interoperable joint command and control capability.

INFORMATION OPERATIONS

Question. Joint Vision 2020 and various defense reviews have highlighted the importance of information operations in future warfare.

What role and what obstacles do you see for information operations as an integral part of US joint military operations?

Answer. Information operations are a means to ensure decision superiority—the key to successful military operations in the future. IO provides non-kinetic options, with promising effects to defeat adversaries, at low-risk to military forces. But we're faced with three challenges: planning and executing these activities the same way we would any wartime campaign; integrating the military's efforts with those of other U.S. Government agencies; identifying and removing unintended effects while keeping up with rapidly changing information technologies. We can meet these challenges.

Question. Are you satisfied that there is unity of effort within the Department of Defense in the development of information operations capabilities?

Answer. Emerging computer network attack and defense capabilities represent an important aspect of information operations. We have been working hard to enhance the security of DOD computer networks and to defend those networks from unauthorized activity (e.g., exploitation of data or attack). Recognizing that the threat to our networked systems is real and increasing, we established the Joint Task Force—Computer Network Defense in December 1998, and assigned responsibility for that mission to U.S. Space Command in 1999. We have incorporated intrusion detection software in many of our networks, erected firewalls, and increased awareness training for our personnel through our information assurance program.

In October 2000, the Commander in Chief, U.S. Space Command (USSPACECOM), assumed responsibility as the military lead for computer network attack as well, and charged USSPACECOM with overseeing the development of capabilities and procedures for this aspect of offensive information operations. In April 2001, U.S. Space Command redesignated the Joint Task Force—Computer Network Defense as the Joint Task Force—Computer Network Operations to reflect this new mission. The Services also cooperate with other Defense and Intelligence Community agencies in efforts to defend the networks that are vital to our national security.

As you have indicated, the Services, Defense Agencies, and combatant commanders are all devoting a great deal of effort to this area. I believe we have the structures and procedures in place to keep duplication of effort to a minimum and ensure advances in information operations capabilities across the Department.

TRANSFORMATION/REVOLUTION IN MILITARY AFFAIRS

Question. The President and the Secretary of Defense have called for a significant transformation of at least a portion of our Armed Forces to counter emerging 21st century threats.

In your opinion, what will constitute transformation of our Armed Forces?

Answer. Transformation is an on-going process for conceptualizing, developing and fielding new combinations of operational concepts, capabilities, organizational arrangements and training regimens that provide U.S. joint forces with advantages that fundamentally change our own, or render less effective potential adversaries', ways of waging war. It is usually evolutionary in nature, but may be revolutionary. Modernization of our weapons systems, information technology, and other defense materiel equipment is a key part, but only one of many elements in the transformation equation.

True transformation can only occur through evolution within all the critical joint force considerations of doctrine, organization, training, material, leadership and education, personnel and facilities (DOTMLPF). A comprehensive DOTMLPF approach is necessary to field and employ future capabilities that fundamentally change and improve our operational and warfighting effectiveness.

Joint Transformation also requires changes within the three supporting processes of requirements generation, acquisition, and the Planning, Programming, and Budgeting System (PPBS) processes. Over the past year, the military has made significant strides in the improvement of the requirements generation process through the evolving strategic integration role of the Joint Requirements Oversight Council (JROC). The Requirements Generation System (RGS) process was shifted from a threat-based system to a joint operational concept and capabilities-based system. Additionally, the process was adapted to enable the introduction and consideration of transformation initiatives from a variety of sources, to include Joint and Service experimentation. The Secretary of Defense is working hard to streamline the acquisition and PPBS processes to facilitate transformation.

Question. Are you confident that the defense review process/QDR now concluding will outline a clear vision for transformation within the Department?

Answer. The senior civilian and military leadership within DOD have reached consensus on an approach to transformation—one that focuses clearly on six critical operational challenges: (1) homeland defense; (2) projecting forces in anti-access environments; (3) engaging mobile targets at long range; (4) information operations; (5) space operations; and (6) developing a common operational picture. The QDR has identified the need for strengthening joint organizations and operations through the development of standing joint task force headquarters. It calls for increasing joint experimentation and concept development. It places emphasis on exploiting U.S. advantages in intelligence. Finally, it charts a course for transforming U.S. military capabilities over time to address key operational challenges.

QUADRENNIAL DEFENSE REVIEW

Question. If confirmed, you will take office on or about the day the Quadrennial Defense Review (QDR) is forwarded to Congress.

Not having had a formal role in the review process, how do you perceive your role and responsibilities in implementing the recommendations of the QDR?

Answer. I did have a role in the process for this QDR. My fellow unified commanders and I had meetings with Secretary of Defense Rumsfeld to discuss this and we were encouraged to participate. I am familiar with the process and direction of the review. If confirmed as the Vice Chairman, my role will be to support the Chairman in implementing the actions directed by the Secretary of Defense.

Question. As a combatant commander, were you satisfied that warfighting CINCs had ample access to the review process?

Answer. I was satisfied that I had as much time as was available in the review process. There was insufficient time given that a new administration had recently taken office and was populating the defense establishment and establishing its own strategies and priorities.

JOINT STANDING TASK FORCES

Question. At least two of the strategic review panels made recommendations concerning the need for permanent, operations-oriented, joint headquarters to better and more quickly integrate joint forces and conduct complex joint operations. Recent reporting indicates the Department of Defense may recommend the establishment of these standing joint headquarters at each of the combatant commands.

As a combatant commander, did you perceive a need for such a standing operations headquarters in your area of responsibility?

Answer. Yes. In fact, U.S. Southern Command has had its own standing joint task force with JTF–Bravo in Soto Cano, Honduras. JTF–Bravo has served Southern Command's mission and our Nation well both in cooperative engagement and disaster response.

Question. In your opinion, are such elements needed at every combatant command?

Answer. This question has been thoroughly debated within the Department of Defense over the past few months. There is a general consensus that some form of standing joint headquarters structure for each geographic combatant command will improve the performance of our joint forces.

The department is considering standing headquarters alternatives, including a model developed within JFCOM's joint experimentation program that will be tested next August during the Millennium Challenge experiment. Any alternative must help build habitual pre-established relationships, provide continuity of planning and operations, and provide baseline Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C^4ISR), and Standing Operating Procedures.

However, there are many significant issues, including manning, infrastructure, and cost, which we must consider before implementation. Also, each geographic combatant command has different requirements that may drive a different standing JTF headquarters structure. DOD is currently working toward final decision in Fall 2002, following the completion of Millennium Challenge.

Question. Should any or all of these headquarters have specifically assigned joint forces that regularly train and operate together?

Answer. The Secretary of Defense tasked the Chairman to examine the issue and submit plans for establishing standing Joint Task Forces (JTFs) in spring 2002. If we successfully implement our standing joint headquarters concept, we can tailor each JTF as required by the situation, leaving forces available for other important uses in peacetime. One of the beauties of a JTF is its flexibility in organization to meet the requirements of each mission. Through effective joint training and aggressive joint experimentation, we can improve joint interoperability and effectiveness without incurring the disadvantages of assigning forces habitually to the standing JTF headquarters.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Vice Chairman of the Joint Chiefs of Staff?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

PLAN COLOMBIA

1. Senator LANDRIEU. General Pace, Secretary of State Colin Powell was scheduled to meet with President Andreas Pastrana of Colombia to discuss Plan Colombia on September 11. What are your views on Plan Colombia as it currently operates? What could be done to improve the efficacy of Plan Colombia? In light of the events of September 11, should the U.S. resume intercepting planes that trigger red flags

out of Colombia because there is a chance such planes could reach U.S. airspace with a weapon of mass destruction?

General PACE. Our current support to Colombia has been properly focused to support President Pastrana in Plan Colombia. Plan Colombia has ten parts, one of those parts is military. Our assistance to the Colombian Counternarcotics Brigade and the provision of the helicopters by the U.S. Congress, through the Department of State, has strengthened Colombia's Joint Task Force South. Since they began operations last December, they have eradicated almost 30,000 hectares and have wiped out some 300 labs. They provide security where they are in Putumayo Province. But the fact of the matter is, if they were to move from that province to somewhere else, then the stability of that province would be undermined.

The other parts of Plan Colombia include things like health, judicial reform, schools, roads, and alternative development. None of these can grow until there is security throughout the Nation. Although Colombian Military and Colombian Police have been strengthened since the beginning of Plan Colombia, the Colombian Military and Police combined is insufficient to provide security throughout the Nation. The proper way ahead in the current support for Plan Colombia is to assist the Colombian Government in building additional counternarcotics brigades. These brigades could take on first the counternarcotics problem and then second transition more into a homeland security type organization that can provide stability—to improve the efficacy of Plan Colombia—so that Plan Colombia can be ultimately successful.

The Colombian military, the American Embassy led by Ambassador Patterson, and myself, all are prepared and support the resumption of providing to the Colombian military the intelligence support they need so that they can vector their own aircraft to intercept airplanes. There is much that we can do through our radar system without having the additional input of some of the airframes that we would like to have but that are not absolutely critical to the information flow. Our capability and procedures that are in place are sufficient to intercept an aircraft, which has triggered a red flag and may be carrying a weapon of mass destruction, approaching U.S. airspace, regardless of its point of origin outside North America.

HOMELAND DEFENSE

2. Senator LANDRIEU. General Pace, the North American Aerospace Defense Command is constructing the operation designed to keep hijacked aircraft from being used as terrorist missiles in the United States. Meanwhile, Joint Forces Command has the responsibility, through its Joint Task Force-Civil Support, to provide military assistance to civil authorities for the consequence management of weapons of mass destruction incidents within the United States. Does that mean that defense of the U.S. homeland is assigned to several commands, or, perhaps, some aspects of homeland defense are not assigned at all?

General PACE. An Execute Order was signed 16 October by the Secretary of Defense that delineated the Joint Operations Area, responsibilities, and relationships among the combatant commanders for Homeland Security. The responsibilities and relationships provided in the Execute Order are an extension of guidance already provided for in the Unified Command Plan and other DOD directives.

All aspects of Homeland Defense are assigned to the combatant commanders and the Services. The events of 11 September have illustrated possible areas where seams can be eliminated or mitigated. We are currently reviewing the Unified Command Plan and will make necessary organizational changes for Homeland Security while ensuring we retain the ability to fight and win our Nation's wars.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

ROLE OF JOINT STAFF IN BASE CLOSURE PROCESS

3. Senator THURMOND. General Pace, the Senate is currently considering our defense authorization bill. The bill authorizes an additional base closure round in 2003. The intent of the legislation is not only to elimination excess infrastructure, but also to reshape the infrastructure with the force structure. What role does the Joint Staff have in the base closure process?

General PACE. The Chairman of the Joint Chiefs of Staff is required to advise the National Security Council, and Congress of the United States concerning all matters of military capability and readiness. Installations contribute to overall force readiness by providing the infrastructure to project and sustain military force to any area of the world where U.S. national interests are threatened. Excess infrastructure de-

tracts from military readiness by diverting limited resources from personnel, training, and equipment modernization programs. During all previous BRAC actions, the Chairman and the Joint Staff conducted analytical reviews in order to develop comments and provide recommendations on operational issues generated from proposed realignments and closures. That analysis is critical to assure continued support to the combatant commands and overall national security.

4. Senator THURMOND. General Pace, what prevents the Department from reshaping the infrastructure based on force structure requirements?

General PACE. In the absence of legislated BRAC authority, there are no existing measures to effectively realign and/or dispose of infrastructure that is not required. Prior to 1977, the Department had much greater authority in the area of closing excess military installations. However, since the enactment of the BRAC law (codified in Title 10, U.S. Code, section 2687) in 1977, there have been no substantial base closures outside of the BRAC rounds specifically authorized by Congress. Section 2687 is extremely restrictive in its terms. Additionally, compliance with the National Environmental Policy Act further restrains the Department's ability to facilitate the closure, disposal, and economic redevelopment of installation properties.

INNOVATIVE TECHNOLOGY

5. Senator THURMOND. General Pace, as the Vice Chairman, you will serve as the Chairman of the Joint Requirements Oversight Council, and will have a key role ensuring that our forces have the latest technology and weapons systems to carry-out their national security role. Although I believe the JROC has had a positive impact on the types of systems the Services develop, I am concerned that in this era of rapidly changing technology it may slow down or hinder getting that technology into the hands of our warfighters. What are your views on this matter?

General PACE. I agree the U.S. technology base is clearly a national asset, and as JROC Chairman, I am absolutely committed to ensuring our forces are equipped with systems and capabilities that take advantage of the breakthroughs generated by the research and development community in a timely manner. Currently, there are a number of avenues we're already using to incorporate new technology into the system development process such as spiral development, planned "block upgrades," and advanced concept technology demonstrations (ACTDs). Were also reviewing developmental and operational testing plans for opportunities to employ emerging systems in real-world conditions.

Additionally, the combatant commanders' message from the field has remained consistent: they not only want the latest technology, but it's crucial the systems they take to the fight are interoperable. That's where the JROC is adding the most value. I am convinced our current plan to get the JROC involved at the beginning of the requirements process will better integrate complex requirement and architectural issues, more fully incorporate the substantial Joint Experimentation efforts in work at Joint Forces Command, and ultimately drive future weapon systems that are born joint.

Finally, I see JROC reviews as "surgical" in nature, occurring at key points prior to major acquisition milestone decisions. Specifically, the amount of time new systems or requirements require oversight and guidance from the JROC is literally measured in days. So rather than hindering the transition of technology from laboratory to warfighter, the JROC process is designed to ensure requirements are calibrated against the constantly changing threat environment, performance parameters are on-track, and systems are ready to transition from development to production.

In summary, while we continue to look at procedures to improve the responsiveness of our process to technological innovation, the JROC is a vital component in the effort to link the development of material and non-material solutions with a shared view of required operational capabilities to achieve true DOD-wide transformation.

RELIANCE ON RESERVES

6. Senator THURMOND. General Pace, the call-up of Reserve Forces to support the war against the terrorists proves the important role the reservists have in support of our national security. Despite the willingness of the reservists to respond to the call of duty, I am concerned that the emerging threats will require increased call-ups of our reservist, which potentially will have an impact on their employment. Since the call-up of reservists reflect a shortage of certain skills in the active ranks,

is it time to adjust the type and number of skills we maintain in the Active Forces so the Nation is better prepared to meet the new threats?

General PACE. As an integral part of the Total Force, we continue to rely on our Reserve components across a wide range of missions. They are essential to current war plans and the homeland defense mission as detailed in the 30 September 2001 Quadrennial Defense Review (QDR) Report and confirmed by the recent call-up for Operations Noble Eagle and Enduring Freedom. The QDR Report also outlines the Department of Defense's transformation strategy for U.S. military forces, which will draw on the strengths and capabilities of the Reserve and National Guard. Some of the most significant issues to deal with in the coming months are the size, composition, and missions of our defense forces. The QDR Report stipulates the Department of Defense will initiate a thorough review of the active and Reserve mix to ensure the appropriate use of the Reserve component. The review will build on recent assessments of Reserve component issues that highlighted emerging roles for the Reserve components in homeland defense, in smaller-scale contingencies, and in major combat operations.

JOINT STAFF

7. Senator THURMOND. General Pace, we frequently hear that the Joint Staff has become too large and is encroaching into areas that have historically been the sole domain of the military departments. What is your perspective or these issues?

General PACE. I disagree with any assertion that the Joint Staff is too large and is encroaching into areas that have historically been the domain of the Military Departments. First, in recent years, the actual number of personnel assigned to the Joint Staff has steadily declined, in spite of the fact that we have had more duties—in addition to our statutory ones—levied upon us. In 1987, the Joint Staff's authorized personnel strength was 1,627. Today, it's 1,242. In keeping with the 15 percent management headquarters cuts directed in the Fiscal Year 2000 National Defense Authorization Act, the Joint Staff is girding for yet another round of cuts that will translate into 195 people. Second, the DOD Reorganization Act of 1986 (also known as the Goldwater-Nichols Act) added considerable definition and clarity to the roles and responsibilities of the Chairman, the Joint Chiefs of Staff, the combatant commanders, and the Services. The roles and responsibilities of the Chairman and his Joint Staff are those spelled out in Title 10, as well as those duties assigned by the National Command Authorities.

QUESTION SUBMITTED BY SENATOR RICK SANTORUM

AFGHANISTAN

8. Senator SANTORUM. General Pace, in 1993, elite United States forces attempted to capture General Mohamed Farrah Aidid, the dominant political leader in Somalia, one of the worlds' poorest countries. The decision would result in a bloody firefight as Rangers and men of the Delta Force made their seventh attempt to grab Aidid. Eighteen American soldiers died, and 77 were wounded. An estimated 300 Somalis were killed and another 700 wounded, a third of the casualties women and children. General Aidid was not captured and the U.S. withdrew from Somalia.

General, you served as Deputy Commander, Marine Forces, Somalia from December 1992 to February 1993, and as Deputy Commander, Joint Task Force-Somalia from October 1993 to March 1994. Based on your experiences in Somalia, can you share with me your insights on the challenges facing U.S. military forces in Afghanistan? Are there parallels between the U.S. seeking to capture Osama bin Laden and U.S. attempts to capture Somalian warlord Aidid?

General PACE. Since Afghanistan is a landlocked country located a great distance from the United States, we must rely heavily on our forward-deployed forces in order to conduct military operations in that region of the world. Afghanistan is a country of extremely inhospitable terrain with rugged, mountainous regions and numerous choke points. The Taliban know their countryside well and understand the best locations from which to defend and the best routes along which to attack. The weather there is also extreme. Winter is approaching quickly and could impact military operations. I want to reassure you however, that our forces train on a regular basis under varying harsh conditions and stand ready today to answer our Nation's call to arms in this new war on terrorism. I am confident that the American military will prevail.

Both men are leaders of their respective factions, command extreme respect and obedience from their followers, are surrounded by loyal and irregular combatants,

and rely heavily on graft and money to retain power. There are however, stark differences between the two scenarios. Osama bin Laden is widely recognized in the international community as a criminal and a murderer. As such, there exists widespread support to eliminate him and his terrorist organization. Also, Somalia was a limited, small-scale operation compared to the current operation being conducted in Afghanistan. We have committed the full range of military might of the U.S. Armed Forces to this operation. We fully support the President and his vision to root out the terrorists and those who harbor and support them.

[The nomination reference of Gen. Peter Pace follows:]

NOMINATION REFERENCE

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 4, 2001.

Ordered, That the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment as the Vice Chairman of the Joint Chief of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601 and 152:

To be General

Peter Pace, 7426.

RÉSUMÉ OF PETER PACE, GENERAL, U.S. SOUTHERN COMMAND

General Peter Pace is currently serving as the Commander in Chief, U.S. Southern Command, Miami, Florida.

General Pace was born in Brooklyn, NY, and raised in Teaneck, NJ. He received his commission in June 1967, following graduation from the United States Naval Academy. He also holds a masters degree in Business Administration from George Washington University (1972). Upon completion of The Basic School, Quantico, VA, in 1968, he was assigned to the 2d Battalion, 5th Marines, 1st Marine Division in the Republic of Vietnam, serving first as a rifle platoon leader and subsequently as assistant operations officer.

Returning from overseas in March 1969, he reported to Marine Barracks, Washington, DC. During this tour, he served as Head, Infantry Writer Unit, Marine Corps Institute; Platoon Leader, Guard Company; Security Detachment Commander, Camp David; White House Social Aide; and Platoon Leader, Special Ceremonial Platoon. He was promoted to captain in April 1971. In September 1971, General Pace attended the Infantry Officers' Advanced Course at Fort Benning, Ga. Returning overseas in October 1972, he was assigned to the Security Element, Marine Aircraft Group 15, 1st Marine Aircraft Wing, Nam Phong, Thailand, where he served as Operations Officer and then Executive Officer.

In October 1973, he was assigned to Headquarters Marine Corps, Washington, DC, for duty as the Assistant Majors' Monitor.

During October 1976, he reported to the 1st Marine Division, Camp Pendleton, Calif., where he served as Operations Officer, 2d Battalion, 5th Marines; Executive Officer, 3d Battalion, 5th Marines; and Division Staff Secretary. He was promoted to Major in November 1977. In August 1979, he reported to the Marine Corps Command and Staff College as a student.

Upon completion of school in June 1980, he was assigned duty as Commanding Officer, Marine Corps Recruiting Station, Buffalo, NY. While in this assignment, he was promoted to Lieutenant Colonel in October 1982. Reassigned to the 1st Marine Division, Camp Pendleton, General Pace served from June 1983, until June 1985, as Commanding Officer, 2d Battalion, 1st Marines.

In June 1985, he was selected to attend the National War College, in Washington, DC.

After graduation the following June, he was assigned to the Combined/Joint Staff in Seoul, Korea. He served as Chief, Ground Forces Branch until April 1987, when he became Executive Officer to the Assistant Chief of Staff, C/J/G3, United Nations Command/Combined Forces Command/United States Forces Korea/Eighth United States Army.

General Pace returned to Marine Barracks in Washington, DC, in August 1988, for duty as Commanding Officer. He was promoted to Colonel in October 1988. In August 1991, he was assigned duty as Chief of Staff, 2d Marine Division, Camp Lejeune. During February 1992, he was assigned duty as Assistant Division Commander. He was advanced to Brigadier General on April 6, 1992, and was assigned duty as the President, Marine Corps University/Commanding General, Marine Corps Schools, Marine Corps Combat Development Command, Quantico, VA, on July 13, 1992. While serving in this capacity, he also served as Deputy Commander, Marine Forces, Somalia from December 1992–February 1993, and as the Deputy Commander, Joint Task Force—Somalia from October 1993–March 1994. General Pace was advanced to Major General on June 21, 1994, and was assigned as the Deputy Commander/Chief of Staff, U.S. Forces, Japan. He was promoted to Lieutenant General and assigned as the Director for Operations (J–3), Joint Staff, Washington, DC, on August 5, 1996. On November 26, 1997 he assumed duties as Commander, U.S. Marine Corps Forces Atlantic/Europe/South with Headquarters in Norfolk, Virginia; Stuttgart, Germany; and Miami, Florida. He was advanced to his current grade and assumed duties as Commander in Chief, U.S. Southern Command on September 8, 2000.

General Pace attended Harvard University in the program for Senior Executives in National and International Security.

General Pace's personal decorations include: Defense Distinguished Service Medal; Defense Superior Service Medal; the Legion of Merit; Bronze Star Medal with Combat "V"; the Defense Meritorious Service Medal; Meritorious Service Medal with gold star; Navy Commendation Medal with Combat "V"; Navy Achievement Medal with gold star; and the Combat Action Ribbon.

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Gen. Peter Pace, USMC, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Peter Pace.

2. **Position to which nominated:**
Vice Chairman of the Joint Chiefs of Staff.

3. **Date of nomination:**
September 4, 2001.

4. **Address:** (List current place of residence and office addresses.)

[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
5 November 1945; Brooklyn, New York.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to former Lynne Anne Holden.

7. **Names and ages of children:**
Peter Pace, Jr., 25, 26 Oct. 76.
Tiffany Pace, 23, 21 Aug. 78.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the Executive Branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Marine Corps Association.
Member, The Retired Officers' Association.
Member, Honorable Order of Kentucky Colonels.
Member, Naval Academy Alumni Association.
Member, National War College Alumni Association.
Member, Board of Directors, Marine Corps—Law Enforcement Foundation—noncompensatory.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the Executive Branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
I do so agree.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
I do so agree.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement of Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PETER PACE.

This 18th day of September, 2001.

[The nomination of Gen. Peter Pace was reported to the Senate by Chairman Levin on September 26, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 26, 2001.]

[Prepared questions submitted to Gen. John W. Handy, USAF, by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Absolutely. The Goldwater-Nichols Act was a much needed and very timely piece of transition legislation for our military. The issues articulated in the act were real. Pre-Goldwater-Nichols, insufficient JCS review, oversight of contingency planning, unclear chains of command, and inadequate attention to both the quality and training of officers assigned to joint duty hampered the efficient employment of our Armed Forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. Since 1986, the Joint Staff, the Unified Commands, and the Services have vigorously pursued the intent of the Goldwater-Nichols Act. Today, the corporate advice provided by the Chairman of the Joint Chiefs of Staff is detailed, meaningful, timely, and extremely influential. Our civilian leadership trusts that our Armed Forces can and will carry out our assigned missions in the most effective and cost efficient manner possible. The strategic planning, contingency planning, theater engagement planning, crisis response activities, programs and budgets of the Unified Commands and the services are in sync with the National Security Strategy and are based upon realistic combat and support force projections. Lastly, there has been an exponential leap in the quality and education of the personnel assigned to the various joint staffs. The Services now realize that joint experience is an absolute necessity in the career progression of its best and brightest officers and are resolutely filling their joint billet allocations with the same.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most important aspect of these defense reforms has been the demonstrated improvement in the joint warfighting capabilities of the United States Armed Forces. Over the past 15 years, the Goldwater-Nichols Act has given us a focus on joint doctrine, joint professional military education, and coordinated military planning. Chains of command have been clarified from the National Command Authority all the way down to individual on-scene commanders. Today, Combatant Commanders clearly understand their planning, training and execution responsibilities. Equally important, they understand that their ability to articulate their equipment resource needs and priorities weighs heavily in the services' POM inputs and the overall Department of Defense fiscal planning effort.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the national security strategy? If so, what areas do you believe it would be appropriate to address in these modifications?

Answer. The military now has 15 years' experience operating under Goldwater-Nichols it has significantly changed the way the Department of Defense operates. By and large, the changes have enhanced the way our Nation employs its military forces. There may be some areas that could benefit from legislative changes; however, I would like to reserve judgment on this until after I've studied any specific proposals. If confirmed, I would be pleased to share my thoughts with the committee as appropriate.

Question. Based upon your experience as Vice Chief of Staff for the Air Force, do you believe that the role of the combatant commanders under the Goldwater-Nichols legislation is appropriate and that the policies and procedures in existence allow that role to be fulfilled?

Answer. Based upon my experience as Vice Chief of Staff of the Air Force, the role of the combatant commanders under the Goldwater-Nichols Act seems appropriate to me. Existing policies and procedures appear to allow that role to be fulfilled. If confirmed, I'll carefully monitor my roles and responsibilities under Goldwater-Nichols and share any future observations with the committee as appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Commander in Chief, U.S. Transportation Command?

Answer. The mission of the Commander in Chief, United States Transportation Command is to provide air, land, and sea transportation for the Department of Defense (DOD), both in time of peace and time of war. To accomplish this mission, for day-to-day execution, the Commander in Chief, U.S. Transportation Command relies on U.S. Transportation Command's Component Commands: the Air Force's Air Mobility Command (AMC); the Navy's Military Sealift Command (MSC); and the Army's Military Traffic Management Command (MTMC). To accomplish this mission requires leadership of a blend of active and Reserve Forces, civilian employees, and partnership with commercial industry to provide mobility forces and assets in a force structure continuum designed to make a seamless transition from peace to war.

That said, the number one mission of the Commander in Chief, United States Transportation Command is to provide strategic mobility support to the regional CINCs during crises. Simply put, the U.S. Transportation Command wartime mission has three objectives:

1. Get the warfighter to the fight.
2. Sustain the warfighter during the fight.
3. Bring the warfighter home after the fight is done.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Since my commissioning as an Air Force officer in 1967, I have been blessed with a host of opportunities and experiences, as well as with some of the finest commanders, bosses, teachers, mentors, role models and friends that the Services have ever produced. From July 1997 to October 1998, I commanded half of AMC's airlift and tanker aircraft, supporting global mobility operations worldwide. Prior to that assignment I had served 2 years as the commander of Headquarters Military Airlift Command's Airlift Control Center and later as commander, Headquarters Air Mobility Command's Tanker Airlift Control Center. This assignment was followed by almost 2 years as the U.S. Transportation Command director of operations and logistics. Additionally, I have twice served as a wing commander for an airlift wing, and as director of programs and evaluations and deputy chief of staff for installations and logistics at Headquarters U.S. Air Force. As the Vice Chief of Staff of the Air Force, I had direct, personal and frequent contact with the SECDEF, CJCS, all the CINCs and the Service Chiefs on many major issues, operations, and planning matters confronting all the CINCs, including USCINCTRANS. Throughout these past 34 years I have watched our military grow and evolve into a force that today is recognized as the best equipped, trained, and educated in the world—perhaps the finest team of military professionals the world has ever known. If confirmed, I will be honored to lead one of the most critical components of that team. I am a true believer in the Total Force Concept that leverages active, guard, and Reserve component forces of all services to meet our national security challenge. The command experiences, field training and education I've been fortunate to have thus far have prepared me for the tasks ahead. I look forward to the opportunity to serve our country and the great men and women of the United States Transportation Command.

Question. What are the most important lessons that you have learned as the Vice Chief of Staff for the Air Force?

Answer. In my role as Vice Chief of Staff of the Air Force, I've learned the true value and critical importance of building a cohesive team not only within the Air Force, but also with the other Services and organizations within the interagency process, as well as the many civilian communities that support our Nation's military. If confirmed, I will continue to nurture and build the great team at U.S. Transportation Command, ensuring our Nation continues to have trained and ready mobility capabilities to support the Nation's interests anytime, anywhere.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Commander in Chief, U.S. Transportation Command?

Answer. A complete understanding of current Defense Department and national transportation issues is essential to my ability to discharge these important duties. If confirmed, I will do everything within my power to insure I remain ready for this critical duty.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff would prescribe for you?

Answer. I would anticipate the Secretary and the Chairman to direct me to prepare U.S. Transportation Command to meet the supported CINC requirements for any contingency. I also believe they would direct me to provide the most effective and efficient transportation services available in peace or war. All the normal duties and functions of command would be directed toward those ends. That said, I stand ready to follow any duties or functions assigned.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Commander in Chief, U.S. Transportation Command to the following officials:

The Secretary of Defense.

Answer. An objective of the Goldwater-Nichols Act of 1986 was to clarify the command line to combatant commanders and to preserve civilian control of the military. That act stated that the operational chain of command runs from the President to the Secretary of Defense to the combatant commanders. As such, the Commander in Chief, U.S. Transportation Command is directly responsible to the National Command Authorities, President and Secretary of Defense, for the performance of the defense transportation mission and the preparedness of the command.

Question. The Deputy Secretary of Defense.

Answer. The Deputy Secretary of Defense is delegated full power and authority to act for the Secretary of Defense and exercise the powers of the Secretary on any and all matters for which the Secretary is authorized to act according to law. As such, the Commander in Chief, U.S. Transportation Command will normally report through the Secretary, but will report to and through the Deputy Secretary the same as he would the Secretary when the Deputy Secretary is representing the Secretary.

The Under Secretaries of Defense.

Answer. Under current DOD Directives, Under Secretaries of Defense coordinate and exchange information with DOD components, including combatant commands, having collateral or related functions. In process and in practice, this coordination and exchange is normally communicated through the Chairman of the Joint Chiefs of Staff. If confirmed as a combatant commander, I will respond and reciprocate accordingly.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for C^3I, Public Affairs and Legislative Affairs, all Assistant Secretaries are subordinate to one of the Under Secretaries of Defense. This means that any relationship U.S. Transportation Command would require with any Assistant Secretary of Defense would be through the Under Secretary of Defense for Policy, the Under Secretary for Personnel and Readiness, or the Under Secretary of Defense for Acquisition and Technology. Since the Assistant Secretaries of Defense for C^3I, Public Affairs and Legislative Affairs are SECDEF's principal deputies for overall supervision of C^3I, Public Affairs and Legislative matters respectively, any relations required between U.S. Transportation Command and ASD(C^3I) and ASD(LA) would be conducted along the same lines as those discussed above regarding relations with the various Under Secretaries of Defense.

The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is clearly established by Title 10 as the principal military advisor to the National Command Authorities (NCA). However, he serves as an advisor and is not, according to the law, in the chain of command that runs from the NCA directly to each combatant commander. The law does allow the President to direct that communications between him or the Secretary of Defense and the combatant commanders be transmitted through the Chairman and former President Clinton directed this to happen though the Unified Command Plan. This action keeps the Chairman fully involved so that he can execute his other legal responsibilities. Certainly a key responsibility is his role as spokesman for the CINCs, especially on the operational requirements of their respective commands. While the legal

duties of the Chairman are many and they require either his representation or personal participation in a wide range of issues, if confirmed as a CINC, I will have an obligation to keep both the Chairman and the Secretary of Defense promptly informed on matters for which they may hold me personally accountable.

The Secretaries of the Military Departments.

Answer. The Secretaries of Military Departments are responsible under Title 10, for the administration and support of the forces they have assigned to combatant commands. The authority exercised by a combatant commander over Service components assigned to his command is quite clear, but requires a close coordination with each Secretary to ensure there is no infringement upon those lawful responsibilities a Service Secretary alone may discharge.

The Chiefs of Staff of the Services.

Answer. The Chiefs of Staff of the Services have two significant roles. First and foremost, they are responsible for the organization, training, and equipping of their respective Service. Without the full support and cooperation of the Service Chiefs, no CINC can hope to ensure the preparedness of his assigned forces for whatever missions the NCA directs. Next, as members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice. Individually and collectively, the Joint Chiefs are a source of experience and judgment that every CINC can call upon. If confirmed as Commander in Chief, U.S. Transportation Command, I intend to pursue a full and continuing dialogue with the Chiefs of all four Services, as well as with the Commandant of the U.S. Coast Guard.

Question. The Combatant Commanders.

Answer. If confirmed, my relationship with the other combatant commanders will be one of mutual support, continued dialogue on key issues, and frequent face-to-face interaction. In today's security environment, an atmosphere of teamwork and complete trust is critical to the successful execution of U.S. national policy.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Commander in Chief, U.S. Transportation Command? Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. In my view, in order to provide world-class support for the warfighting CINCs as well as meet the DOD's peacetime transportation needs, we must have robust capability and readiness—now and in the future. While our current National Military Strategy demands we be able to provide strategic deployment and sustainment support for two near simultaneous major theater wars, we must also prepare ourselves for the future. The United States Transportation Command team plays a critical role in fulfilling the four operational concepts espoused in the Chairman's Joint Vision 2020: dominantmaneuver, precision engagement, full dimensional protection, and focused logistics. The challenges I see on the horizon for the Defense Transportation System (DTS) are:

People. There are no more precious resources in the DTS than our people. Our soldiers, sailors, marines and airmen must enjoy a quality of life that allows them to focus on their military tasks without distraction. We are obliged to keep faith with these self sacrificing individuals and families by providing an adequate standard of living, quality medical care, inflation adjusted retirement benefits, quality household goods moving services, respectable housing accommodations, and caring family support programs. I salute our Congress for its continued support in all these areas and I ask for your continued assistance in championing initiatives that reassure our troops that they are indeed our number one priority.

Readiness. While overall military end strength numbers continue to drop, the requirements and demands of today's contemporary international security environment remain very high. The pace of activity in the DTS in the post Desert Shield/Desert Storm era, in support of mobility operations worldwide, continues at an almost wartime level of effort. We must curb the impacts of this high OPTEMPO by improving our efficiency and carefully monitoring the day-to-day demands and requirements placed on the DTS. Specifically, ensuring the command remains ready will require continued focus on the readiness of air mobility, sealift, forward presence, partnerships with industry, and Antiterrorism and Force Protection (AT/FP).

Modernization. U.S. Transportation Command's modernization efforts are focused on being able to fully meet America's strategic mobility requirements, across the spectrum of operations, while simultaneously reducing risk, ensuring future readiness, and providing a framework for meeting future MRS–05 requirements. Continued acquisition of the C–17, upgrade of our C–5 and KC–135 fleets, standardization and modernization of our C–130 fleet, completion of existing sealift programs, improvements to the network of bases which comprise our global transportation infra-

structure, and upgrades to the tremendous capability enhancers inherent in our transportation information systems capability, are all key pillars of this comprehensive modernization program. Additionally, the command is looking well ahead to identify, develop, and program projects for the inevitable future recapitalization of aging air mobility and sealift systems, as well as our global transportation infrastructure.

Process Improvements. U.S. Transportation Command processes, the collection of rules and procedures which govern day-to-day business practices, are under constant revision as the command seeks to improve the speed and reliability of customer service. The goal is a set of "most effective and efficient" processes that are applicable across the entire spectrum of our activities, from interaction with our commercial transportation providers to our "warfighter CINC" customers. Whether the issue is information technology, supply-chain management, doctrine or training, U.S. Transportation Command is constantly searching for the best business practices available today. These efforts must be continued to ensure the future viability of the DTS.

Question. What do you consider to be the most serious problems in the performance of the functions of the Commander in Chief, U.S. Transportation Command? If confirmed, what management actions and time lines would you establish to address these problems?

Answer. The most serious problem facing us in the mobility business is the daily challenge of meeting the readiness needs of our theater CINCs. While we have done a superb job of meeting these needs on a daily basis over the years since Operations Desert Shield and Desert Storm, our capability to continue meeting this challenge, at the levels we are sustaining, is very fragile. We must be ever vigilant in our struggle to keep our forces the best organized, trained, and equipped in the world. The challenges are many: maintenance of an adequate quality of life, modernization of our equipment and facilities, and controlling an escalating OPTEMPO in the face of level funding and personnel fielding. I believe we can meet these challenges, and if confirmed, I look forward to working with the members of this committee to do just that. As far as a time line goes, I can only say that I see this as a continuing challenge which, with your approval, I will formally pick up—with enthusiasm—on day one.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Commander in Chief, U.S. Transportation Command?

Answer. Like my predecessor, I believe U.S. Transportation Command's approach to posturing (and improving) itself to be able to meet DOD's transportation mission today and tomorrow requires flexibility and initiative, and must be guided by the following four basic themes:

- *Theme one:* Maintaining *readiness* to perform our global mobility mission;
- *Theme two:* Continuing *modernization* and upgrade of aging equipment and infrastructure;
- *Theme three:* Improving key *processes* in the DTS; and
- *Theme four:* Investing in the care and quality of U.S. Transportation Command's most valuable resource—its *people.*

LIFT REQUIREMENTS

Question. One of the principal shortfalls faced by the United States military is the ability of our lift assets to support two major theater wars. While we have made great efforts to eliminate the deficiency in lift assets, this shortfall continues to emerge as one of the greatest threats to our ability to successfully execute the National Military Strategy.

If confirmed, what actions will you take to ensure that we have sufficient lift assets to support the combat forces' execution of the National Military Strategy?

Answer. USTRANSCOM is sized as a 1 MTW mobility force. As long as the command executes current programs, sealift is in acceptable condition, although there is a need for specialty ships such as heavy lift sealift. Airlift is the most pressing challenge. As MRS–05 validated, an increase is needed to the capability of our airlift fleet (54.5 MTMs) through additional C–17s and modernization of our C–5s. Initial review of the new strategy, coupled with Service transformation efforts, leads to conclusions that strategic mobility will be more demanding not less. Therefore, the MRS–05 conclusions are the minimum improvements needed.

As USCINCTRANS, I will continue advocating for additional C–17s and a robust C–5 RERP program. I will also continue to pursue the possibility of commercial BC–

17s augmenting our organic fleet. The time is now to make a commitment to a new 60 aircraft Multi-Year Procurement (MYP) in order to get these additional C–17s at the best possible price.

THREAT

Question. Do you believe that projected changes in the threat and in overseas bases should affect the mix of U.S. Transportation Command's strategic mobility triad of prepositioned ships, airlift, and sealift?

If so, how should the current mix be changed?

Answer. Although the Mobility Requirements Study 2005 (MRS–05) assumed accomplishment of all overseas infrastructure projects that are currently programmed, air and sea port availability and capability still remain a concern. Past and present demands have strained the overseas air mobility infrastructure facilities and raised questions about their sufficiency to meet the National Military Strategy. USTRANSCOM has focused its most important current infrastructure efforts on recapitalization of runways, ramps, and fuel systems at en route airfields. In keeping with the findings of USTRANSCOM's en route Studies, the command has worked with USEUCOM, USPACOM, and DLA to develop recapitalization plans. For example, DLA has allocated approximately 85 percent of its fuels MILCON fiscal year 1999–2004 POM to en route projects.

September 11 drove home to all Americans that we face a changing threat. Be assured that USTRANSCOM is ready to respond to the call to deploy forces in response to those atrocities. To that end, I'm confident that the command's prepositioned ships, airlift, and sealift assets are properly configured and prepared to support Operations Noble Eagle and Infinite Justice. USTRANSCOM continues efforts to counter the threat from weapons of mass destruction, such as chemical and biological weapons, at our aerial and seaports. Such weapons can severely hinder strategic mobility industrial infrastructure and particularly threaten the civilian partners in the CRAF and VISA programs. Consequently, USTRANSCOM has become one of DOD's strongest proponents for improved detection, protection, and decontamination capability. The command is actively engaged in several joint projects intended to address the WMD threat, including the development of national standards for decontamination. Additionally, USTRANSCOM's Critical Infrastructure Protection (CIP) program is underway, stemming from Presidential Decision Directive 63. The CIP program, in coordination with other DOD agencies, Joint Staff, Services, geographic CINCs, and Department of Transportation (including MARAD and U.S. Coast Guard), is actively identifying assets critical to the Defense Transportation System (which includes those assets of our commercial partners). Vulnerability assessments will then be conducted at critical transportation locations, with necessary follow-on actions taken to ensure that those critical assets are protected.

PORT AND AIRFIELD AVAILABILITY

Question. In your opinion, are sufficient port and airfield on-load and off-load assets available in CONUS and in the most likely conflict areas to rapidly move the equipment and supplies that might be required over the full spectrum of conflict?

If not, what steps do you believe should be taken to improve this situation?

In your opinion, are the conditions of these facilities adequate to support the strategic deployments of our forces? What is the condition of the en route system and their ability to refuel and support the airlift mission?

Answer. Assessments of the sufficiency of CONUS and overseas ports and airfields to support strategic mobility are highly "scenario dependent." Overseas, whether mobility supports a small-scale contingency (SSC) or a Major Theater War (MTW), our forces require access to host nation ports and airfields. In some cases, particularly for the air mobility en route system, our forces require friendly nation airfield resources at locations that may or may not be directly involved in the contingency. For example, any U.S. response in Southwest Asia will require air mobility en route basing in Europe and will usually require access to peripheral Gulf State airfields as well; any U.S. response in the Pacific Rim becomes problematic without Mainland Japan and Okinawa support. If the SSC occurs in areas accessible from our established Airlift en route systems, our ability to respond effectively is reasonably assured with host nation concurrence. If the SSC occurs in areas not in line with our Airlift en route system, response time would be difficult (Africa, South America, areas of Southeast Asia). USTRANSCOM should continue to work with the geographic CINCs to ensure the Strategic Mobility requirements for overseas ports and airfields are met in planning for the total range of conflict. The en route system is aging but it is currently funded for upgrades to meet the future de-

mands that are outlined in MRS–05. USTRANSCOM should also continue to support the Army and Navy in the development of a Joint Logistics Over-the-Shore capability for those scenarios where fixed port facilities are degraded or denied by enemy forces.

In CONUS, if the Services fund the MRS–05 shortfalls identified, (to include depot shortfalls), I believe throughput constraints and availability of ports and airfields for the most demanding Major War requirements will be addressed. The Army Power Projection Program should improve key installations, ammunition depots and ports. This program provides for rail, airfield, and staging area improvements, completion of key projects at the West Coast containerized ammunition port (Concord), and other installation-specific projects. Acceleration of many of these projects is needed. Interfaces between the Services must be improved for power projection of one service from another service's installation. Funding of Container Handling Equipment (CHE) is also necessary for movement of containerized cargo at installations and ammunition depots. Also, the National Port Readiness Council is functioning and working closely in planning with DOT and the Nation's commercial port industry to ensure wartime requirements can be met in order to minimize our permanent presence at commercial ports.

The present inventory of aircraft loaders, called Material Handling Equipment (MHE), used at aerial ports for onloading and offloading U.S. military and Civil Reserve Airlift Fleet aircraft is still very old and unreliable. That said, I believe the new Air Force 60K loader and Next Generation Small Loader (NGSL) programs will provide the equipment needed to meet future MHE requirements. An additional piece of critical equipment is the 463L All-Terrain 10K forklift. Their numbers are high, and they too require an aggressive replacement program. This piece of equipment is critical to deployed operations in rough or unimproved environments.

We continue to work closely with geographic CINCs on Host Nation Support issues to support onward movement of equipment and supplies from theater ports to the final destination.

TANKER CREWS

Question. During the Kosovo operation, we found that we had sufficient tanker assets available to support the air campaign, but that, at times, there were limitations in having sufficient crews available for these tankers to support operations due to a number of considerations, including crew rest requirements.

What steps do you intend to take to ensure that there will be sufficient tanker crews available to support air campaigns in future conflicts?

Answer. USTRANSCOM and AMC recognize that the KC–135 crew ratio of 1.36 for the AMC force and 1.27 for all others was based on a Cold War scenario and is not adequate for today's increased mission demands. This was proven during the Gulf War when we operated with a 1.5 crew ratio and again in Kosovo when we operated at a 1.8 crew ratio. Only the limited nature of these conflicts kept us from experiencing shortages in crews. To further quantify the requirement for tankers and crews AMC conducted a thorough Tanker Requirements Study. In an attempt to rectify the shortfall in crews and maintenance identified by these events and study, a fiscal year 2002 POM initiative was submitted for additional maintenance personnel and for 75 additional aircrews. Unfortunately, the positions were either not funded or were only approved without an increase in overall military end-strength. We have continued to voice our concern by raising the issue through the Joint Requirements Oversight Council and the Joint Warfighting Capabilities Assessment.

As USCINCTRANS, I will continue to advocate for additional KC–135 maintenance personnel and a crew ratio increase. As we all work through the details of the new strategy laid out in the QDR and DPG, we will determine if tanker crew ratio will need to be increased even more. I realize the competition for scarce dollars will always be keen and I, along with all national leaders, will be forced to choose between myriad critical programs. That being said, my goal will be full funding of additional tanker personnel, to include the commensurate end-strength increase.

READY RESERVE FORCE

Question. U.S. military strategy depends on having sufficient civilian merchant mariners available in a conflict to operate the ships in the Ready Reserve Force (RRF). There are continuing concerns that the combination of the reduction in numbers of U.S.-flag merchant ships and the smaller sizes of crews on these ships could leave the United States with an inadequate pool of trained manpower upon which to draw in wartime.

Do you believe that this is a real problem?

Answer. Yes. However, it is a problem that USTRANSCOM is aware of and is actively working with the Maritime Administration, the U.S. Coast Guard, the sealift industry, maritime unions, and DOD. The decline in the number of U.S. Flag ships has definite consequences for our national security capabilities. Today, we can meet manning requirements for the Ready Reserve Fleet. We will continue to support ongoing efforts to ensure our manning capability for the future. The assignment of partial crews to the highest priority vessels (ROS–4, ROS–5) has improved the manning of RRF vessels, as well as the material readiness of the fleet. Now, two thirds of the ships in the RRF are partially crewed. I also support the Maritime Security Program which I view as essential to maintaining a nucleus of U.S. flag ships that will continue to employ American crews. Other programs such as the Jones Act (domestic trade) and cargo preference help keep ships under the U.S. flag (with American crews) and are key to maintaining the pool of highly trained mariners.

Question. What steps would you propose to take to solve any shortages that you might identify in manning the RRF?

Answer. I will continue to foster the strong partnership USTRANSCOM has with the U.S. maritime industry and using this partnership as a spring board to keep moving this difficult mariner issue forward. As recently as last week, USTRANSCOM held a Video Teleconference with VISA carriers to discuss current events (Operations Noble Eagle, Infinite Justice) and exchange ideas about supporting potential future operations. We continue to work the mariner issue hard with MARAD, the U.S. Coast Guard, the carriers and the maritime unions. A key issue is identifying active merchant mariners and licensed/certified mariners that are no longer sailing; the goal is a consolidated database identifying available and qualified mariners to crew organic sealift. We also encourage all licensed and documented mariners to maintain their licenses and/or documentation. This partnership is healthy and is an absolute necessity in these uncertain times.

PREPOSITIONED SHIPS

Question. If confirmed, what actions would you take to ensure U.S. Transportation Command's support of the Army and Marine Corps' strategies for afloat prepositioned ships?

Answer. In my view, the use of equipment and supplies strategically positioned afloat near potential hot spots is a critical component of the new strategy that requires the elements of speed and flexibility. The services must continue to identify their specific prepositioning requirements including special purpose shipping (Float-on/Float-off, Heavy Lift), and we must ensure we have the proper mechanisms (e.g., acquisition, contracting) to provide the right types of vessels and crews, that enable them to meet their mission. In view of recent events, we will place more emphasis on the force protection aspects of this relationship.

C–5 MODERNIZATION

Question. Over the past several months, significant problems have arisen with the readiness of the C–5 aircraft. These problems have reduced the availability of this airframe which has a direct impact upon the ability of our strategic airlift assets to support the National Military Strategy.

The Air Force has been pursuing a two-pronged approach of upgrading avionics for all C–5s, while, for the time being, only re-engining the newer C–5B aircraft. General Robertson testified to the committee earlier this year that he believed that we needed to upgrade and re-engine all C–5 aircraft, and buy more C–17s in order to meet the lift requirements USTRANSCOM faces.

What is your assessment of the requirements for additional airlift, and the programs needed to meet those requirements?

Answer. I wholeheartedly agree with General Robertson's assessment. MRS–05 clearly validated 54.5 MTM/D as the absolute minimum strategic airlift requirement. That is an increase of almost 5 MTM/D from the MRS–BURU requirement and an increase of 10 MTM/D over what AMC is actually capable of today, recognizing that current capability is reduced due to poor C–5 reliability. This leads to that two-pronged approach that is so vital to meeting critical airlift needs. The C–17 and C–5 are essentially the only two airlifters capable of carrying oversize and outsize cargo.

First let me discuss the C–5. As I mentioned earlier and the committee is very much aware, we have been experiencing serious degradation in the C–5 mission capable (MC) rate. The Air Force has been pursuing the C–5 Reliability Enhancement and Re-Engining Program (RERP) to increase the C–5 MC rate from below 60 percent to at least 75 percent. Due to the affordability of C–5 RERP, coupled with the extensive structural service life remaining on the airframe, we feel strongly about

pursuing the RERP program. The best way to approach the C–5 RERP program is to RERP the C–5Bs first and then tackle the C–5As. The 50 C–5Bs are only 12 years old, they are the ones that are equipped with air defensive systems, and they fly the most on a day-to-day basis. Once we see the success of the RERP program on the C–5Bs, then we can make a decision on modifying the 76 35-year old C–5As.

The second thing we absolutely must do to meet the 54.5 MTM/D minimum requirement is purchase additional C–17s. While some may wonder if the commercial sector can provide part of the 5 MTM/D increase via the CRAF program, that is not possible. This is an over and outsized requirement that can only be met by organic airlift; that leads us to additional C–17s being the practical choice. Our analysis tells us that we need an additional 50–60 organic C–17s, depending on what decisions we make on the C–5 RERP. The most bang for the buck is a 60 aircraft multi-year procurement (MYP) and the time to strike on making a firm commitment to this new MYP is now. Boeing's supply line will begin to close 1 Oct. 2001 without a follow-on decision by DOD. If we delay beyond October 1, our cost per aircraft will grow significantly due to the need to restart sub-contractor production lines that are scheduled to shut down soon. Additionally, if the commercial sector finds there is a niche market for the BC–17, we expect that small fleet will augment our organic fleet.

In summary, an integrated solution that fixes the C–5 and acquires additional C–17s via a new MYP is essential to meeting the Nation's strategic airlift needs.

MOVEMENT OF HOUSEHOLD GOODS

Question. The committee is aware that the Department has launched a Full Service Moving Project (FSMP) test program for handling the transportation of household goods for permanent changes of station.

Do you believe there is sufficient funding in the budget request to implement this program?

Answer. No. Due to funding constraints the Military Services unanimously have decided to cease participation in the Full Service Moving Project (FSMP) effective September 30, 2001. Initial estimates are the program could be as much as 70–80 percent higher than the current program. Historically, DOD has spent approximately $1.7 billion annually on the current program.

Question. When will the Department have sufficient information upon which to base a decision about whether to seek wider implementation of this program?

Answer. USTRANSCOM is tasked with the independent evaluation of three pilot programs (the FSMP pilot, the Navy Sailor Arranged Move (SAM) pilot and the Military Traffic Management Command (MTMC) pilot). Data collection is complete for the MTMC and SAM pilots, FSMP is ongoing. The Military Services agreed to continue participation in the pilot through the peak season (Jun-Jul 2001) pick-ups and deliveries. After data collection and analysis is complete (Dec 2001), USTRANSCOM will provide a recommendation to the Office of the Secretary of Defense for a new personal property program, which could be adoption of one of the pilots, but most likely will be a combination of features from each. Our recommendation is scheduled to be complete in Jan 2002.

Question. In your opinion, how does this program compare to the other pilot programs for improving the movement of household goods?

Answer. We have not had a chance to collect and analyze sufficient data to draw any conclusions on the FSMP pilot program at this time. We expect to complete our recommendation in Jan 2002.

SELECTION OF OFFICERS FOR ASSIGNMENT AS COMMANDER IN CHIEF, U.S. TRANSPORTATION COMMAND

Question. In S. 1416, the committee included a provision that, if enacted, would express the sense of Congress that when deciding on officers to be nominated to the position of Commander in Chief, U.S. Transportation Command, the Secretary of Defense shall consider nominating highly-qualified officers from the ranks of the Army and Marine Corps. The rationale for this provision is that USTRANSCOM and its component commands could benefit from the appointment of an officer selected from the two branches of the Armed Forces that are the primary users of their transportation resources.

What is your view of this provision?

Answer. The Commanders of the Unified and Specified Combatant Commands are responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to them and exercise command authority over the forces assigned as directed by the Secretary of Defense. Based upon the requirement of the particular command, the Secretary of Defense should nominate the best qualified of-

ficer for command, regardless of service. In today's joint environment all services must work together for mission accomplishment and it is imperative that each command has the most highly qualified officers in leadership positions.

THEATER ACCESS

Question. One of the principal concerns when preparing for future operational deployments is the prospect of access denial, i.e., denial of access to ports and airfields in the theater of operations. This could pose a significant challenge to USTRANSCOM's ability to support the deployment and replenishment of forces in a major theater war.

What actions would you propose to better prepare the U.S. military for the prospect of fighting in a theater of operations where access to critical ports and airfields is denied?

Answer. Access denial is already the toughest challenge we face today. Conducting reception, staging, onward movement and integration (RSO&I) of forces into a theater is tough business in countries with modern facilities, let alone when access is denied.

First, USTRANSCOM will continue to work with geographic CINCs to identify alternative basing opportunities within their AORs should we be denied access to current en route basing. Working with our allies in peacetime to ensure access is our first line of defense.

Second, USTRANSCOM must continue to develop Joint Logistics Over-the-Shore (JLOTS) capability to provide the ability to operate in degraded ports or conduct instream operations. These operations include Army and Navy lighterage, Auxiliary Crane Ships (T-ACS) from the Ready Reserve Fleet, our Offshore Petroleum Discharge Systems (OPDS), and the trained units to execute these difficult operations.

Third, USTRANSCOM will work with the Navy on the Heavy Sealift Study to ensure the specialized strategic lift to move Army watercraft, Navy Mine Countermeasure vessels, and USCG patrol craft. These assets are essential for opening ports and force protection during normal or port denial operations.

COMBATING TERRORISM

Question. Ensuring that the various Federal response teams arrive at a domestic WMD incident in a timely fashion is of critical importance.

In your view, does USTRANSCOM have sufficient lift assets to ensure appropriate DOD support in a timely fashion?

Answer. First it is important to recognize that USTRANSCOM is sized as a 1 MTW mobility force. So under normal peacetime operations, the command will generally have sufficient lift assets to meet this mission. The challenge is when other events are occurring around the world, such as major wars and small-scale contingencies (SSCs). Airlift is the most pressing challenge because of the early demands placed on the fleet during any crisis. Our initial review of the new strategy leads to the conclusion that strategic mobility requirements will be even more demanding than MRS–05, in part due to the likelihood of a homeland defense response occurring concurrently with major wars overseas. We will have to rely on other transportation modes (rail, truck) to free up critical airlift.

Question. If confirmed, how would you ensure that DOD has sufficient lift assets to rapidly deploy its own various response units in the event of a domestic WMD event?

Answer. Let me reiterate that I will ensure the homeland defense options are integrated into future plans. We do not know the requirements for this option today. Ensuring DOD has the appropriate lift assets will require close inter-Departmental planning and coordination with FEMA, FBI and other agencies that respond to such events.

MOBILITY REQUIREMENTS STUDY FOR FISCAL YEAR 2005

Question. The Mobility Requirements Study for Fiscal Year 2005 (MRS–05), which was delivered to Congress this year, indicates the major weakness in strategic lift assets is in the area of strategic airlift. One of the studies that was used in the development of this finding was the Oversize-Outsize Cargo Requirements Study, which has yet to be delivered to Congress.

If confirmed, will you ensure that this study is delivered to Congress?

Answer. As General Robertson reported to the Senate Armed Services Committee, Seapower Subcommittee on 26 Apr 2001, the study is done. At that time he also shared the results with you; I will be willing to do the same. As the strategic review (QDR) is wrapped up and integrated in OSD, I would then expect that the O&O AoA would be released.

Question. Since MRS–05 did not take into account the transformation efforts of the services, particularly that of the U.S. Army, nor any changes to the National Military Strategy, do you think that the identified shortfall in strategic airlift is still valid?

Answer. MRS–05 did not include current service transformation efforts nor the impact of the emerging National Military Strategy (NMS). However, it does provide a moderate risk single MTW strategic lift capability that can cycle to a second MTW while concurrently supporting the warfighting CINC's intra-theater requirements, NCA directed special operations missions, missile support to allies, and some support to CINCs not engaged in warfighting. Therefore, I would characterize the MRS–05 moderate risk solution (54.5 MTM/D) supported by the Chairman, Service Chiefs and CINCS as a valid building block for the future until we work out all the details of the new NMS. I should also note here that as we shift from the current threat based strategy to the new capability based construct, we are not only changing the shape of forces, but the response times are faster (Service Transformation). Additionally, the emerging strategy has new overlapping requirement for homeland defense, deterrence in four critical regions, the need to win decisively, defeat efforts in another theater, and support SSCs (non-critical areas). Bottom line, I see the mobility requirements for the new strategy as being at least as demanding as the current strategy.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes. Our Nation was founded on the principal of civilian control of the military. I am honored to have the opportunity to serve in this challenging position, and I look forward to periodically appearing before this committee to keep you personally apprised of the readiness status and mission related requirements of the United States Transportation Command.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?Answer. Yes. In 1967, I raised my right hand and swore then to "support and defend the Constitution of the United States"; my commitment to that ideal has only grown stronger over the past 34 years. I am keenly aware of the responsibility I have to provide candid, honest information to my superiors, regardless of the pressures or politics surrounding the situation.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander in Chief, U.S. Transportation Command?

Answer. Yes. If confirmed, I look forward to appearing and testifying before this committee at both annual posture hearings and on any other specific issues you may require. I view frequent and open interaction with this committee and the committee's staff as vital to the successful resolution of United States Transportation Command's issues—now and into the future.

Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes. If confirmed, I will ensure that this committee and other oversight committees are provided with required and requested information in as accurate and as timely a manner as possible.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

EN ROUTE STRUCTURE

1. Senator THURMOND. General Handy, a key factor in the deployment of our forces, and I assume a major concern to you, as the soon to be CINC TRANSCOM, is the en route infrastructure. This infrastructure provides the essential fueling, repair and crew rest facilities that are essential to any deployment.

What is the condition of the bases that make up our en route infrastructure? Does the United States have sufficient access to foreign bases to facilitate our deployments?

General HANDY. The condition of the bases that make up our en route infrastructure is currently less than adequate. Although great effort has been applied to improve our bases, they will not be adequate any earlier than fiscal year 2006. After years of neglect, the United States Transportation Command (USTRANSCOM), in conjunction with the United States European Command (USEUCOM) and the United States Pacific Command (USPACOM), began drawing attention to and focusing resources toward our en route bases in 1997. Our efforts are just now beginning to pay off as both the Services and the Defense Logistics Agency have made the repair of the en route bases a top priority. Repeated mobility requirements studies sponsored by the Joint Staff have validated the need for a robust en route system. To meet those validated requirements, we currently have repair or enhancement projects underway or programmed at all 13 of our designated en route locations. These projects total over $1 billion. As these projects progress, we will steadily rebuild our aged en route infrastructure and more closely approach the goals stated in the mobility requirements studies. While the overall health of the en route system is improving, we should keep in mind that the en route system we are building today is focused on the old two major theater war concept. Thus, we are successfully building up our en route infrastructure to deploy forces to Northeast Asia and Southwest Asia, but we have yet to design a system that successfully blankets the globe. As our current conflict shows, our en route system forms a solid base from which to begin our deployment, but we still need to augment our designated 13 bases to facilitate our global efforts. Wherever we choose to deploy forces outside the Continental United States, we will find we are short of sovereign United States territory.

Our current situation illustrates our dependence upon access to foreign bases. In todays war effort, many of our allies have stepped forward to offer their bases for our use. Many are taking great pains to support us by waiving normal peacetime restrictions on operating hours and relaxing notification requirements for access and overflight clearances. We have not always been this fortunate, nor can we plan on this being the case for future engagements. The condition of our en route bases is improving, but we are a long way from the finish line.

JOINT USE BASES

2. Senator THURMOND. General Handy, as the Department of Defense focuses ever more on force protection and strengthens the security at our military bases, what concerns do you have regarding our joint use bases, such as Charleston Air Force Base?

General HANDY. The September 11 attacks and the ongoing threat situation within the United States have changed our whole mind-set regarding "business as usual." I'm confident we have already moved in the right direction to bolster the security posture at these and all of our facilities. I'm equally confident that we can and will continue to improve that posture through close coordination with our civilian counterparts. The unfortunate reality is, however, that despite our best efforts to make ourselves a hard target, we can not guarantee that we will be able to prevent or thwart a well-planned terrorist attack. We must re-evaluate all of our security practices, and require higher standards and closer oversight to ensure the security of our joint use bases, where controlling access to our operations is inherently more challenging. Our wing commanders must be fully engaged with their counterparts to ensure a closely coordinated relationship and security plan. Much of our focus will be on the personnel providing force protection oversight on the civilian side, in terms of selection criteria, background checks, training, and equipment carried to perform duties. I can share a few generalities about the current situation at the United States Transportation Command's four joint use bases. Commercial airports throughout the U.S. are in the process of strengthening their security posture. This is the case at both Charleston International Airport and Mid-America Airport, which are joint use with Charleston Air Force Base and Scott Air Force Base respectively. The situation at McConnell Air Force Base in Kansas is slightly different, where the base shares access with Boeing and Cessna Aircraft Corporations. These companies have contracts with other nations, so complete confidence in their security program and our ability to integrate it will be our goal. Lastly, at Dover Air Force Base, we have the luxury of directly influencing use of the Civil Air Terminal, which allows very restricted use by commercial aviation assets. Cur-

rent agreements allow for closure of the terminal during necessary situations. This closure has been implemented as part of the current Force Protection Condition.

DEPLOYMENT FACILITIES

3. Senator THURMOND. General Handy, the military departments, especially the Army, have made significant strides in improving their deployment facilities at the military installations. However, we depend heavily on commercial ports and railroads to deploy our logistic and heavy forces.

What is the capability of our commercial ports and railroads to support the deployment of our forces and are they keeping pace with modernization?

General HANDY. I am confident our partners in the rail and maritime industries can provide the transportation support we need to meet deployment requirements. We actively engage both industries to communicate our requirements and stay abreast of changes that may affect our deployment capabilities.

The United States Transportation Command (USTRANSCOM) is a member of the National Port Readiness Network (NPRN) and the Interagency Committee on the Marine Transportation System (ICMTS). Both of those national-level forums include Department of Transportation (DOT) participants such as the Maritime Administration (MARAD) and the United States Coast Guard. They address issues of interest to both the Department of Defense (DOD) and industry. Current issues under discussion are increased traffic and the resultant demand on existing infrastructure, the need to modernize and expand capability to meet future cargo flows, and security to counter threats such as natural disasters, crime, and terrorist acts. We will continue our active participation to ensure DOD's deployment requirements will continue to be met in the future.

Military Traffic Management Command's Transportation Engineering Agency (MTMC TEA) effectively manages the Ports for National Defense (PND) and Railroads for National Defense (RND) programs. The PND addresses the ability of our commercial strategic seaports to support deployments and the RND similarly examines the rail system. The RND includes the Strategic Rail Corridor Network (STRACNET) and its connectors that provide access to our military installations. The RND program entails close coordination between MTMC TEA and the Federal Railroad Administration, the American Association of Railroads, and specific rail operators. We also maintain close liaison with our commercial rail partners through the National Defense Transportation Association Surface Committee. Combined, those organizations continue efforts to ensure that as railroads modernize, the capability that DOD requires will be there when we need it.

CHANGE IN OUR STRATEGIC FOCUS

4. Senator THURMOND. General Handy, earlier this year, the Department of Defense (DOD) suggested that the focus of our defense strategy would shift from Europe to Asia. Because of our historic focus on Europe, we have in place facilities to support deployments into that region.

What are our capabilities to deploy and stage forces to support our focus on Asia?

General HANDY. If we were called upon today to deploy forces in support of a Northwest Asia contingency, I am confident we would be able to answer the call. If called upon to support a Major Theater War effort to a different location in Asia, we would be challenged to do so given the geography of the Asian continent. Efforts are currently underway to identify additional key areas and possible scenarios in the Pacific. As those efforts mature we will perform detailed analysis to determine our infrastructure requirements to support the desired mobility throughput.

To support deployments to Asia—which historically has meant supporting a major theater war in Korea—we have relied on our system of en route military air bases, some civilian airfields, and a few key naval installations and seaports. Our en route air bases are located in Alaska, Hawaii, Guam, and Japan. We group the airfields into a North-Pac route through Alaska and Japan, and a Mid-Pac route through Hawaii, Guam, and Okinawa, Japan. The civilian airfields are in the Continental United States and Japan. Outside Japan, we frequently stage airplanes and naval ships through Singapore and Thailand. Both countries have been most gracious partners and Singapore has even built a pier large enough to accommodate ships up to and including aircraft carriers.

The critical seaports for deployment and sustainment support to Asia are our West Coast ammunition ports at Concord, CA and Indian Island, WA. Many of our east and Gulf coast commercial ports, (such as Savannah, GA; Beaumont, TX; Corpus Christi, TX; and Jacksonville, FL) would play a key role in supporting early de-

ployment of combat units. Pearl Harbor, HI, and our commercial ports in Tacoma, WA, San Diego, CA, Long Beach, CA, and Oakland, CA, would also play a major role in early deployments and would continue to support later deployments and sustainment.

USTRANSCOM aggressively works Pacific infrastructure issues in concert with the Pacific Command and the Defense Logistics Agency (DLA) through the Pacific en route Infrastructure Steering Committee (PERISC). The PERISC's charter requires it to ensure we have adequate infrastructure in the Pacific to support requirements levied by both the mobility requirements studies sponsored by the Office of the Secretary of Defense, as well as chose specified by the supported Commander in Chief through his approved operation plan. To meet those requirements, the Pacific Command, in conjunction with United States Transportation Command and DLA's Defense Energy Support Center, has embarked upon an aggressive program to repair its aged infrastructure; the bulk of these projects involve strategic airplane parking ramps, fuel hydrants, and fuel storage facilities. Improvements in these critical areas will increase the number of airplanes that can transit our few bases and decrease the amount of time they spend waiting on the ground to refuel. The repair projects already underway or programmed will ensure our fragile en route system does not fail when we need to surge in support of a contingency. One area of growing concern is movement of munitions outside the Continental United States, primarily in the Pacific. We are becoming increasingly constrained in where we can transload or transship ammunition. The issue with air delivered munitions is a shortage of hot pads and the Navy issue centers around a shortage of staging areas to convert containerized ammunition to breakbulk. Our PERISC is currently working this issue.

QUESTION SUBMITTED BY SENATOR RICK SANTORUM

ADEQUATE STRATEGIC LIFT

5. Senator SANTORUM. General Handy, Gen. Eric Shinseki, Chief of Staff, United States Army, has led the effort to transform the Army into a force better able to meet 21st century threats. To meet these goals, the Army will need to be quicker on the field of battle and quicker to get to the fight. Part of the Chief's vision entails an Interim Force of platforms that are C–130 deployable and are able to be rapidly transported to the theater of conflict. While the Army has embarked on a new platform to meet this vision (a LAV–III variant), it is unclear that there is an adequate strategic lift necessary to get the Interim Force to the conflict. Do you believe that the United States Transportation Command (USTRANSCOM) and/or Air Mobility Command has the lift assets necessary to get the Army to the conflict in the deployment periods defined by General Shinseki?

General HANDY. Currently, the United States Transportation Command (USTRANSCOM) lacks the airlift assets necessary to meet the Army's goal of deploying the Interim Brigade Combat Team (IBCT) in 96 hours. While the C–130 might be desirable for movement of the deployable force within the theater, C–17s and C–5s are the only aircraft capable of inter-theater deployment and movement of outsized loads. Even when we obtain the recommended airlift increases identified in the Mobility Requirements Study 2005 (MRS–05), we will still be challenged to meet the 96-hour timeline. The Army transformation will result in a smaller, more lethal, and deployable unit. However, the decrease in unit size that we are seeing with the IBCT is offset by the more demanding 96-hour deployment timeline, actually increasing the airlift requirement. Airlift assets are only one of the issues impacting faster deployment of the Army's IBCT. Today we are teaming with the Army to identify and fix a number of challenges to include infrastructure improvements, interoperability issues, future equipment design, and the automated tools needed to attain the aggressive goal of 96 hours. Needless to say, USTRANSCOM will continue working closely with the Army to assess the deployment aspects of the IBCT and assist in developing solutions to rectify shortfalls.

[The nomination reference of Gen. John W. Handy follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 14, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade of indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be General

John W. Handy, 5379.

[The résumé of service career of Gen. John W. Handy, USAF, which was transmitted to the committee at the time the nomination was referred, follows:]

JOHN WILLIAM HANDY, GENERAL, RegAF, 241-68-5379

DATE AND PLACE OF BIRTH: 29 April 1944, Raleigh, North Carolina

YEARS OF ACTIVE SERVICE: Over 34 years as of 4 January 01

SCHOOLS ATTENDED AND DEGREES: Methodist College NC, BA, 1966; Univ of Southern California, MAS, 1979; Squadron Officer School, 1972; National War College, 1984; John F. Kennedy School of Gov't, Harvard University, 1993

JOINT SPECIALTY OFFICER: Yes

AERONAUTICAL RATING: Command Pilot

MAJOR PERMANENT DUTY ASSIGNMENTS	FROM	TO
Enlisted, OTS, Lackland AFB TX	Oct 66	Jan 67
Stu, Undergrad Plt Tng, 3561 SSq, Webb AFB, TX	Jan 67	Feb 68
Asst Ops Off, 4449 CCTSq, TAC, Sewart AFB, TN	Feb 68	Jun 68
Hq Sq Comdr, 4442 CCTWg, TAC, Sewart AFB, TN	Jun 68	Feb 69
Pilot (C-130E), 62 TASSq, TAC, Sewart AFB, TN	Feb 69	Dec 69
Plt (C-130E), 50 TASq, PACAF, Ching Chuan Kang AB, Taiwan	Dec 69	Sep 70
Acft Comdr (C-130E), 50 TASq, Ching Chuan Kang AB, Taiwan	Sep 70	Dec 70
Pilot (C-130), 62 TASq, TAC, Little Rock AFB, AR	Dec 70	Oct 71
Instr Plt (C-130E), 62 TASq, TAC, Little Rock AFB, AR	Oct 71	Aug 73
Scheduling Officer, 314 TAWg, TAC, Little Rock AFB, AR	Aug 73	Jun 74
Acft Comdr (C-130H), AFELM.Off Exch Prgm, PACOM, Whenuapai AB, Auckland, New Zealand	Jun 74	Sep 76
OIC, Fltlne Br, 60 Org Maint Sq, MAC, Travis AFB CA	Sep 76	Aug 78
Maint Cntrl Duty Off, 60 MAWg, MAC, Travis AFB, CA	Aug 78	Jul 79
Maintenance Supervisor, 60 Org Maint Sq, MAC, Travis AFB, CA	Jul 79	Feb 80
Acft Comdr, 41 TASq, MAC, Pope AFB, NC	Feb 80	Aug 80
Ch of Cmbt Tact, 41 TASq, MAC, Pope AFB, NC	Aug 80	Jul 81
Ops Off, 41 TASq, MAC, Pope AFB, NC	Jul 81	May 82
Comdr, 317 Org Maint Sq, MAC, Pope AFB, NC	May 82	Aug 83
Student, National War College, Ft McNair, Wash DC	Aug 83	Jun 84
Dep Ch, Plns, AF/LE, The Pentagon, Wash DC	Jun 84	Jan 85
Ch, Log Budget Integration Ofc, AF/LE, The Pentagon, Wash DC	Jan 85	Nov 85
Ch, Rsrcs Div, AF/PR, The Pentagon, Wash DC	Nov 85	Apr 87
Dep Comdr for Ops, 317 TAWg, MAC, Pope AFB, NC	Apr 87	May 89
Comdr, 435 TAWg, MAC, Rhein Main AB, Germany	May 89	May 90
Comdr, 437 MAWg, MAC, Charleston AFB, SC	May 90	Aug 91
Asst DCS/Ops & Trans, Hq MAC, Scott AFB, IL	Aug 91	Dec 91
Comdr, Tanker Alft Cntrl Cen, Hq MAC, Scott AFB, IL	Dec 91	Jul 93
Dir, J-3/4, HQ USTRANSCOM, Scott AFB, IL	Jul 93	Mar 95
Dir, Programs and Evaluation, HQ USAF, Washington DC	Mar 95	Jan 97
Dir, Programs, DCS, Plans & Programs, HQ USAF, Washington DC	Jan 97	Jul 97
Commander, Twenty-First Air Force, AMC, McGuire AFB, NJ	Jul 97	Oct 98
DCS, Installations & Logistics, HQ USAF, Washington DC	Oct 98	Apr 00
Vice Chief of Staff, HQ USAF, Pentagon, Washington DC	Apr 00	Present

USAF/CV
1670 Air Force Pentagon
Washington, DC 20330-1670

PROMOTIONS	EFFECTIVE DATE
Second Lieutenant	4 Jan 67
First Lieutenant	4 Jul 68
Captain	4 Jan 70
Major	2 Apr 78
Lieutenant Colonel	1 Nov 81
Colonel	1 Nov 84
Brigadier General	1 Oct 91
Major General	28 Sep 94
Lieutenant General	1 Aug 97
General	1 Jul 00

DECORATIONS

Defense Distinguished Service Medal
Air Force Distinguished Service Medal
Legion of Merit with one Bronze Oak Leaf Cluster
Meritorious Service Medal with three Bronze Oak Leaf Clusters
Air Medal with one Bronze Oak Leaf Cluster

SUMMARY OF JOINT ASSIGNMENTS

ASSIGNMENT	DATE	GRADE
Dir, J-3/4, HQ USTRANSCOM, Scott AFB IL	Jun 93 - Mar 95	Maj/Brig Gen
Aircraft Commander, C-130H, AFELM Officer Exchange Program, Pacific Command, Whenuapai AB, Auckland, New Zealand	Jun 74 - Oct 76	Captain

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[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Gen. John W. Handy, USAF, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
John William Handy.

2. **Position to which nominated:**

Commander in Chief, United States Transportation Command and Commander, Air Mobility Command.

3. **Date of nomination:**
September 14, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
29 April 1944; Raleigh, North Carolina.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary L. Handy (Fagan).

7. **Names and ages of children:**
Mary K. Handy; Age: 27.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the Executive Branch..
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Daedalian Lifetime Member.
Air Force Association Lifetime Member.
Airlift/Tanker Association Lifetime Member.
Logistics Officer Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the Executive Branch.
None.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?
Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?
Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement of Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOHN W. HANDY.

This 23th day of July, 2001.

[The nomination of Gen. John W. Handy was reported to the Senate by Chairman Levin on September 26, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 26, 2001.]

[Prepared questions submitted to Adm. James O. Ellis, Jr., USN, by Chairman Levin prior to the hearing with answers supplied follow:]

DEPARTMENT OF THE NAVY,
COMMANDER IN CHIEF,
U.S. Naval Forces, Europe.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN, I am greatly honored by the President's confidence in nominating me for assignment as Commander in Chief, U.S. Strategic Command. I pledge my full support to our Nation, the President, Congress, the Secretary of Defense, and the men and women of our Armed Forces.

As requested in your letter of 17 September 2001, I have attached my responses to your questions.

Sincerely,

J.O. ELLIS,
Admiral, U.S. Navy.

Attachment:

cc: Senator John Warner
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I strongly support the Defense Reorganization Act of 1986 and the Special Operations reforms. They have definitely strengthened our Armed Forces and the effectiveness of our combatant commanders.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe the Department of Defense has vigorously and successfully pursued implementation of these important reforms.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most positive aspect is the overall improvement in our military operations. The Goldwater-Nichols Act has resulted in much needed improvements in joint doctrine, joint professional military education, and joint strategic planning. Another important element is clarity in the chain of command from the National Command Authorities to the combatant commanders and unambiguous responsibility placed upon each CINC for execution of mission and preparedness of assigned forces.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes. The law gives combatant commanders sufficient authority they need to carry out their assigned missions. This has been well demonstrated through the many complex joint operations conducted since the legislation was enacted, including the strategic deterrence mission of USSTRATCOM.

Question. Do you foresee the need for additional modifications of Goldwater-Nichols in light of the changing environment and possible revisions to the National Security Strategy? If so, what areas do you believe it might be appropriate to address in these modifications?

Answer. It is clear that the Goldwater-Nichols Act has profoundly improved the performance and capabilities of the American military establishment. We have significantly improved our ability to conduct combat operations, manage defense resources, streamline management practices, and address organizational issues within the Department of Defense. The Goldwater-Nichols Act remains an important and effective piece of legislation; as a result, I do not believe any major revisions are required at this time.

Question. Based upon your experience as Commander, U.S. Naval Forces, Europe and Commander in Chief, Allied Forces, Southern Europe, do you believe that the role of the combatant commanders under the Goldwater-Nichols legislation is appropriate and that the policies and procedures in existence allow that role to be fulfilled?

Answer. Yes. Unity of command, input into resource allocation, and most importantly, the imperative of combatant commanders to plan and fight in a joint environment are all provided for while empowering the Department of the Navy in its role of organizing, training, and equipping naval forces.

DUTIES

Question. What is your understanding of the duties and functions of the Commander in Chief, U.S. Strategic Command?

Answer. The Commander in Chief, United States Strategic Command (CINCSTRAT) has responsibility and control for all strategic forces in support of the National Security Objective of strategic deterrence. CINCSTRAT also exercises combatant command (COCOM) over the organization and operation of all assigned forces and headquarters in accordance with public law and the policies established by the Secretary of Defense. Additionally, he is a primary advisor to the Secretary of Defense on strategic issues.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Thirty-two years of service in the United States military have fully prepared me for this position through Navy and Joint Assignments, in peace, crisis and conflict, alongside the finest soldiers, sailors, airmen, marines and coast guardsmen in the world. I have commanded an aviation squadron, a deep draft flagship, a nuclear aircraft carrier, a carrier battle group, U.S. Naval Forces in Europe and Allied Forces Southern Europe in the NATO Alliance. I have been privileged to serve on six occasions in Joint Task Forces (JTF's) around the world and have been assigned overseas in the Middle East, Asia and, now, Europe. I have been privileged to fill several Washington staff positions including the Deputy Chief of Naval Operations for Plans, Policy and Operations and in the Navy's Office of Legislative Affairs. My career has included qualification as a fighter pilot, test pilot, nuclear weapon delivery pilot, and ship's captain, as well as graduate-level education in both aerospace and nuclear engineering.

Question. What are the most important lessons that you have learned as Commander, U.S. Naval Forces, Europe and Commander in Chief, Allied Forces, Southern Europe?

Answer. This assignment has reaffirmed for me the importance of the current readiness of our military forces and the important role of their presence around the world. I have seen the unique capabilities of our joint forces used both in support of national interests and in concert with our allies. Finally, in addition to inter-service cooperation, I have learned the value of an innovative, integrated, cross-sector, interagency and interdisciplinary approach to our National Security Challenges.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Commander in Chief, U.S. Strategic Command?

Answer. I certainly have much to learn. Not only are we in a period of strategic transition, but I have not worked regularly with the many organizations that contribute to the success of USSTRATCOM (Congress, National Security Council, Nuclear Weapons Council, Defense Threat Reduction Agency, Department of Energy, and others). If confirmed, I will make it a priority to become more familiar with these organizations and the contributions they make to the success of our missions.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Commander in Chief, U.S. Strategic Command, to the following officials:

The Secretary of Defense.

Answer. In accordance with Title 10, United States Code, section 164, the Commander of U.S. Strategic Command (CINCSTRAT) performs his duties under the authority, direction, and control of the Secretary of Defense. He is directly respon-

sible to the Secretary of Defense for the preparedness of the command and the ability to carry out missions assigned to the command.

Question. The Deputy Secretary of Defense.

Answer. In accordance with Title 10, United States Code, section 132, the Deputy Secretary of Defense will perform duties and exercise powers as prescribed by the Secretary of Defense, and in the absence of the Secretary of Defense, perform his duties. If confirmed, I intend to work closely with the Deputy Secretary on all strategic matters.

Question. The Under Secretaries of Defense.

Answer. Title 10, United States Code, and current DOD directives establish the Under Secretaries of Defense as the principal staff assistants and advisors to the Secretary regarding matters related to their functional areas. Within their areas, Under Secretaries exercise policy and oversight functions. In discharging their responsibilities, the Under Secretaries may issue instructions and directive-type memoranda that implement policy approved by the Secretary. These instructions and directives are applicable to all DOD components. They may also obtain reports and information necessary to carry out their functions. As with other communications between the NCA and combatant commanders, communications between the Under Secretaries and combatant commanders are transmitted through the Chairman of the Joint Chiefs of Staff.

Question. The Assistant Secretaries of Defense.

Answer. With the exception of the Assistant Secretaries of Defense for C^3I, Legislative Affairs, and Public Affairs, all Assistant Secretaries are subordinate to one of the Under Secretaries of Defense. This means any relationship USSTRATCOM would require with any Assistant Secretary of Defense would be through the appropriate Under Secretary of Defense. Since the Assistant Secretaries of Defense for C^3I, Legislative Affairs, and Public Affairs are the Secretary of Defense's principal deputies for overall supervision of C^3I, legislative matters, and public affairs, respectively, any relations required between USSTRATCOM and ASD (C^3I), ASD (LA), or ASD (PA) would be conducted along the same lines as those discussed above regarding relations with the various Under Secretaries of Defense.

Question. The Chairman of the Joint Chiefs of Staff.

Answer. The Chairman is clearly established by Title 10, United States Code, as the principal military advisor to the President, National Security Council, and Secretary of Defense. He serves as an advisor and is not in the chain of command that runs from the National Command Authorities (NCA) directly to each combatant commander. The law does allow the President to direct that communications between the NCA and the combatant commanders be transmitted through the Chairman. This action keeps the Chairman fully involved so that he can execute his other responsibilities. By law and to the extent directed by the Secretary of Defense, the Chairman serves as spokesman for the combatant commanders and is charged with overseeing their activities. He provides a vital linkage between the combatant commanders and other elements of the Department of Defense. While the legal duties of the Chairman are many and they require either his representation or personal participation in a wide range of issues, if confirmed, I will also have an obligation in accordance with Title 10, United States Code, to keep the Secretary of Defense promptly informed on matters for which he may hold me personally accountable. If confirmed, I will work with and through the Chairman in the execution of my duties.

Question. The Secretaries of the Military Departments.

Answer. Title 10, United States Code, section 165, provides that, subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of combatant commanders, the Secretaries of Military Departments are responsible for the administration and support of the forces they have assigned to combatant commands. The authority exercised by a combatant commander over Service components is quite clear, but requires close coordination with each Secretary to ensure there is no infringement upon those lawful responsibilities a Service Secretary alone may discharge.

Question. The Chiefs of Staff of the Services.

Answer. As a result of the Goldwater-Nichols Act, the Service Chiefs are no longer involved in the operational chain of command. They now have two significant roles. Their primary function is to provide organized, trained, and equipped forces to perform a role—to be employed by the combatant commander in the accomplishment of a mission. Additionally, as members of the Joint Chiefs of Staff, the Service Chiefs have a lawful obligation to provide military advice. Individually and collectively, the Service Chiefs are a source of experience and judgment every combatant commander can and should call upon. If confirmed, I would work closely and confer regularly with the Service Chiefs.

Question. The Combatant Commanders.

Answer. CINCSTRAT fully supports other combatant commanders as directed in the Unified Command Plan. USSTRATCOM provides theater nuclear and counterproliferation support to combatant commanders to assist them in developing tailored annexes designed to counter weapons of mass destruction (WMD). USSTRATCOM also provides specialized planning and consequence analysis, when requested by other combatant commanders. Additionally, CINCSTRAT works closely with other combatant commanders to initiate crisis action procedures contained in the Nuclear Supplement to the Joint Strategic Capabilities Plan. In crisis situations, when assigned as a supporting CINC, CINCSTRAT supports planning and execution of military operations for the combatant commander.

Question. The Administrator of the National Nuclear Security Administration.

Answer. In accordance with title 32, section 3212, of the National Nuclear Security Act of 1999, the Administrator is responsible to the Secretary of Energy for all Department of Energy programs and activities involving the production, safety, and security of nuclear energy and nuclear weapons—including the stockpile stewardship program. Though the Administrator is outside the DOD chain of command, these issues are of concern to CINCSTRAT as well, and if confirmed, I will work closely and confer regularly with the Administrator.

Question. The Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Answer. The Deputy Administrator is responsible to the Administrator to oversee programs and efforts to prevent the spread of materials, technology, and expertise relating to weapons of mass destruction (WMD); detect the proliferation of WMD; eliminate inventories of surplus fissile materials; provide for international nuclear safety. These are strategic issues of concern to USSTRATCOM as well, and if confirmed, my staff and I will work closely and confer regularly with the Deputy Administrator on these issues.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Commander in Chief, U.S. Strategic Command?

Answer. I believe there are four major challenges:

- Maintaining effective, credible, and secure strategic deterrent forces.
- Shaping a solid and stable environment and foundation for any future arms reductions and promoting the nonproliferation of weapons of mass destruction.
- Ensuring a safe and reliable nuclear weapons stockpile.
- Taking care of our people.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed:

- I will ensure our strategic force reductions are managed in a way that maintains a viable deterrent for the Nation and enhances strategic stability.
- I would also continue to build on the work of Admiral Mies and his predecessors in ensuring we strike the right balance in our resource allocation and force sizing efforts and in fostering productive military-to-military contacts which further our threat reduction and confidence-building activities.
- In parallel with responsible management of our relationship with Russia, I will work to strengthen our capabilities to adapt to strategic challenges in South Asia or elsewhere.
- I will build on the cooperation which USSTRATCOM already enjoys with other combatant CINCs to promote improved planning, intelligence, exercises, resource management, information security, force protection, and command and control so that the Nation is better prepared to respond appropriately to a variety of potential contingencies.

Question. What do you consider to be the most serious problems in the performance of the functions of the Commander in Chief, U.S. Strategic Command?

Answer. USSTRATCOM's challenge is to continue to ensure a viable deterrent for the Nation and enhance strategic stability while working towards the President's goal of a force structure at the lowest levels consistent with the Nation's security needs. There are no new weapons or platforms in development and the ones we have are well beyond their initial design lives and need to be sustained. Critical to this sustainment effort is our industrial base and retention of our people with critical skills.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I would promptly:

- Meet with each of the USSTRATCOM Task Force Commanders, and the Service Chiefs of the Air Force and Navy, and the Strategic Advisory Group to ensure I am completely familiar with the status of our strategic deterrent forces and their command and control.
- Visit the Department of Energy, each of the nuclear laboratories, the Strategic Advisory Group, and other agencies associated with USSTRATCOM to ensure our plans and policies affecting stockpile stewardship, threat reduction, and confidence building measures are closely aligned.
- Verify our military-to-military contact program aggressively supports our national policy and enhances the stability of our strategic relationships.
- Work closely with the Office of the Secretary of Defense to implement requirements resulting from the ongoing Nuclear Posture Review.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Commander in Chief, U.S. Strategic Command?

Answer. In the wake of recent events, my first priority will be the protection of facilities and forces, at home or deployed. Second, I will examine the implications of the soon-to-be-completed Nuclear Posture Review. Third, since there are no new weapons in development, we must continue to examine sustainment of our current forces. Of course, taking care of our people, both military and civilian, will be key to accomplishing all these tasks.

DETERRENCE AND MISSILE DEFENSE

Question. Do you believe that a national missile defense system deployed by the United States would jeopardize or enhance strategic stability?

Answer. The missile defense system that is proposed is designed as a limited system to defend against rogue states with ballistic missile technology. Such a system should have limited impact on overall strategic stability.

Question. Do you believe that a national missile defense system deployed by the United States would jeopardize existing strategic arms control agreements or enhance the prospects for future strategic arms reductions? Please explain.

Answer. The U.S. is currently engaged in dialogue with Russia about missile defense and its affect on the Anti-Ballistic Missile Treaty. The outcome of these talks will give us a better idea of our future prospects in this regard.

Question. What are your views on the relationship between national missile defense—defenses against long-range ballistic missiles—and nuclear deterrence?

Answer. At the height of the Cold War offensive based strategic deterrence worked well. This deterrent, which was used in a bi-polar environment, may need to adapt to a multi-polar environment. A more comprehensive framework, including missile defense, can integrate additional elements of military strategy to complement offensive nuclear forces to assure sustainment of a deterrent capability.

Question. In your view, is there a connection between the number of U.S. strategic delivery platforms and strategic warheads on the one hand and the type of missile defense systems on the other? If so, what is your view of that relationship?

Answer. Yes. The mix of offensive and defensive forces should be combined to form a defensive capability coupled with a timely offensive response posture that provides defense against small attacks from ballistic missiles and a guaranteed retaliatory capability against larger attacks, the result of and combination of which remains totally unacceptable to any aggressor. The challenge is to develop a well defined relationship between the offensive and defensive force.

Question. Do you believe that the effectiveness of Russian or Chinese deterrent forces would be diminished in any meaningful way by United States deployment of a limited defense against long-range missiles?

Answer. The overall effectiveness of Russian deterrent forces would not be significantly diminished by U.S. deployment of a limited missile defense. A limited U.S. missile defense system would affect the deterrent value of China's current strategic ballistic missile force. However, that impact will lessen if, as expected, China increases strategic nuclear arms over the next decade.

Question. Do you believe that the effectiveness of Russian or Chinese deterrent forces would be diminished in any meaningful way by United States deployment of a layered defense capable of intercepting long-range missiles from land, sea, air and space-based platforms in the boost, midcourse and terminal phases of their flight?

Answer. Without the benefit of classified analysis and modeling against a specific layered system, it's hard to say. Generally, however, the more effective a U.S. missile defense system is in diminishing retaliatory capability of Russian and Chinese deterrent forces the greater the incentive for expansion of these forces to maintain their perceived deterrent effect. The more a U.S. missile defense is capable of dealing with significant numbers of sophisticated ballistic missiles, the greater the perceived U.S. capability to conduct a pre-emptive attack on strategic deterrent forces and defend against the residual retaliatory strike.

RUSSIAN STRATEGIC DOCTRINE

Question. In your view, what is the current Russian approach to strategic nuclear weapons, and if Russia has a launch on warning doctrine, what challenge does this pose for USSTRATCOM?

Answer. Russia has increasingly relied on its strategic nuclear forces to maintain its great power status and to protect itself from potential military aggression worldwide. [Deleted].

Question. In your view, how do the Russian nuclear doctrines for strategic and tactical nuclear weapons relate to U.S. force structure size and the number of nuclear weapons in the U.S. arsenal?

Answer. While demonstrating an increased reliance on its nuclear arsenal, Russian leaders have openly discussed their intent to reduce nuclear stockpiles. Russian policies and stockpile size, however, are not the sole factors for determining U.S. force structure needs. U.S. strategic force structure and policies must consider, among other things, a more uncertain post-Cold War strategic environment and the emergence of new, promising strategic offensive and defensive capabilities. Again, this is an issue that the NPR is carefully considering.

DE-ALERTING STRATEGIC FORCES

Question. What is your view of the comparative safety and security of U.S. and Russian strategic forces?

Answer. U.S.: The level of safety and security of U.S. strategic forces is at a high level. The Nuclear Command and Control System End to End Review led by (Retired) General Scowcroft has identified areas where we can continue to evaluate our already significant safety and security posture for strategic forces. Continuous evaluation of these areas, and implementation of enhancements as recommended by the End To End study groups will maintain the safety and security of our strategic forces for the foreseeable future.

Russian: [Deleted].

Question. In your view, what is the likelihood of either an accidental or unauthorized launch of either a Russian or U.S. ICBM or SLBM?

Answer. United States nuclear forces are subject to numerous procedural and technical safeguards to guard against accidental or inadvertent launch.

Russian: [Deleted].

Question. In your view, do U.S. ICBMs or SLBMs maintain a "hair trigger alert?"

Answer. No, they do not. "Hair trigger" is an inaccurate assessment. Multiple stringent procedural and technical safeguards have been in place and will remain in place to guard against accidental or inadvertent launch. These safeguards exist to ensure the highest level of nuclear weapons safety, security, reliability, and command and control. We can not launch without Presidential direction.

Question. How do you define "hair trigger alert?"

Answer. It is any alert status that would allow the launching of nuclear weapons in a less than deliberate manner—without the stringent procedural and technical safeguards.

Question. In your view, should the U.S. reduce the alert status of its ICBMs or SLBMs?

Answer. Reducing the alert status of our forces, in isolation, can diminish the credibility and survivability of our deterrent forces. However, if a de-alerting initiative does not degrade/curtail our strategic capability/mission I would consider supporting it. In general, de-alerting initiatives should not be adopted unless they are reciprocative, verifiable, and, most importantly, stabilizing.

Question. Do you support reducing the alert status or deactivating ICBMs and SLBMs other than in the context of implementing the protocol to the START II Treaty that extends the deadline for destruction of strategic nuclear delivery vehicles?

Answer. I do not support reducing the alert status of ICBMs and SLBMs unless the actions are reciprocative, verifiable, and most importantly stabilizing. As for deactivating ICBMs and SLBMs outside of the START II framework, the ongoing NPR

analysis will determine if any systems should be deactivated and removed from strategic service, and if other reductions are possible. I am committed to following the President's guidance to reduce our nuclear forces to the lowest level commensurate with national security requirements.

STRATEGIC MODERNIZATION

Question. In your view, are the modernization and life extension initiatives for ICBMs and SLBMs sufficient to retain their reliability and effectiveness in the Strategic Triad?

Answer. As our Nation comes to rely on a smaller strategic force, the imperative for modernizing and sustaining that force becomes even more critical to ensure a continued viable deterrent.

In order to continue the reliability and effectiveness of our ICBM force, we have commenced a decade-long effort to extend the Minuteman III service life for another 20 years. Strong Congressional support of these ongoing efforts is essential to the success of these programs and the future viability of our ICBM leg of the Triad.

In the SLBM arena, we have commenced the conversion of our strategic submarine force, with Congressional approval, from an 18 SSBN force composed of both Trident I (C–4) and Trident II (D–5) missiles to a 14 boat Trident II only force.

Continued Congressional support for the Trident II missile conversion program remains essential to ensure a reliable sea-based deterrent well into the 21st century.

Question. Do you believe that the current Air Force bomber roadmap is an adequate plan to sustain the bomber force as an effective part of the Strategic Triad?

Answer. The bomber roadmap details many of the programs required to maintain the bomber force as an effective part of the Strategic Triad. To that end, we fully support current Air Force programs designed to meet critical sustainment and modernization shortfalls. Continued Congressional support for our strategic bomber and nuclear cruise missile initiatives remains critical to the future viability of our bomber force.

U.S. STRATEGIC FORCE POSTURE BEYOND START II

Question. During the Helsinki Summit meeting of March 1997, the United States agreed to begin negotiations on START III once START II enters into force. The START III framework would have limited the sides to between 2,000 and 2,500 deployed strategic warheads.

If the United States and Russia reduce deployed strategic warheads to between 2,000 and 2,500, how would you recommend that the U.S. strategic force posture be adjusted?

Answer. The on-going Nuclear Posture Review is examining this question in great detail; as such it would be premature to postulate specific force posture adjustments.

Question. Currently, the U.S. Navy is planning to backfit four older Trident submarines with D–5 missiles in order to support a START II force of 14 Trident submarines equipped with the D–5 missile.

Do you believe that a 14 Trident submarine fleet will still be required if the United States reduces to 2,000 to 2,500 strategic warheads?

Answer. Yes. Trident submarines will continue to carry the largest portion of our strategic nuclear warheads under any 2,000 to 2,500 strategic warhead force structure. Our SSBN force is the most survivable leg of the Triad. Thus, the U.S. must preserve a large enough SSBN force to enable two-ocean operations with sufficient assets at sea to ensure a survivable, responsive retaliatory force capable of dissuading any potential adversary.

Question. In your view, is there a scenario where the U.S. would not need 14 Trident submarines if the U.S. reduced below 2,000 strategic warheads?

Answer. Possible reductions below 2,000 may create a situation where 14 SSBNs are no longer numerically required. I would seek to maximize combat capability by maintaining sufficient platforms to maintain maximum operational flexibility. The need for survivable submarines at sea will be necessary under any scenario. Fourteen Trident submarines allow a credible, two-ocean, strategic deterrent presence with our projected maintenance cycle and operating environment.

Question. What kind of warhead loading would be required to remain within a 2,000 to 2,500 strategic warhead level?

Answer. Based on preliminary analysis, warhead downloading is a possible option, although it is premature to speculate on the force composition until the NPR is complete. The issues and variables are complex; but, if confirmed, I would explore options that make fiscal sense and do not reduce the credibility of our strategic deterrent.

Question. What changes to the ICBM and bomber forces would you have to make in order to remain within a 2,000 to 2,500 strategic warhead level?

Answer. Based on preliminary analysis, a reduction in ICBM and bomber force structure is possible, although it is premature to speculate on the force composition until the NPR is complete. If confirmed, I would support only those options that would continue to maximize our operational flexibility and stability.

Question. Do you favor reductions in strategic nuclear delivery systems beyond the 2,000 to 2,500 strategic warhead level?

Answer. The NPR is examining the appropriate force structure/warhead level and the SecDef will provide a formal report to Congress on the force structure. Stability is the most important criterion as we proceed down the glide path to lower numbers of nuclear weapons. Control of the glide path is critical—the journey is just as or even more important than the destination. Any reductions must allow a hedge capability by avoiding the elimination of platforms while preserving nuclear infrastructure and technical skills.

Question. Do you believe that there is a minimum number of nuclear weapons or delivery systems that the United States should maintain under any scenario?

Answer. No, I do not believe there is a "hard and fast" minimum number. The manner in which reductions are contemplated and carried out is critical. The most important criterion in assessing prospective arms control measures or unilateral reductions is stability. As we reduce our strategic delivery systems to lower numbers, issues such as disparity in non-strategic nuclear forces, transparency, irreversibility, production capacity, aggregate warhead inventories, and verifiability become more complex and sensitive.

Question. Do you believe that the U.S. will need to retain a Strategic Triad under any future agreements or unilateral reductions?

Answer. I support maintaining a Triad. Each component provides unique attributes that enhance deterrence and reduce risk; submarines provide survivability, bombers provide flexibility, and intercontinental ballistic missiles provide prompt response. Together, they provide a stable deterrent and complicate an adversary's offensive and defensive planning.

Question. In your view, what is the minimum number of strategic nuclear warheads that should be deployed in the inactive and active inventories of U.S. nuclear weapons? On what strategy are these numbers based?

Answer. The ongoing Nuclear Posture Review (NPR) is studying this topic and as such it is somewhat premature to postulate an active and inactive inventory level. The NPR is developing the strategy for the current/future strategic environment. This will then support appropriate force structure numbers and active/inactive inventory levels.

Question. In your view, what should be the minimum number of strategic nuclear warhead designs included in the inactive and active inventories of U.S. nuclear weapons? On what strategy are these numbers based?

Answer. Again, the ongoing NPR will provide the details to these answers. With the exception of the one type of warhead currently slated for retirement, I believe we should retain all current designs in the active and inactive stockpile. These designs provide a ready hedge for an uncertain future strategic environment.

Question. In computing this force structure, do you assume ratification of START II?

Answer. No. The NPR process is reviewing our strategy and policy to ascertain the force structure requirements that are consistent with our national security needs. In this context, we assume the U.S. will comply with the START I Treaty requirements and START II is not ratified.

STRATEGIC FORCE INDUSTRIAL BASE

Question. From your perspective, are there key sectors of the U.S. industrial base that must be protected in order to sustain U.S. strategic forces for the foreseeable future?

Answer. It is my personal conviction that the support and sustainment of our strategic systems are absolutely essential to ensure a continued, viable deterrent. Our Nation has in hand, or is near the end of production of, all of its major strategic systems. Since there are no follow-on systems in development, the existing systems must be maintained for an unforeseeable length of time. Therefore, it is crucial for us to ensure continued support for key strategic components and systems unique to our strategic forces. The Strategic Advisory Group that advises CINCSTRAT has studied the industrial base and continues to assess areas of concern. Some of the key ballistic missile sectors they have identified that must be protected to sustain our ICBM/SLBM forces include ballistic missile propulsion production capability, re-

entry vehicle technology, guidance systems, and component vulnerability to electromagnetic pulse. If confirmed, I will continue to support efforts to sustain our industrial base.

Question. In your view, are the ongoing efforts in this area adequate?

Answer. It is my understanding that USSTRATCOM, in coordination with the Office of the Secretary of Defense and the Services, is pursuing industrial capability sustainment initiatives which support space-based communication and sensor systems, strategic missile guidance technology, propellant technology, and reentry vehicle design capability. The Radiation Hardened Micro-Electronics Oversight Council, under the auspices of the Under Secretary of Defense (Acquisition, Technology, and Logistics) is an example of how present concerns are being addressed. Additionally, the Strategic Advisory Group's Industrial Base Special Study Group is studying future industrial base concerns. Supporting crucial technologies and systems is key to keeping our strategic forces robust, reliable, and modern/credible.

NUCLEAR WEAPONS COMPLEX

Question. In your view, are there opportunities to downsize and modernize the nuclear weapons manufacturing complex?

Answer. The nuclear weapons manufacturing complex has no redundancy built into the system. Each piece of the complex is unique and irreplaceable. I don't feel there is room for further downsizing of the manufacturing complex especially with the number of refurbishments that will be scheduled to maintain the enduring stockpile over the next 20 years. The complex is old and there are many areas where modernization would significantly enhance capabilities and throughput for the manufacturing complex.

Question. If confirmed, would you support modernization of the manufacturing complex?

Answer. Yes, if confirmed I would fully support modernization efforts. The National Nuclear Security Administration has a plan and is implementing the plan to modernize many aspects of the manufacturing complex. I fully agree with their efforts and hope the funding will be maintained to ensure the modernization programs are fully implemented.

Question. Does downsizing provide cost savings that could help defray the cost of modernizing the manufacturing complex?

Answer. No. With the demanding refurbishment schedule planned for the various warheads in the enduring stockpile, I don't believe there would be any savings in downsizing and that it could adversely affect the maintenance of the enduring stockpile.

NUCLEAR POSTURE REVIEW

Question. What is your understanding of your role, if confirmed, in the Nuclear Posture Review?

Answer. While OSD and the Joint Staff are co-leads for the NPR, USSTRATCOM has remained an integral player in all aspects of the NPR. USSTRATCOM brings unique capabilities that should be integrated within the NPR process.

ROLE OF STRATEGIC COMMAND

Question. Please describe the role you intend to play, if confirmed, in assessing and participating in the Department of Energy's science-based stockpile stewardship and management program.

Answer. USSTRATCOM is an active participant in the development of the overall strategy and plan. The U.S. must ensure its nuclear stockpile remains safe, secure, and reliable. I recognize CINCSTRAT has specific responsibility in that regard. The Stockpile Assessment Team is now holding an annual stockpile stewardship conference and reports the results to CINCSTRAT. If confirmed, I intend to continue to carefully monitor DOE progress in developing a viable stockpile stewardship and management program.

Question. What is your view as to the role USSTRATCOM should play with respect to tactical nuclear weapons?

Answer. USSTRATCOM has a unique planning capability for tactical weapons that we can and do provide to theater CINCs. We should continue, and expand this role, when appropriate.

Question. Should tactical nuclear weapons be brought under the auspices of USSTRATCOM?

Answer. Currently, theater CINCs maintain responsibility, authority, and operational control. Any change to this arrangement would have to be carefully studied and evaluated for impact on our strategies, forces, and international relationships.

WARHEAD CERTIFICATION

Question. Are you confident in our ability to identify and fix potential problems in all weapons expected to be included in the enduring stockpile?

Answer. My confidence in the ability to identify problems rests on the projected success of the science-based Stockpile Stewardship Program. This will depend on fully supporting the NNSA program, and how successful we are in the years ahead in developing the complex technological tools and maintaining the necessary expertise in our people. It is imperative as we move forward that we develop the tools necessary to predict problems in the stockpile before they jeopardize safety or reliability.

Question. What do you believe to be our biggest challenges in maintaining the nuclear weapons expected to be in the enduring stockpile?

Answer. Two critical challenges are aging and the certification of modifications to weapons. The answer depends on the success of the Stockpile Stewardship Program. NNSA is required to certify the reliability and safety of the Nation's nuclear stockpile. CINCSTRAT is charged with reporting on his confidence in the safety and reliability as part of an annual assessment process. The certification process is more difficult without nuclear testing, and the national laboratory experts report there are issues that cannot be addressed with current tools, although none currently are severe enough to warrant an underground test. Funding levels must be maintained so that new tools can be delivered on schedule.

ANNUAL WARHEAD CERTIFICATION PROCESS

Question. The administrative process for certifying the safety and reliability of the nuclear stockpile requires the Commander in Chief of the Strategic Command and the three nuclear weapons laboratory directors to report annually to the Secretaries of Defense and Energy who in turn certify to the President the continued safety and reliability of the nuclear weapons stockpile.

If confirmed, would you provide Congress a copy of your annual certification?

Answer. CINCSTRAT does not certify the stockpile. NNSA is responsible for certifying the safety and reliability of the stockpile. CINCSTRAT is charged with providing an assessment of the safety and reliability of the stockpile as part of an annual certification process directed by the President. The Secretaries of Defense and Energy co-sign the annual certification and are responsible for the control of the certification document. If confirmed, and if requested, I would provide my views to Congress.

LIMITED LIFE COMPONENTS

Question. How confident are you in the Department of Energy's ability to manufacture limited life components for the enduring stockpile?

Answer. I am confident the Department of Energy will meet DOD needs in maintaining the required stockpile levels. If confirmed, I will closely monitor the process. Given the importance of the issue and the uncertainties about the future, their plans must stay on track.

PIT MANUFACTURING CAPABILITY

Question. In your view, what is the annual requirement for pit production, by weapons type, for which DOE should size a pit production facility? Would this number change if the U.S. reduced the number of warheads to a level of 2,000 to 2,500 or below?

Answer. The number depends on several factors including pit lifetime and the size and composition of the enduring stockpile. NNSA is currently studying the effects of aging on special nuclear materials. The results of this effort will help establish functional pit lifetimes.

MAINTAINING NUCLEAR WEAPONS EXPERTISE IN THE MILITARY

Question. If confirmed, what actions would you propose to take as CINCSTRAT to ensure that nuclear-related jobs are not viewed as career limited and that nuclear programs continue to attract top quality officers and enlisted personnel?

Answer. I fully support Service programs that are vital to ensure we have the highest quality of men and women needed for our nuclear forces. This includes initiatives to identify and track those personnel with nuclear experience. If confirmed as CINCSTRAT and the lead spokesman for our strategic forces, I will ensure the word gets out on our successes. Officer and enlisted personnel are being promoted at the highest rate since the stand up of USSTRATCOM and members completing duties are receiving assignments that enhance their professional development. I be-

lieve it is critical that we continue to communicate the challenging opportunities and the successes of the men and women assigned to our strategic nuclear forces.

COMPREHENSIVE NUCLEAR TEST BAN TREATY

Question. Do you believe that the U.S. can maintain a safe and reliable nuclear weapons stockpile under the Comprehensive Nuclear Test Ban Treaty?

Answer. If the Science Based Stockpile Stewardship and management Program proceeds as designed it should be possible to maintain a safe reliable stockpile. This requires full program funding and the successful development of new technology. I am greatly concerned between the widening gap between stockpile program requirements and available resources. The delays in many high-priority stockpile stewardship programs because of aging infrastructure and inadequate funding must be addressed with greater urgency. The planned tools are designed to give us a degree of confidence in the stockpile that would not otherwise be possible without nuclear testing. Until those tools are operational, some degradation in the reliability of the stockpile is possible, but I cannot judge its significance at this time. Within the Comprehensive Test Ban Treaty (CTBT), Safeguard F provides that the U.S. may resume testing if it is in the supreme national interest of the Nation. In that regard, CINCSTRAT is charged with reporting on his confidence in the safety and reliability of the stockpile as part of an annual certification process directed by the President. For the past 6 years, USSTRATCOM has conducted an examination of each strategic nuclear weapon type in the stockpile. In conducting that assessment, no issues were found which would warrant the resumption of nuclear testing. While no-one can guarantee that the SSP will allow us to certify the safety, security, and reliability of the stockpile indefinitely in the absence of testing, a judgment that testing is required would not necessarily mean that SSP had failed.

Question. Do you support the Comprehensive Nuclear Test Ban Treaty as currently drafted? If not, what specific changes would be needed to gain your support?

Answer. I support the philosophy of CTBT as component of an overall arms control and stability framework. While there are genuine concerns with the treaty and verification requirements, the philosophy is consistent with the Non-Proliferation Treaty.

Question. Do you believe that the CTBT is verifiable, as currently drafted?

Answer. According to GEN Shalikashvili's recommendations to Congress on CTBT, the treaty will give the U.S. access to the international monitoring system. "The IMS primary seismic system will provide three-station 90 percent detection thresholds below 500 tons and below 200 tons for all historic test sites in the Northern Hemisphere." It should be noted that is not possible to verify a true zero-yield test ban without additional measures that are not currently provided for in the CTBT. However, even a true zero-yield test ban would allow experiments that provide useful information for weapon designers.

Question. In your view, will the planned science-based Stockpile Stewardship Program, as it is currently being developed, allow us to continue to certify our nuclear weapons stockpile as safe and reliable indefinitely without testing?

Answer. The Stockpile Stewardship Program (SSP) must be fully funded in order to have all the needed tools delivered on schedule. Ultimately, the SSP may uncover unanticipated problems in the stockpile. Since we don't know what we don't know, SSP does not guarantee a test will never be required. In fact, an important obligation of SSP is to ensure that we maintain the ability to test.

Question. In your view, will the planned science-based Stockpile Stewardship Program, as it is currently being developed, allow us to continue to meet the DOD's requirements for our nuclear weapons stockpile without future testing?

Answer. Our current stockpile was developed for the Cold War. We need to be able to adapt our current arsenal to add or improve capabilities in order to meet emerging threats. As these new capabilities are added, it will be up to NNSA and the National Labs to certify the weapons. The adaptations currently envisioned appear possible to accomplish without underground testing.

Question. If the DOD eventually requires a new nuclear weapon design, will the planned science-based Stockpile Stewardship Program allow us to develop a new, safe, and reliable nuclear weapon without testing?

Answer. NNSA and the National Labs are required to certify any new designs developed. They will have to determine if an underground test is required for any new weapon design.

NUCLEAR WEAPONS COUNCIL

Question. If confirmed, what will be your relationship with the DOE, and with the Nuclear Weapons Council?

Answer. A close, cooperative relationship with both the Department of Energy and the Nuclear Weapons Council, as well as other organizations such as the Defense Threat Reduction Agency, is vital to address the challenges of ensuring a safe and reliable nuclear weapons stockpile, building a stable foundation for the implementation of arms control agreements, and helping shape the international environment to promote the non-proliferation of weapons of mass destruction. If confirmed, I will continue to foster a strong partnership with each of these organizations and frequently seek their counsel to address those challenges.

Question. Do you support an active Nuclear Weapons Council, to include regularly scheduled meetings?

Answer. Yes. With the many actions taking place within the nuclear weapons complex and the many ongoing refurbishment programs or soon to be going on, an active Nuclear Weapons Council is imperative. Their guidance will be necessary to ensure programs continue on track and any issues are resolved in a timely manner to preclude unnecessary delays in programs.

TRIDENT SUBMARINE CONVERSIONS AND START ACCOUNTING

Question. If the Navy continues on a path to convert either two or four of the Trident submarines to be decommissioned to an SSGN configuration that is treaty accountable, at what point would "phantom" warheads ascribed to these boats limit USSTRATCOM's ability to maintain sufficient warheads to execute the National Military Strategy?

Answer. Under START I Accountability Rules and Limits, converting four Trident submarines to SSGNs presents no "phantom warhead" counting issues. If we move to lower limits within a treaty framework and the accounting rules are not modified we cannot afford the numbers lost to phantom warheads.

COOPERATIVE THREAT REDUCTION PROGRAM

Question. Do you support the Cooperative Threat Reduction program?

Answer. I strongly support Cooperative Threat Reduction. It has proven itself to be an invaluable part of a broadened definition of deterrence, as a cost-effective means to aid in the "denuclearization" of former Soviet states, to continue to promote stockpile safety and security in Russia, and help stem the proliferation of weapons.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes. If confirmed, it is my duty to keep you, the representatives of the people, informed of the status of our strategic deterrent forces.

Question. Do you agree, when asked, to give your personal views, even if those views differ from the administration in power?

Answer. Yes. It is my responsibility to provide the best military advice regardless of the administration's views.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Commander in Chief, U.S. Strategic Command?

Answer. Yes. If confirmed, I will make myself available to this committee or designated members whenever requested.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes. I will be forthcoming with all information requested.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

REQUIREMENTS

1. Senator THURMOND. Admiral Ellis, modernization of our forces is the key to maintaining their effectiveness to meet the future challenges of this new threat en-

vironment. In your judgment, what is the most critical modernization requirement of the Strategic Command?

Admiral ELLIS. For United States Strategic Command to maintain a credible strategic deterrence through the 21st century, the modernization and sustainment of all three legs of the Triad, (the bomber, intercontinental ballistic missile and sea launched ballistic missile) must occur. In addition, the fourth leg of the strategic "quadrad," the survivable, assured, and enduring command, control, communication, and computer intelligence, surveillance, and reconnaissance (C^4ISR) network, must be vigorously supported for modernization. These include our airborne platforms, E–4 and E–6, survivable satellite communications, fixed and mobile command centers, and the network that supports them with planning and ISR information. As recent events have shown, the vulnerability of national assets necessitates increased vigilance in sustaining the security of our nuclear forces and stockpiles.

BALKANS

2. Senator THURMOND. Admiral Ellis, the tragic events of September 11 have virtually taken the situation in the Balkans off the television and the front page of our newspapers. As the Commander of forces in that region, please give me your views on how the effort to eliminate terrorism will influence our commitment to that troubled region?

Admiral ELLIS. As the Commander of the North Atlantic Treaty Organization's (NATO) Southern Region, I can assure you that the tragic events of September 11 have touched all of us, whether American, ally, partner or friend. The global effort to counter the scourge of terrorism has in no way weakened the resolve or the ability of all involved in helping to bring peace to the Balkans. Indeed, in both Bosnia and Kosovo, our NATO forces have expanded their vital security efforts and have already made significant gains in identifying and exploiting potential members of the global terrorist web. Those being successfully pursued may be attempting to use the Balkan crisis as a cover for the support of extremist activities worldwide. With our NATO allies, we will continue this important effort, in addition to continuing our shared support of the stabilization efforts in Bosnia, Kosovo, and Macedonia.

STATUS OF NUCLEAR STOCKPILE

3. Senator THURMOND. Admiral Ellis, although the Department of Energy has the responsibility for ensuring the reliability and safety of our nuclear weapons, as CINC STRATCOM you have a vital interest in these issues. What if any concerns do you have regarding the age reliability and safety of our nuclear stockpile?

Admiral ELLIS. As the stockpile ages, and as our diagnostic tools and methods continue to improve, it is likely we will find more problems with the stockpile that require fixing. Our ability to respond to unforeseen problems is limited. I agree with the United States Strategic Command Stockpile Assessment Team's (SAT) determination that the weapons complex is fragile in many areas. The complex is challenged to maintain the current workload of Stockpile Life Extension Programs (SLEPs). Additional workloads could leave identified problems deferred for an unacceptable length of time, or cause delays in scheduled SLEPs. I support the recommendations of the SAT and the Foster Panel for infrastructure improvements and reduction of maintenance backlogs throughout the weapons complex. Additionally, I support a robust Stockpile Stewardship Program, which should continue to develop the tools necessary to allow us to be more predictive and less reactive in dealing with aging, reliability, and safety issues.

QUESTION SUBMITTED BY SENATOR RICK SANTORUM

REPLACEMENT PLATFORM FOR THE B–52

4. Senator SANTORUM. Admiral Ellis, the B–52 joined the Air Force fleet in 1960. According to the Bomber Road Map recently provided to Congress, the B–52 is going to continue performing its mission for another 40 or 45 years. In light of the age of the B–52 fleet, do you believe that the Department of Defense ought to begin considering a replacement platform for the B–52? Do you support efforts to explore unmanned combat air vehicles (UCAVs) as a potential replacement to the B–52 or other bomber platforms?

Admiral ELLIS. I support Air Combat Command's Bomber Roadmap, which includes beginning bomber replacement analysis no later than 2010. Absolutely critical to this plan, is the full funding and timely fielding of the B–52 sustainment and

modernization programs requested by the Bomber Roadmap. To that end, procurement of a survivable, secure, two-way communication system remains critical to the success of my mission. In addition, I request your continued support for ongoing Air Force programs to upgrade B–52 avionics, situational awareness and self-protection capabilities. Taken together, these modernization and sustainment programs should keep the bomber force viable until the scheduled replacement is fielded. I would support and encourage investigation of all options for a follow-on bomber platform and look forward to reviewing the findings from a future analysis of alternatives.

[The nomination reference of Adm. James O. Ellis, USN, follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 14, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., section 601:

To be Admiral

James O. Ellis Jr., 4995.

[The résumé of service career of Adm. James O. Ellis, USN, which was transmitted to the committee at the time the nomination was referred, follows:]

★★★★

TRANSCRIPT OF NAVAL SERVICE FOR ADMIRAL JAMES OREN ELLIS, JUNIOR U.S. NAVY

20 JUL 1947	Born in Spartanburg, South Carolina
30 JUN 1965	Midshipman, U.S. Naval Academy
04 JUN 1969	Ensign
04 JUN 1970	Lieutenant (junior grade)
01 JUL 1972	Lieutenant
01 JUL 1978	Lieutenant Commander
01 OCT 1982	Commander
01 OCT 1987	Captain
01 SEP 1994	Rear Admiral (lower half)
JUN 1996	Designated Rear Admiral while serving in billets commensurate with that grade
OCT 1996	Designated Vice Admiral while serving in billets commensurate with that grade
01 JAN 1997	Rear Admiral
01 FEB 1997	Vice Admiral
28 AUG 1998	Designed Admiral while serving in billets commensurate with that grade
01 JAN 1999	Admiral, Service continuous to date

ASSIGNMENTS AND DUTIES	FROM	TO
NROTC Unit, Georgia Institute of Technology (DUINS)	JUN 1969	JUN 1970
Naval Air Basic Training Command, NAS Pensacola, FL (DUINS)	JUN 1970	JUN 1971
Training Squadron TWO THREE (DUINS)	JUN 1971	NOV 1971
Fighter Squadron ONE TWO ONE (DUINS)	NOV 1971	AUG 1972
Fighter Squadron NINE TWO (Training Officer)	AUG 1972	NOV 1974
U. S. Naval Test Pilot School, Patuxent River, MD (DUINS)	DEC 1974	DEC 1975
Naval Air Test Center, Patuxent River, MD (Project Officer)	DEC 1975	SEP 1978
Fighter Squadron ONE TWO FOUR (DUINS)	SEP 1978	JUN 1979
Fighter Squadron ONE (Special Projects Officer)	JUN 1979	JUL 1981
Office of Legislative Affairs (Congressional Committee Liaison Officer)	JUL 1981	MAY 1983
Strike Fighter Squadron ONE TWO FIVE (DUINS)	MAY 1983	OCT 1983
CO, Strike Fighter Squadron ONE THREE ONE	OCT 1983	JAN 1986

TRANSCRIPT OF NAVAL SERVICE FOR
ADMIRAL JAMES OREN ELLIS, JUNIOR
U.S. NAVY

ASSIGNMENTS AND DUTIES (CONT'D)	FROM	TO
Office of the CNO (F/A-18 Program Coordinator)	JAN 1986	MAR 1986
Naval Nuclear Power School, Naval Training Center, Orlando, FL (DUINS)	MAR 1986	SEP 1986
Naval Nuclear Power Training Unit, Idaho Falls, ID (DUINS)	SEP 1986	APR 1987
Naval Sea Systems Command (NAVSEA 08) (DUINS)	JUN 1987	SEP 1987
XO, CARL VINSON (CVN 70)	DEC 1987	DEC 1988
CO, USS LASALLE (AGF 3)	JUN 1989	MAR 1990
Commander, Joint Task Force FIVE (Deputy Commander and Chief of Staff)	APR 1990	APR 1991
CO, USS ABRAHAM LINCOLN (CVN 72)	MAY 1991	SEP 1993
CINCLANTFLT (Inspector General/Director for Operations (N3))	NOV 1993	JUN 1995
Commander Carrier Group FIVE/CTF 70/75/77	JUN 1995	NOV 1996
Office of the CNO (DCNO for Plans, Policy and Operations) (N3/N5)	NOV 1996	AUG 1998
Commander, U.S. Naval Forces, Europe/ Commander in Chief, Allied Forces, Southern Europe (Commander, Joint Task Force NOBLE ANVIL JAN - JUL 99)	OCT 1998	TO DATE

MEDALS AND AWARDS

Defense Distinguished Service Medal
Navy Distinguished Service Medal
Legion of Merit with three Gold Stars
Defense Meritorious Service Medal
Meritorious Service Medal with one Gold Star
Navy and Marine Corps Commendation Medal
Joint Meritorious Unit Award with three Bronze Oak Leafs
Navy Unit Commendation
Meritorious Unit Commendation
Navy "E" Ribbon
Navy Expeditionary Medal
National Defense Service Medal with one Bronze Star
Armed Forces Expeditionary Medal
Vietnam Service Medal with one Bronze Star
Southwest Asia Service Medal with one Bronze Star
Armed Forces Service Medal
Humanitarian Service Medal
Sea Service Deployment Ribbon with one Silver Star
Navy/Marine Corps Overseas Service Ribbon
Coast Guard Special Operations Ribbon
NATO Medal
Republic of Vietnam Campaign Medal
Kuwait Liberation Medal (Kuwait)
Expert Pistol Marksmanship Medal

SPECIAL QUALIFICATIONS

BS (Aeronautical Engineering) U. S. Naval Academy, 1969
MS (Aeronautical Engineering) Georgia Institute of Technology, 1970
MS (Aeronautical Systems) University of West Florida, 1971
Designated Naval Aviator, 24 November 1971
U.S. Naval Test Pilot School, 1975
Qualified in the Maintenance and Inspection of Naval Nuclear Power Plants, 1987

PERSONAL DATA

Wife: Paula Dene Matthews of Marietta, Georgia
Children: Patrick J. Ellis (Son)
Born: 10 February 1972
Lauren E. Ellis (Daughter)
Born: 13 June 1974

SUMMARY OF JOINT DUTY ASSIGNMENTS

Assignment	Dates	Rank
*Office of Legislative Affairs (Congressional Committee Liaison Officer)	JUL 81 - MAY 83	CDR
Commander, Joint Task Force FIVE (Chief of Staff)	APR 90 - APR 91	CAPT
Commander, U.S. Naval Forces, Europe/ Commander in Chief, Allied Forces, Southern Europe (Commander, Joint Task Force NOBLE ANVIL JAN - JUL 99)	OCT 98 - TO DATE	ADM

*Joint Tour Equivalent

[The Committee on Armed Services requires certain senior military officers nominated by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Adm. James O. Ellis, USN, in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
James O. Ellis, Jr., U.S. Navy.

2. **Position to which nominated:**
Commander in Chief, U.S. Strategic Command.

3. **Date of nomination:**
September 14, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
20 July 1947; Spartanburg, SC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Paula Dene Matthews Ellis on 20 June 1970; Atlanta, GA.

7. **Names and ages of children:**
CPT Patrick James Ellis, USA; Age: 29.
Mrs. Lauren Elizabeth Ellis Brandy; Age: 27.

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the committee by the Executive Branch.
None.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.
None.

10. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
U.S. Naval Institute (Life Member).
Naval Historical Foundation.
The American Legion.
Naval Academy Alumni Association.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the Executive Branch.
Guggenheim Fellowship in Aerospace Engineering, Georgia.
Institute of Technology (1969).
Grand Order of Merit of the Italian Republic (2001).

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

Yes.

[The nominee responded to the questions in Parts B–E of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–E are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement of Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JAMES O. ELLIS.

This 19th day of July, 2001.

[The nomination of Adm. James O. Ellis, Jr. was reported to the Senate by Chairman Levin on September 26, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on September 26, 2001.]

NOMINATIONS OF LINTON F. BROOKS TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION; DR. MARVIN R. SAMBUR TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION; DR. WILLIAM WINKENWERDER, JR., TO BE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS; EVERET BECKNER TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION; AND MARY L. WALKER TO BE GENERAL COUNSEL OF THE AIR FORCE

THURSDAY, OCTOBER 11, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 2:40 p.m., in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Kennedy, Landrieu, Warner, and Allard.

Other Senators present: Senator Pete Domenici.

Committee staff members present: David S. Lyles, staff director; and Christine E. Cowart, chief clerk.

Majority staff members present: Madelyn R. Creedon, counsel; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; and Arun A. Seraphin, professional staff member.

Minority staff members present: Romie L. Brownlee, republican staff director; Judith A. Ansley, deputy staff director for the minority; L. David Cherington, minority counsel; Gary M. Hall, professional staff member; Carolyn M. Hanna, professional staff member; Mary Alice A. Hayward, professional staff member; George W. Lauffer, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Suzanne K.L. Ross, research assistant; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Dara R. Alpert, Thomas C. Moore, Jennifer L. Naccari, and Nicholas W. West.

Committee members' assistants present: Jeffrey S. Wiener, assistant to Senator Landrieu; Robert Alan McCurry, assistant to Senator Roberts; and Arch Galloway II, assistant to Senator Sessions.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. The committee meets today to consider the nominations of five individuals to senior positions in the Department of Defense and the National Nuclear Security Administration: Dr. Everet Beckner to be Deputy Administrator for Defense Programs at the National Nuclear Security Administration, Ambassador Linton Brooks to be Deputy Administrator for Defense Nuclear Nonproliferation at the National Nuclear Security Administration; Dr. William Winkenwerder, Jr. to be Assistant Secretary of Defense for Health Affairs; Dr. Marvin Sambur to be the Assistant Secretary of the Air Force for Acquisition, Research, and Development; and Ms. Mary Walker to be General Counsel of the Air Force.

On behalf of the committee, let me welcome each of you and your families. We have a tradition of asking nominees to introduce family members who are present, and I think I will hold off on that so we can let our two colleagues make introductions, if they are ready to do that, because they, I know, have incredibly hectic schedules. Are you ready, Senator Kennedy?

Senator KENNEDY. Yes.

Chairman LEVIN. We would start with you to make your introduction. Then we will go to Senator Domenici so that you are able to get on with your schedules.

STATEMENT OF SENATOR EDWARD M. KENNEDY

Senator KENNEDY. Thank you very much, Mr. Chairman.

The President has a great number of nominations to make on a wide variety of positions. There are many positions of extraordinary importance in any administration. We know that. In this particular situation, in selecting William Winkenwerder, Jr., as the Assistant Secretary of Defense for Health Affairs, he has made one of his very best. I am delighted and honored to be able to say a word on his behalf, although his record of achievement and accomplishment really speaks for itself.

I know that he will introduce his wife, Mary Pride, who is here, and their 9-year-old son, Will, who is with him today.

Listen to this list of achievements and accomplishments.

He had an extraordinary record at the University of North Carolina in the medical school and then went on to a great career as a primary care physician. He has currently been working in Blue Cross/Blue Shield in the office of the CEO as the vice chairman, and from all sides in Massachusetts, he has just received rave reviews.

He has had experience in health finance, in the Health Care Financing Administration (HCFA), which is enormously significant, and he knows his way through that agency.

He was also an associate vice president of health affairs at Emory University, and on top of that, he has a masters in business administration from Wharton School.

In each and every one of these positions, he has been associated with excellence, and he brings all of that experience to this position. I think all of us want the very best in terms of health care for the members of the Armed Forces. I think this nominee brings an extraordinary experience in managerial skills, with an incredibly deep commitment to quality health care. Those elements can reassure the members of the Armed Forces and their families that they are really getting the best in this particular position.

I think we are extremely fortunate to have this nominee and look forward to supporting him and working with him in the years ahead. I congratulate him.

Chairman LEVIN. Thank you, Senator Kennedy. I know our nominee feels fortunate in having an introduction such as that.

Senator Domenici.

STATEMENT OF SENATOR PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. Thank you very much, Mr. Chairman.

I am delighted to yield to Senator Kennedy since he is so much my elder. [Laughter.]

I am here because I have a New Mexican, Dr. Everet Beckner, that was born in a little town of Clayton, New Mexico, hardly a town anybody would know anything about, near the border of Oklahoma and Texas. But having been born in a rather small, kind of hidden community, his scientific prowess has not been hidden. He was a 28-year veteran expert at Sandia National Laboratories.

Frankly, you are aware that a couple of years ago, we created the National Nuclear Security Administration (NNSA), kind of an outcropping of the DOE to take care of all matters nuclear in terms of weaponry and also nonproliferation. General Gordon has apparently achieved a high degree of satisfactory performance even from those who were not too sure that that approach was going to work. I think the distinguished chairman is one of those who is now admiring the work of the good general.

He really needs some help, and this is a very fortunate and good day for the NNSA because you are confirming two people. I am only introducing Dr. Beckner, but you also have the Ambassador of whom you spoke, Ambassador Linton Brooks. The two of them are going to add vastly to the capacity of General Gordon to do his very difficult job.

All I can say, with reference to Everet Beckner, is he was 4 years the Principal Deputy Assistant Secretary for Defense Programs as the whole concept of stockpile stewardship began. There was a scientist in the military named Vic Reis who started science-based stockpile stewardship as a concept which would make it such that we would not have to do underground testing, if it worked. It is still a growing and a major science effort to see if we can prove the efficacy of our nuclear weapons without testing, and this nominee has been active in that since its inception.

Now he goes to the new group within the Department to become the first Deputy Administrator. I cannot tell you how pleased I am,

having been the one who came up with the idea that we should form the nuclear organization that's an outcropping of DOE, and having run it through on a very controversial set of debates. I think everyone thinks it deserves a chance. It cannot do that without people like this. So, I hope you will expedite both of them. They are both very competent.

I thank you very much, Mr. Chairman. I thank both of them for taking this job. It is a very hard department that is just beginning to get developed, very competitive with other aspects of the defense establishment. They need your support. They need ours from the Appropriations Committee and we will get them that, and we hope you will continue to do that. Thank you very much.

Chairman LEVIN. Thank you very much, Senator Domenici.

Let us now turn to our nominees and first ask each of them if they would introduce family members who are present. Family members are essential, to have their support for these nominees and for all of our officials to carry out their duties and responsibilities. So, why do we not start with you, Dr. Beckner.

Dr. BECKNER. My wife Caroline is here.

Chairman LEVIN. I wonder if she would stand up. Welcome. Thank you.

Ambassador Brooks.

Ambassador BROOKS. My wife Barbara is unable to be with us today, Senator. I'm sorry.

Chairman LEVIN. That's fine. Thank you.

Dr. WINKENWERDER. In addition to my wife, Mary Pride, and my son Will, a family friend, Marilyn Murdock, is here.

Chairman LEVIN. I wonder if they would stand. Is that your son Will?

Dr. WINKENWERDER. That is my son Will.

Chairman LEVIN. How old are you, Will?

Mr. WINKENWERDER. 9.

Chairman LEVIN. 9? Well, you are allowed to do a little squirming here today, if you are 9. [Laughter.]

Not because the questions will be too tough for your dad, just because you are 9 years old. It is nice of you to come and support your dad. I know how much it means to him. To have my children with me would be very important, and I know it is important to your pop to have you around.

Dr. Sambur.

Dr. SAMBUR. I have my wife Arlene and my daughter Beth here with me.

Chairman LEVIN. I wonder if they might stand. Welcome to both of you.

Ms. Walker.

Ms. WALKER. Yes, Mr. Chairman. My son was unable to be here today, but I have two close friends from California, Catherine Robertson and Anne Durning. I also have three colleagues from my former days at the Department of Energy, Mike Farrell, Ray Berube, and Kerrie Sullivan.

Chairman LEVIN. Well, we welcome them all. I wonder if they might stand and be recognized. Thank you for coming and showing your support.

Dr. Beckner served for nearly 30 years in a variety of positions at Sandia National Labs and as Principal Deputy Assistant Secretary for Defense Programs at the Department of Energy. He is currently the Deputy Chief Executive of Lockheed Martin's Atomic Weapons Establishment.

Ambassador Brooks, a Navy veteran with 30 years of service, previously served as Chief Strategic Arms Reduction Negotiator during the START I Treaty negotiations and as Assistant Director for Strategic and Nuclear Affairs at the United States Arms Control and Disarmament Agency. He is currently Vice President and Director of Policy, Strategy, and Forces Division at the Center for Naval Analyses.

Dr. Winkenwerder, a specialist in internal medicine, previously served in senior management positions at several health care providers, including Prudential Health Care, Emory Health Care, and as Vice President of Blue Cross/Blue Shield of Massachusetts and is currently a health care consultant.

Dr. Sambur has had a 25-year career at ITT Industries serving in a variety of senior management positions, including President of ITT Aerospace and Communications and President of ITT Defense. Since leaving ITT earlier this year, he has served as a consultant to the company.

Ms. Walker is a lawyer who previously served in Government as Principal Deputy Assistant Attorney General for Land and Natural Resources, Deputy Solicitor at the Department of the Interior, and as Assistant Secretary for Environment, Safety and Health at the Department of Energy.

I would now normally call upon Senator Warner, who is not yet able to be here, but I wonder if Senator Allard had a comment at this point. We would welcome it. If not, we would ask some questions of our nominees.

STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Mr. Chairman, I just want to thank you for holding the hearing and also compliment them on being willing to make the sacrifices that I am sure you are making now to serve in your various positions. I think it goes without saying that you accept immense responsibility at a most important and challenging time in our country's history. I want to thank you in advance for your efforts, for your dedication to duty, and for your overwhelming commitment to the members of our military service and to the security of the Nation. I am confident that all of you will serve the Nation well.

Mr. Chairman, that is just a brief comment that I have, and I would ask that Senator Thurmond's statement be inserted for the record.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman.

Mr. Chairman, I join you and Senator Warner in welcoming our distinguished group of nominees. The fact that we are holding this hearing while we are joined in negotiations with the House on the Defense Authorization Bill is significant. It demonstrates this committee's bipartisan effort to ensure the Department of De-

fense and the National Nuclear Security Administration have quality people in place to carry out their duties to provide for our Nation's security.

Mr. Chairman, I believe each nominee will bring to the position for which they have been nominated unique and professional experience. They are highly qualified and most importantly dedicated to serving our Nation.

To each of our nominees I want to express my support and that of this committee. I wish you success, and hope that you will consider the committee a partner in your efforts to improve the security of our Nation.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much.

Today's nominees have all responded to the committee's prehearing policy questions and our standard questionnaire. These responses will be made part of the record.

The committee has also received the required paperwork on each of the nominees and will be reviewing that paperwork to make sure that it is in accordance with the committee's requirements.

Now, there are several standard questions that we ask every nominee who comes before the committee. First, we would note that in your response to advance policy questions, you agreed to appear as a witness before congressional committees when called and to ensure that briefings, testimony, and other communications are provided to Congress.

So, the first question that I would ask each of you is, have you adhered to applicable laws and regulations governing conflict of interest? First, Dr. Beckner.

Dr. BECKNER. Yes, sir, I have.

Chairman LEVIN. Ambassador.

Ambassador BROOKS. Yes, sir.

Chairman LEVIN. Doctor.

Dr. WINKENWERDER. Yes.

Dr. SAMBUR. Yes.

Ms. WALKER. Yes, sir.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process? Dr. Beckner?

Dr. BECKNER. No, I have not.

Ambassador BROOKS. No, sir.

Dr. WINKENWERDER. No.

Dr. SAMBUR. No, Mr. Chairman.

Ms. WALKER. No, sir.

Chairman LEVIN. Will you ensure that the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record and hearings?

Dr. BECKNER. Yes, sir.

Ambassador BROOKS. Yes, sir.

Dr. WINKENWERDER. Yes, Mr. Chairman.

Dr. SAMBUR. Yes.

Ms. WALKER. Yes, sir.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

Dr. BECKNER. Yes, sir.

Ambassador BROOKS. Yes, sir.

Dr. WINKENWERDER. Yes, sir.

Dr. SAMBUR. Yes, sir.

Ms. WALKER. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Dr. BECKNER. Yes.

Ambassador BROOKS. Yes, sir.

Dr. WINKENWERDER. Yes, sir.

Dr. SAMBUR. Yes, sir.

Ms. WALKER. Yes, sir.

Chairman LEVIN. At this point I would like to recognize each of our witnesses for any opening remarks that they would like to make, and I would begin with Dr. Beckner.

STATEMENT OF EVERET BECKNER, PH.D., TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Dr. BECKNER. Thank you, Mr. Chairman, members of the committee. Thank you for the opportunity to come before you to discuss my qualifications to become Deputy Administrator for Defense Programs for the National Nuclear Security Administration.

Mr. Chairman, I thank you for moving expeditiously in arranging this hearing.

I also want to thank Senator Domenici for his kind introduction. I am very grateful for his support of my candidacy and for the leadership and support he gives this entire endeavor.

I am also grateful to the President, to Secretary Abraham, and to Administrator Gordon for their confidence and the opportunity to be considered for this position.

I promised several people that I would be brief with my statement and I will. I have been either deeply or peripherally involved in this important national security program for more than 35 years. Although only 7 of those years have been in Washington assignments, some people would say that is a good ratio of work to anguish, and I would tend to agree with that view. Washington exposure is obviously important in order to know how the Government works and why it is often difficult to move things forward.

I remember early in my first Washington assignment under Secretary Watkins during the Bush administration, his Under Secretary John Tuck frequently inquired at the end of a typical day—did we advance the ball today? I am sure I do not have to tell you that is a good description of a typical day in Washington.

I think this job does take a lot of perseverance and determination. Being just two generations removed from grandparents who moved from east Texas to homestead on the plains of northeastern New Mexico early in the 20th Century, in order to get title to just 80 acres of barren farmland, probably provides me with the right genetic base for this job. They did not expect it, but they also had to deal with the drought and the Depression of the 1930s—again, this was probably pretty good experience for me to reflect on.

Let me now return to the present and to the future, which I anticipate, if confirmed. The job of Deputy Administrator for Defense Programs in the new National Nuclear Security Administration is a work in progress. Administrator Gordon has had both the enviable and the unenviable task of setting up NNSA and organizing it to do the job which Congress mandated.

For those of you who are students of history—and I am sure a number of you are—you will know that the birth of nuclear weapons in 1945 led to the agonizing necessity to set up the original Atomic Energy Commission, the AEC. I actually worked for the AEC for the first 10 years of my career at Sandia which, on truly rare occasions, required that I go to AEC headquarters in Germantown and find the place in the woods of rural Maryland. There were not many people in Germantown back then, and most of them worried about either the nuclear weapons production program or the birthing problems of getting the Nation's civilian nuclear reactor program on its feet.

The 1970s brought the Energy Research and Development Administration (ERDA) as the replacement for the AEC, to broaden the mission of the agency, to reflect the newly recognized importance of energy. Several years later, Congress decided an even larger agency, the Department of Energy, was required to concentrate the Federal energy programs in a single organization.

Now with many other changes having occurred in the world, not the least being the collapse of the Soviet Union, the end of the Cold War, and the START agreements, Congress has responded with this semi-autonomous agency, NNSA. As I see it, my job, if confirmed, is to ensure to the President that this country's enduring nuclear weapons stockpile remains safe, secure, and reliable, and to make this NNSA program responsive to the evolving requirements of the Federal Government in a world of today and the decades to come, for as long as the Nation requires a nuclear deterrent.

I sense that Congress wants less bureaucracy and more output with fewer problems along the way. You want program output which enhances security, which maintains and enhances the safety, reliability, and performance of the nuclear stockpile, and which bolsters U.S. leadership in science and technology. I believe President Bush and General Gordon want these same results, and if confirmed, it is certainly what I will be striving to accomplish in the next few years.

However, I know enough about doing business in this town to know that, though entirely reasonable and laudable, these objectives will be hard to meet, not because they are controversial or even debatable, but because we must make a large course correction in a battleship running at full throttle. If confirmed, I will need the dedicated and deliberate support of this committee, the Senate, the House of Representatives, the administration, indeed the entire Federal support structure attached to this program in order to reach those goals.

The ingredient which I often find missing in endeavors of this magnitude is that of trust. To simplify the way we do work in NNSA requires that we place more trust in the Federal workforce and the contractors who actually do that work, that we check everything we do to be sure that it works, but that we do not "check the checkers" and on and on. We must also have a system in place that does not tolerate waste, fraud, or abuse. All this, and still our highest requirement is to do the nuclear weapons job right, with no possibility of failing to provide the country with the nuclear deterrent that it requires.

The infamous events of September 11 serve as a reminder that we cannot take our security for granted. Since the weapons complex lacks the redundancy it once had during the Cold War, I have been advised that enhanced security measures are in place and that additional measures are under consideration. If confirmed, one of my top priorities will be to review practices and procedures to ensure that the uniquely skilled men and women of the weapons complex can carry out their national security responsibilities.

Let me say just a few more words about my qualifications.

Over and above the obvious technical and management credentials and experience base, I think it is important that the committee be comfortable with my personal commitment and dedication to this job. It is the culmination of a lifetime of work for me, starting as a research scientist at what was then a 10-year-old Sandia Laboratory and evolving into senior management responsibilities have included both the United States and the United Kingdom nuclear weapons programs. I do not like to say that I am an old hand at this work because in this job no one ever knows enough to rely comfortably only on experience. What counts most, I believe, is that I know when to ask for help, whether it is from the laboratories, or from the production plants, or Congress.

Next, though, I believe you will want me to make the hard decisions to move the program forward. That is where experience does count. We have urgent program needs in both research and production. We have urgent needs in facilities to upgrade the complex. We have urgent needs to develop new technical capabilities so that we recruit and retain the best and the brightest people to assure our capabilities for the future. That is where I think I will earn my paycheck. I believe in systems analysis and using the best information available to find the right solutions not by intuition or accommodation, but by hard-headed analysis. If confirmed, that is what you will get from me. I hope that is what you want.

Mr. Chairman, I do not underestimate the difficulty of the task. However, if confirmed, I know it will be the best job I have ever had because it offers the most opportunity for continuing success in a truly important program. I like that way of living.

I would be pleased to answer questions, Mr. Chairman. Thank you.

Chairman LEVIN. Thank you, Dr. Beckner.

Ambassador Brooks.

STATEMENT OF AMBASSADOR LINTON F. BROOKS, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION

Ambassador BROOKS. Mr. Chairman, I do not have a prepared statement since I had the opportunity to make most of the policy points I would have wanted to make in response to the committee's questions. I would like to make four quick points.

First, I am deeply honored by the President's, Secretary Abraham's, and General Gordon's willingness to entrust me with this responsibility.

Second, I am grateful for the committee's willingness to review my qualifications and, even more, for the committee's strong sup-

port of the programs I hope to be responsible for in the past and, I hope, in the future.

Third, I am immensely sobered by the events of the 11th of September. What they show me is a degree of sophistication and complexity that I had not previously recognized on the part of terrorism. They seem to me to make the jobs of securing nuclear weapons and nuclear materials even more urgent and even more important than they were.

Finally, like my colleague, I have spent my whole life working in the national security business, and I look forward, if the committee and the Senate choose to confirm me, to the opportunity to continue that over the next few years in this position.

Thank you, sir.

Chairman LEVIN. Thank you, Ambassador. Dr. Winkenwerder.

STATEMENT OF WILLIAM WINKENWERDER, JR., M.D., TO BE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS

Dr. WINKENWERDER. Mr. Chairman, rather than a statement for the record, I would like to just make brief opening remarks.

First of all, I would very much like to thank Senator Kennedy for his kind and very generous remarks. I appreciate that very much.

Mr. Chairman and members of the committee, it is indeed a great honor and a privilege for me to appear before you today as the nominee to be the next Assistant Secretary of Defense for Health Affairs. I am especially grateful to the President and to the Secretary of Defense for their confidence in me by nominating me for this position of significant responsibility.

The events of September 11th blasted, I think for all of us, a resounding warning that we must be prepared. I take that warning personally in that, if confirmed, I will be responsible for overseeing the health, fitness, casualty prevention, and care of the men and women we ask to defend this country. If confirmed, my foremost priority will be to ensure that our military services have the capabilities and the support to carry out our medical readiness missions and our preparedness in all scenarios.

Also important are many challenges facing the military health care system in this country today, many of which carry implications for the military health care system and the TRICARE health care program. Concerns for the quality of care, patient safety and patient rights, the implementation of the Health Insurance Portability and Accountability Act (HIPAA) legislation, advances in medical practice, and the ever-increasing rise in the cost of health care delivery are just a sampling of the issues that need to be tackled.

Should I be confirmed, I will promise to work very closely with this committee and with other Federal agencies with the Surgeons General of the services and with the leadership of the Defense Department to address these challenges such that military beneficiaries continue to enjoy the well-deserved health benefits that they receive.

The responsibilities of the position for which I have been nominated are formidable. If confirmed, I look forward to working with Congress to ensure that military medicine is prepared to meet the

health needs of our Armed Forces and that the military health system continues to provide world-class care, which I know is a goal of Secretary Rumsfeld, for all of its beneficiaries.

Finally, let me just say embarking on a career in public service brings many challenges as well. In that regard, I want to sincerely thank my family for their understanding and support in this new endeavor. It means a lot to me.

Thank you, Mr. Chairman and members of the committee. I look forward to any questions you might have.

Chairman LEVIN. Thank you.

Dr. Sambur.

STATEMENT OF MARVIN R. SAMBUR, PH.D., TO BE ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION

Dr. SAMBUR. Thank you, Mr. Chairman and other distinguished members of the committee. I am honored to appear before you this afternoon as President Bush's nominee to serve as the Assistant Secretary of the Air Force for Acquisition.

I would like to thank the President, the Secretary of Defense, and the Secretary of the Air Force for their support and confidence in me by recommending me for this position.

I thank you, Mr. Chairman and members of the committee, for taking time from your busy schedule, particularly during this very trying time, to conduct this hearing.

To those who have spent the hours preparing me for the moment and for the continuing support and constant love from my family, my wife Arlene, my daughter Beth, and my son Ian, I again say thank you.

If confirmed, now more than ever, in the wake of the September 11th attack on our Nation, I look forward to the opportunity to serve my country and especially to serve the men and women of the United States Air Force. Mr. Chairman, I cannot think of any finer job directly impacting the lives of Air Force personnel than the position for which I have been nominated. If confirmed to this high honor, I pledge my full support and energies to making Air Force Acquisition the absolute role model for the entire Federal Government in integrity and excellence.

In closing, if confirmed, I look forward to an active relationship with you, Mr. Chairman, and the members of this committee as we work together to keep our Air Force the best in the world.

Thank you.

Chairman LEVIN. Thank you, Dr. Sambur.

Ms. Walker.

STATEMENT OF MARY L. WALKER, TO BE GENERAL COUNSEL OF THE AIR FORCE

Ms. WALKER. Thank you. Thank you, Mr. Chairman and members of the committee. I am honored to be here as well.

I only intend to make brief remarks and would ask that the balance of my statement be made a part of the record.

Chairman LEVIN. It will be.

Ms. WALKER. I want to thank the President, Secretary Rumsfeld, and Secretary Roche for the confidence they have expressed in me

in considering me for the position of General Counsel for the Air Force.

The Department of the Air Force is a magnificent organization with a great team of dedicated and talented people performing a crucial mission. Secretary Roche is a man of great vision and talent, and I would look forward to working with him and other senior members of the Department with the goal of making a lasting contribution to the security of our Nation.

Every day the brave men and women of the Air Force, including the excellent lawyers at the General Counsel's office, have the satisfaction, when they go to work, of knowing that their efforts are serving the national defense and helping to preserve freedom around the world. If you honor me with confirmation, at least for a brief period, I will be able to join them in this important effort. It would be my sincere privilege to do so. I can think of no more important place to serve my country at this time.

I am happy to answer any questions you might have. Thank you.

[The prepared statement of Ms. Walker follows:]

PREPARED STATEMENT BY MARY L. WALKER

Mr. Chairman, Senator Warner, and members of the committee, I am honored to be considered as the President's nominee for General Counsel of the Department of the Air Force. At this critical time in our Nation's history, I can think of no better place to serve our Nation, and I am deeply grateful to the President, Secretary Rumsfeld and Secretary Roche for this opportunity.

I have practiced law for more than 20 years, specializing in land use and natural resources law, but also handling many other matters, including labor and contract issues and business litigation. While most of my career has been spent in California, I have also previously served the Federal Government in Washington, DC, and I am pleased to now reside in the great Commonwealth of Virginia.

I began my career as counsel to Southern Pacific Company in San Francisco in the early 1970s, representing the railroad, pipeline, trucking and land subsidiaries in eight western states. It was a formative time in the development of environmental and natural resources law, and I was involved in helping Southern Pacific comply with the Clean Air Act and the Federal Water Pollution Control Act from the early days of those landmark laws. Together with the U.S. Coast Guard, and several state governments, I taught seminars to the company's mid-level managers systemwide on the new Federal statutes. Since then, I've worked on many other environmental and land use issues, representing local governments, private landowners, and companies. I have been both the lawyer advising the decision-maker as well as the decision-maker.

In my various roles, I have sought to understand the concerns of competing interests in working with environmental and public interest groups. I found the key is often establishing open communication and retaining a willingness to hear each other's perspectives, while working toward common goals. For example, as a U.S. Commissioner serving on the Inter American Tropical Tuna Commission, from the late 1980s to the mid 1990s, I worked with environmental and public interest groups, the fishing industry, the Commission's technical staff and the State Department to reduce dolphin mortality in the tuna catch to biological insignificance, while at the same time, maintaining a healthy fishery that now feeds many nations. This was not an easy task. It took the combined will of many people over many years, but in the end, we achieved a great result. I was pleased to testify in favor of Senator Ted Stevens' legislation in 1996 that recognized and built upon this effort.

In the early 1980s, I had the privilege of serving the Federal Government as Deputy Assistant Attorney General in the Land & Natural Resources Division of the Justice Department, enforcing the Nation's environmental and natural resource laws. I worked with career Justice Department lawyers to build a foundation of judicial opinions supporting the Federal Government's new Superfund law. We also created the Environmental Crimes Unit and helped train the first investigators supporting the Federal Government's criminal enforcement effort. These included successful undercover operations to stem the tide of illegal international trade in endangered species.

As the Deputy Solicitor for the Department of the Interior in the mid 1980s, I experienced first hand the challenges faced by a department with many diverse missions. Among other tasks, I worked with the Pacific Northwest Indian tribes on the team that negotiated the Pacific Salmon Treaty with Canada; I helped defend the offshore oil leasing cases; I supervised the team that drafted the first natural resources damage regulations; and I was on the team that negotiated the Bering Strait boundary with the USSR.

As Assistant Secretary of the Department of Energy for Environment, Safety & Health in the late 1980s, I worked with talented career staff in both headquarters and the field offices to assure that environmental compliance of the nuclear weapons program was properly undertaken at the Department's facilities. We worked in cooperation with Congress, other Federal agencies, and the states, often in areas where regulatory jurisdiction was unclear, in order to better address the legacy of environmental issues at the Department's facilities and to effect full compliance. I also worked closely with the Defense Department concerning nuclear safety standards involving the nuclear Navy. It was during my tenure at DOE that the Chernobyl incident occurred at Kiev, and we were very involved in analyzing and presenting to Congress the causes of that event.

In the private sector these past few years, I have represented a diverse range of clients, ranging from high tech and biotechnology companies to shipyards, the seafood industry and other, more traditional industries. I have served my community in several pro bono board relationships, including the San Diego Biocommerce Association ("BIOCOM"), Floresta, Inc., the Professional Women's Fellowship, and the Endowment for Community Leadership. I have also worked closely with the Navy's lawyers in San Diego on regulatory issues under the Federal Water Pollution Control Act.

If confirmed, I would look forward to using my background and experience to serve the Air Force and to advise the Air Force Secretary and the Assistant Secretaries in their efforts to renew and rebuild the force structure. I would also look forward to working with this committee and assisting you in whatever way I can. This is a crucial time in our country's history and it would be a privilege to serve in this role at this time.

I would be pleased to answer any questions you might have for me.

Chairman LEVIN. Thank you very much.

I think we will have rounds of 8 minutes. First, Dr. Beckner.

Dr. Beckner, to your knowledge, is there any reason associated with the safety, security, and reliability of the current stockpile to conduct nuclear weapons tests at this time?

Dr. BECKNER. No.

Chairman LEVIN. The Stockpile Stewardship program has made significant progress since you were last there in 1995. In certain instances, the new Stockpile Stewardship tools have enabled resolution of problems that in the past would have required an underground nuclear test. These tools have also allowed a greater understanding of the weapons.

Do you feel that the tools that are underway as part of the Stockpile Stewardship program will be successful in addressing the long-term needs of the stockpile?

Dr. BECKNER. Yes, I do, but it will be a long and arduous course that we will have to stay. It is a very difficult task and one which, in the final analysis, means we rely on the confidence of the people who do the work at the laboratories and in the plants. The feature that I think we will have to work hardest to protect is the confidence of the people, the people who are in the trenches as it were. That will be my major concern.

Chairman LEVIN. Thank you.

My last question for you is the following: The Department of Energy and the National Nuclear Security Administration have struggled to adequately plan and to execute projects, and to address this problem, an office of project management was created. Will you

continue to fully support and fund this effort to avoid the problems of persistent cost and schedule overruns?

Dr. BECKNER. The basic answer is yes. But let me say a little more than that, and I have said this previously in answer to some of the questions which were provided to me earlier by the committee. I believe it is important that we weigh all of our problems at any given time when we make our decisions. We cannot make decisions in isolation from other parts of the program. I want to be sure that we do the proper analysis so that we know that we are working on the most important problems, that we are funding the most important problems, that we are seeking funds for the most important problems, so that we do the right thing.

Within that context, there is no question in my mind we have serious a problem in the complex with infrastructure. I think we are moving in the right direction, and I support that.

Chairman LEVIN. Thank you.

Ambassador Brooks, given the recent terrorist attacks highlighting where the major threats are to this Nation, do you believe that the Department of Energy should increase its efforts to secure nuclear materials and nuclear weapons usable materials in Russia?

Ambassador BROOKS. Yes, sir, I do, but I need to qualify that "increase its efforts" may or may not translate into more money. It also translates into more urgency. In some areas in Russia, the limiting factor is not funding but access, and I believe that both we and the Russian Federation, in recognizing the changed environment reflected by 11 September, need to move more quickly to resolve these issues. There is no question that securing nuclear materials and weapons in Russia is one of the most important responsibilities that I will have, if confirmed.

Chairman LEVIN. Are you familiar with the task force report that Senator Baker and former White House Counsel Cutler produced?

Ambassador BROOKS. Yes, sir.

Chairman LEVIN. You are familiar with the conclusions that they reached about the major threats to this country?

Ambassador BROOKS. Yes, sir, I am, and I think that those conclusions are sound and responsible. I found that report very helpful in preparing for my new responsibilities.

As I said in my answer to the committee's questions, they were not asked to balance funding requirements against other priorities, so I think it would be dishonest to suggest that I am going to achieve the tripling of funding that they would call for. But if I had that tripling of funding, I could do good things for the country with it.

Chairman LEVIN. The Department of Energy nonproliferation programs are engaging thousands of scientists and engineers in Russia and other countries of the former Soviet Union, but have provided relatively few permanent full-time jobs. It is important to provide work for scientists and engineers who continue to be employees at their own institutes so that they can remain in Russia. But it is also important to begin to work to establish permanent full-time jobs outside of those institutes where necessary. It is particularly true because many are losing their jobs as Russia downsizes their nuclear weapons complex.

Would you agree that it is important to provide that kind of employment for those scientists?

Ambassador BROOKS. Absolutely, and to do that, we have to help transform that weapons complex into something that is more appropriate for the modern world.

Chairman LEVIN. Do you know offhand how many scientists and engineers are in permanent, full-time jobs as a result of the DOE's efforts?

Ambassador BROOKS. Only a few hundred are in permanent, full-time jobs. There have been tens of thousands who have been employed in part-time jobs, about 10,000 through the Intiatives for Proliferation Prevention, another 35,000 through the State Department's comparable program on science and technology.

We are looking this year, as I understand it, at having several hundred employed as part of this new kidney dialysis facility at Avangard. We are looking at several hundred more employed in coal mining and oil drilling radar systems, and there are some other projects of comparable numbers. But the permanent employment thus far is measured in hundreds rather than thousands.

Chairman LEVIN. Thank you.

Dr. Winkenwerder, our committee expects that you will, if confirmed, exert a strong influence on the future of the military health system, and the next generation of managed care support contracts is a major feature of that future. The President has nominated you for many reasons, but one is surely your strong experience in the delivery of health care in the commercial world. Your background and experience are going to be invaluable as the Department makes changes to move the military health system forward.

We understand the Department is going to conduct an industry forum at the end of the month to discuss fundamental changes in contracting for health care administration and services. I am wondering, are you going to be involved in the design of the next generation of managed care support contracts? Have you been briefed on the recommendations of the TRICARE management activity for the next generation of those contracts? Are the proposals and recommendations, if you are familiar with them, consistent with what you believe is an appropriate approach for the Department to take?

Dr. WINKENWERDER. Thank you, Senator, for that question. A very important matter to the future of the TRICARE program is the whole contracting structure or infrastructure for the program. The quick answer to your question is that yes, I definitely intend to be intimately involved with that. To date, I have been briefed in a very general way about this upcoming symposium or session that is to be held and about the concepts of business that we are thinking about.

It would be my intention, if confirmed, to review those concepts and to review all that has currently been proposed and, frankly, to hopefully take advantage of my experience in the private sector to bring forward ideas and thoughts about how we can best do that contracting because it really is fundamentally important to how the program works since so much of the care is outside of the military treatment facilities but in the "private sector."

Chairman LEVIN. This is my last question for this round. Some of us have recently seen a presentation called Dark Winter, which

is an idea of what biological terrorism could produce with smallpox in this country. Are you familiar with the issues of biological terrorism? How would you act to make sure that our Department is fully prepared in conjunction with the Public Health Service and all the other facilities at the local, State, and Federal level to respond to a terrorist attack using a biological agent?

Dr. WINKENWERDER. Senator, I have not seen the report of the Dark Winter planning or preparation scenario, but I would hope to get briefed on that and a whole manner of other matters relating to bioterrorism and efforts that we have in place and that we might put into place in the near future to further prevent or minimize any harm from any attack in the way of bioterrorism.

I could just tell you this, that if confirmed, the central principle underlying all of my efforts to lead the military health system would be simply this: Be prepared. Even though the risks of certain events might be relatively small, if the outcomes associated with those events are devastating or large, I think our best approach is to be prepared. There are all manner of ways that we can be prepared, and part of my task, I think, is going to be to prioritize those risks and to do those things that would have the most benefit for the dollars spent.

Chairman LEVIN. Thank you very much, Doctor.

I'm going to call on Senator Warner next. I think he takes precedence.

Chairman WARNER. Mr. Chairman, I am going to yield to Senator Landrieu and Senator Allard and ask that my statement be submitted for the record. I believe Senator Landrieu has an understandable need to depart, and why does she not take a question here?

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in extending a warm welcome to our nominees and their families. Thank you for your willingness to serve at this challenging and demanding time in our Nation's history.

Ambassador Brooks has had a distinguished career of government service. During the previous Bush administration, he served as the Assistant Director for Strategic and Nuclear Affairs at the United States Arms Control and Disarmament Agency, and, also, in the State Department as Head of the United States Delegation on Nuclear and Space Talks and Chief Strategic Arms Reductions (START) negotiator. He was instrumental in the final preparation of the START I and START II Treaties. Prior to that, he served as Director of Arms Control on the staff of the National Security Council after completing a distinguished 30-year Navy career as a nuclear qualified officer.

Dr. Sambur has had a distinguished career in the private sector as a senior executive of ITT Industries. As President of ITT Defense and ITT Aerospace and Communications, Dr. Sambur has overseen multi-million dollar programs involving military tactical communications, production of space borne navigation and meteorological satellites, and a wide array of Defense-related programs.

Dr. William Winkenwerder has compiled an impressive career in medicine, academia, business, and government. He is a board-certified physician who served in the Health Care Financing Administration of the U.S. Department of Health and Human Services from 1987 to 1988 as a Special Assistant to the Administrator responsible for policy coordination and development of payment issues in Medicare and Medicaid. He was a member of Emory University's faculty from 1996 to 1998 serving as Associate Vice President for Health Affairs. Dr. Winkenwerder has extensive executive experience on the business side of health care as Vice Chairman in the Office of the CEO of Blue Cross and Blue Shield of Massachusetts and Vice

President and Chief Medical Officer for Southern Operations with Prudential Health Care. Thank you for your willingness to return to government service

Dr. Everet Beckner, if confirmed, will also be resuming his already exceptional career of government service. From 1962 through 1990, he was employed at Sandia National Laboratories in Albuquerque, New Mexico, rising from Staff Member to Vice President of Defense and Energy Programs. From 1991 to 1995, Dr. Beckner as the Principal Deputy Assistant Secretary of Energy for Defense Programs. With his subsequent experience in the private sector, he is highly qualified for this vitally important position in the Department of Energy.

Ms. Walker also has a record of public service and achievements in law. In the 1980's she served the Federal Government in several positions: as Assistant Secretary for Environment, Safety and Health with the Department of Energy; as Deputy Solicitor of the Department of Interior; and as Principal Deputy Assistant Attorney General of the Land & Natural Resources Division of the Department of Justice. She subsequently engaged in a diverse legal practice representing a variety of private and municipal government clients. I welcome all of you.

Senator LANDRIEU. Thank you, Senator Warner. I sure appreciate that. If I could just have one moment because, unfortunately, I do have to get to another meeting. But I wanted to come and congratulate all of you on your nominations and just to say I am going to submit my statement for the record, if there is no objection, Mr. Chairman.

The subject areas for which two of the nominees will have responsibility if confirmed fall within the jurisdiction of the Emerging Threats and Capabilities Subcommittee. These are the Assistant Secretary of the Air Force for Acquisition and the Deputy Administrator for Defense Nuclear Nonproliferation. Thank you, Mr. Sambur, for your commitment to excellence and efficiency in purchasing. We look forward to working with you on this, because at every time, but particularly at this time, we have to be very careful and strategic about our investments. I want also to call to everyone's attention and to thank you for your comments about serving our Nation at this time.

Senator Sam Nunn, who has done wonderful work in this area of nonproliferation, Ambassador Brooks, wrote a beautiful editorial a couple of weeks ago that said the terrorists' capacity for killing was restricted only by the power of their weapons that they had at hand. We all have great responsibility in this area, and many of you we will be working with directly.

I look forward to working with you all on the great challenges ahead. I thank you for your willingness to serve because our country needs you. Thank you.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT BY SENATOR MARY L. LANDRIEU

Thank you, Mr. Chairman, one of the greatest powers entrusted to Congress is the power to confirm executive appointments. Today, these appointments and confirmations are even more important as we engage in a long war with those terrorists and their supporters who threatened our way of life on September 11. This war will have traditional aspects, but it will also be a new and silent type of war. From my vantage point, as Chairwoman of the Subcommittee on Emerging Threats and Capabilities, a key player on behalf of those who favor liberty and democracy in this silent war will be the National Nuclear Safety Administration. From the protection and safety of our nuclear stockpiles—to the carrying out of the Nunn-Lugar programs to ensure nuclear materials are reduced and kept out of the hands of those to whom they do not belong—the NNSA's mission has never been so critical.

As Pope John Paul said in 1981 on a visit to Hiroshima, "From now on, it is only through a conscious choice and through a deliberate policy that humanity can survive." Those words rang true at the height of the Cold War. The Cold War is now

over, but the Pope's words are still prophetic and appropriate as we enter this silent war.

America must secure its own backyard. Our nuclear inventory must remain both workable, if the unfortunate need for nuclear weaponry should arise, and the inventory must remain safely in the hands of the American military. Efforts must be undertaken to gird our nuclear arsenal from those wishing to abscond with nuclear weapons or perpetrate a terrorist attack on our nuclear stockpiles.

Moreover, we must also look abroad to ensure that those nations, especially Russia and the independent states formerly in the Soviet Union, with nuclear weapons do not allow them to fall into the hands of terrorists and rogue nations. As Chairwoman of the Emerging Threats and Capabilities Subcommittee, we must take all actions necessary to strengthen our partnerships with Russia on non-proliferation and weapons reduction programs.

I am encouraged that the administration has chosen two gentlemen with keen awareness of these concerns to serve as Deputies at NNSA. Ambassador Brooks, I enjoyed our conversation and visit a couple of weeks ago. Please know we share a common vision on our Russian partnership.

Furthermore, General Gordon, Director at NNSA, has also expressed his faith in your nomination. Dr. Beckner, we have not met, but your credentials are worthy, and hope we can meet soon. I look forward to working with both of you closely in the future upon your confirmation.

Chairman LEVIN. Thank you.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman, and thank you, Senator Warner.

I want to direct my first question to Ms. Walker. Due to the recent events that have transpired, there's a necessity of all the Federal agencies to work closer together, particularly the Defense Department and military affairs. Do you see any legal or regulatory issues out there that would make it difficult for the Department of Defense to work with other Federal agencies during this time period?

Ms. WALKER. Thank you, Senator, for that question.

I know that coordination with other agencies is going to be very important and military affairs is, of course, one specific area of the General Counsel's office that is very important to its mission.

I know of no impediments to working with other agencies at this time. However, we will be looking at all the necessary coordination that needs to take place and we will be doing our very best to do that. I am very glad that I have had prior Government service, which I understand other General Counsels before me, if I am confirmed in that position, have not had, because I think it really helps facilitate those relationships where they are going to need to be made for the mission. So, I appreciate your concern and would be looking at that if I was confirmed.

Senator ALLARD. If you run into those kind of problems, I hope you will keep us informed of something that needs to be done.

Ms. WALKER. Absolutely. I will. Thank you.

Senator ALLARD. Also, the next question I would like to direct to Dr. Winkenwerder. As you know, I am a veterinarian, so I take a particular interest in animal diseases such as anthrax. In light of the recent events down in Florida, it highlights the issue. What do you believe the risks are to military personnel, and what action should we be taking to mitigate these risks? We have had a number of hearings on the vaccination for anthrax. I would be glad to hear your comments on that.

Dr. WINKENWERDER. Senator, I cannot speak as an expert with respect to the level of risks that would possibly be directly applica-

ble to the men and women who are in active duty or even on bases here in the United States. But the events of September 11 I think raise the specter that our adversaries would use any means they could put into their hands to inflict harm on us and on our military.

We have an active anthrax vaccine program. A significant number of the military have been either fully or partly immunized. There are issues with respect to the adequate manufacture and production of anthrax vaccine. It would be among, if not the highest priority, as I step into this position if confirmed, to do everything in my power working not only with leadership in the Department of Defense, but also with the people in Health and Human Services and Homeland Security, to the extent that they are also involved, to expedite the production and manufacture of an anthrax vaccine that is safe and effective and to ensure that on a long-term basis we have a stable source, a stable manufacturer, that is well positioned to provide as much of the vaccine as not only the military needs but the rest of the country may need.

Senator ALLARD. It seems to me that there is an opportunity in your area to have some joint efforts that would provide some efficiencies and probably cost savings to the taxpayer. Are there any barriers that you see right now where it would prevent you from working in a joint environment? For example, the Veterans Administration. It seems like there could be some savings there, for example, on pharmaceutical items. Would you comment on that?

Dr. WINKENWERDER. It is my view that we need to do a better job communicating, coordinating, and avoiding not only duplication of effort but making things more seamless between the Veterans Administration and the Department of Defense Health Affairs operations. I would be very committed to working with those that are already working on this problem.

We have a committee that meets on a bimonthly basis to look at opportunities for better coordination. As you know, there is a presidential task force that was recently commissioned on that very issue. I look forward to working with the task force members and the leadership of the task force to try to implement the recommendations that they may come forward with.

Senator ALLARD. Dr. Sambur, your position in working with transition technology requires a significant bit of communication between you and the ultimate users of your technology. You have this transition occurring and then the areas that you are trying to develop. What do you plan to do to enhance communication between yourself and the ultimate users of the technologies that you will be acquiring?

Dr. SAMBUR. Thank you for that question.

I think, if I am confirmed, the first action would be to increase communication and put an emphasis on that transition process. I believe where the failures occur are usually associated with the lack of emphasis and the lack of willingness to communicate and make sure that there is a process involved with that transition.

Senator ALLARD. So, you think getting out and getting the job done and showing a willingness to communicate is the answer?

Dr. SAMBUR. Basically emphasizing that you need to make it happen.

Senator ALLARD. Dr. Beckner, I have one specific area that I am particularly interested in and that is the accelerated strategic computing initiative. That is where we are talking about basically increasing our computer capacity to 100 tera-ops, which is 100 trillion mathematical operations per second, which would make that the fastest computer in the world. In your opinion, will our software be sophisticated enough and will there be sufficient demand by the weapons laboratory in 2005 to justify this size of operating computing system?

Dr. BECKNER. What we have to go on at this time is the dramatic increase in computing power over the past 5 years within the program structure to the point where it is today, in the vicinity of 10 tera-ops as opposed to 100. 100 tera-ops is coming in another few years.

To date, we have found that we have moved smoothly upward in capability, as the machines have been available. Software has been written and very successful, and the computers are absolutely loaded to the maximum capacity by the users. So, I would predict, since things have gone up so much over the last few years, that 100 tera-ops is a very reasonable goal and will be fully utilized.

Senator ALLARD. I think a lot of individuals in this country assume that we have the capability to build a nuclear warhead from scratch, which we no longer have with the closure of Rocky Flats in Colorado. What is being done to move us toward some kind of conceptual design for a pit production facility? Can you share that with us without getting into the top secret category?

Dr. BECKNER. Yes. On the one hand, I am not yet fully informed. I have not been briefed in-depth, but I do know at least the basic structure of the path forward. The path forward relies, in the short term, on increasing the capability of the facilities at Los Alamos. Beyond that, however, it would appear to be necessary to build a new pit fabrication facility with the timing and the location to be worked out. The other thing that plays into this is really the question of the stockpile and the reviews that are presently ongoing as to the future size and composition of that stockpile which will tell us what size plant you need and what its capabilities need to be.

It is not yet imperative that we have all the answers, but it will be soon. Over the next few years, it will be an important element of the job I have to do, to bring forward to Congress the requirements for that facility and to see if we can get you to support it.

Senator ALLARD. My understanding is if we reach that point, we could require some testing. Is that correct?

Dr. BECKNER. I would not be prepared to say that at this time. I think I will have to know a lot more before I would answer in the affirmative.

Senator ALLARD. Very good. Thank you.

Mr. Chairman, thank you.

Chairman LEVIN. Thank you, Senator Allard.

Senator Warner.

Senator WARNER. Thank you.

I apologize for being late, but the leadership and those Senators from the States that were struck by the terrorist attacks held a ceremony on the Capitol grounds this morning, and I was participating when this hearing started.

Dr. Winkenwerder and others, having spent some time in that building myself, it is always nice to see all of you out here in a very friendly spirit at this time. But once, hopefully, you are confirmed by the Senate and you are back, you have got to become fighters and infighters for your own budget. Believe me, that is a rough arena. They built the Pentagon not unlike a boxing ring, if you ever stop to think about it. It has five instead of four sides, but you are going to have to get in there and struggle to get your budgets.

Much of the budget before this committee and work on DOD authorization is predicated on events that preceded the 11th of September.

That brings me to the question in your case, Dr. Winkenwerder, the reality now that this country could be faced with another cataclysmic problem as it relates to biological, or chemical or other terrorism. The Department has to think through how they can work with local communities to handle totally unanticipated numbers of casualties. I am sure you have given some thought to that, recognizing that you would be here today for a hearing and in all likelihood that you will assume this post. That's going to take some money. Are you going to be able to fight vigorously for that?

Dr. WINKENWERDER. Senator, I am fully prepared to fight for whatever resources we would deem at the Department would be important and necessary to have for bioterrorism protection.

I think to your point earlier about local and civilian efforts, obviously our focal point has to be on protecting the men and women in the armed services, and we stand ready to help the civilian sector but it is not our primary and principal focus.

That said, speaking outside the realm, for a moment, of my role at the Department of Defense, if confirmed, I can just tell you that I think—things that have already been stated, in terms of the local health departments, the State health departments are very fundamentally important to protection of the public health.

What I would want to do, if confirmed, is to make sure that we are working very closely with the Centers for Disease Control at the Federal level, the Food and Drug Administration, other agencies at the Federal level, as well having good contacts and communication with the State and local levels to support where appropriate.

Senator WARNER. One of the great things in the aftermath of the 11th has been the unity of this Nation. The President has, I think, courageously struck the theme—we are all in it together. If a community had the misfortune of being hit and they needed 1,000 beds in 24 hours, my guess is the Department of Defense, unless FEMA has them tucked away somewhere, is going to be there on the spot. So, yes, your primary responsibility is for the uniformed personnel and their families. Always remember that phrase, I caution each of you, "and their families."

Now, Ambassador Brooks, we are fortunate as a country. You have a lot of experience in the area which you are undertaking. Given now the events of the 11th, I think you have to go back with your Secretary and reexamine that budget to see whether or not there are some domestic needs that would require some diversion of your budget for a period of time to take some precautionary steps. Are you willing to do that?

Ambassador BROOKS. Yes, sir. I think what is most attractive in that area is research and development. A number of the research and development efforts of the Department are directly related to protecting against chemical and biological as well as nuclear terrorism.

Senator WARNER. Well, true, but also nuclear waste. Now, that is an area for which everybody, from those of us sitting here in the Senate to your agency, has identified as a very high priority. Without spelling out the details here, you know that we have to direct our attention to that subject right away.

Ambassador BROOKS. Yes, sir.

Senator WARNER. You are aware of the reasons for that.

Ambassador BROOKS. Yes, sir.

Senator WARNER. Ms. Walker, I am going to read something to you, and I think you best just say you are going to answer it for the record.

Ms. WALKER. Yes, sir. [Laughter.]

Senator WARNER. I have known Secretary Rumsfeld since his days in the Nixon administration. We were both young men operating in that arena, so we have been personal friends for a long time. But I love to read some of his pronouncements. Listen to this one.

In a speech last month, Secretary Rumsfeld announced a new initiative aimed at redundant Pentagon bureaucracy. He called for a transformation of the way the Department works and streamlining wherever possible. That is the introduction. As an example of redundancy, Secretary Rumsfeld noted that there are dozens of offices of General Counsel in the Department and that there is another General Counsel's office whose only job is to coordinate all the other General Counsel's offices.

Now, you will answer that for the record, will you not? [Laughter.]

Ms. WALKER. I sure will, sir.

[The information referred to follows:]

I am familiar with Secretary Rumsfeld's Assistant SECAF for Space September 10th speech "Bureaucracy to Battlefield." The Secretary identified the Pentagon bureaucracy as an enemy of sorts and discussed the need for transformation. One area he discussed was DOD's legal support structure, stating ". . . maybe we need many of them. But I have a strong suspicion we need fewer than we have. We're going to take a hard look to find out."

I certainly support efforts to maximize efficiency, encourage cooperation, and eliminate duplication. If confirmed, I would work to increase efficiencies and seek ways to eliminate needless bureaucratic obstructions.

The Air Force exists to defend our country and fight our Nation's wars. As such, all organizations within the Department must carefully consider how we contribute to that overall, defining mission. I am convinced that the Office of the Air Force General Counsel has a specific role in advancing the interests of the Department of the Air Force across a broad spectrum of responsibilities directly contributing to national defense. If confirmed, I will take great care to ensure the manning and resources of the Office of the Air Force General Counsel are appropriate to ensure the quality of legal support necessary to support the Department.

Chairman LEVIN. You cannot get a better advisor than Senator Warner, I will tell you that right now. [Laughter.]

Senator WARNER. You may be in that arena pretty quickly.

But having again served in the Department, I have the highest regard for the lawyers for the service Secretaries. This President and this Secretary of Defense have chosen three extraordinary individuals to serve in those posts. The lawyer is a very needed asset.

So, do the best you can to show that you are going to be consistent in trying to reduce redundancy, but keep that staff that the Secretary and you feel is necessary.

Ms. WALKER. Yes, sir.

Senator WARNER. Mr. Chairman, I know that we have another hearing, and I am going to ask that some of my questions to these nominees be submitted for the record because both of us have responsibilities elsewhere. Do you have one or two and then I will follow up with just one?

Chairman LEVIN. I do have some additional questions.

Senator WARNER. Why do you not go ahead with one or two of them.

Chairman LEVIN. Well, maybe a few more than that.

Back to Dr. Winkenwerder. Are you familiar with the Department's anthrax vaccine immunization program?

Dr. WINKENWERDER. Yes, sir.

Chairman LEVIN. Do you support it?

Dr. WINKENWERDER. Yes, sir.

Chairman LEVIN. There has been a delay in FDA approval of vaccine and the processing of that vaccine and the approval of the only current producer of the vaccine. It is expected later this year, but FDA in this way is incredibly slow at times in acting. I am wondering whether or not you would take some action to facilitate and speed up the FDA approval if you are confirmed.

Dr. WINKENWERDER. Yes, sir, I sure would. I am told at this point that action has been taken to try to expedite that review and approval. It would be my plan, if confirmed, to review that plan and to ask the question, is there any way that we can further expedite that approval? Certainly we cannot ask the FDA not to do what it needs to do, but that said, I would like it if things could be done exceptionally quickly.

Chairman LEVIN. There have been too many instances where they have said that some of their actions are going to be on a fast track where they have not put them on a fast track. I agree with you, you cannot take shortcuts in those processes, but it is taking them much longer than they have committed to in a whole host of areas, and I cannot think of anything much more important than this anthrax immunization program. So, your voice will hopefully speed up that process.

We have a provision in our bill that relates to claims processing procedures. In the DOD and outside of the DOD, there is an incredible amount of paperwork when it comes to health care claims and health payment claims. I think you are probably familiar with how much of our health care dollar goes just purely into administration. The private sector is beginning to try to do something about the high cost of claims processing.

We have a provision in our bill which instructs the Department to examine their current processes and procedures relating to processing, to reduce the high cost of claims processing, to improve the timeliness of payment of claims and explanation of benefits, simplify information provided to beneficiaries relating to such claims through more automated processing is flexible and understandable. Will you pay some attention to that, assuming that that stays in the final bill?

Dr. WINKENWERDER. Yes, sir. If confirmed, I would absolutely want to look at that.

Chairman LEVIN. I have been involved for a long time in trying to increase the amount of organ donors. A number of our colleagues have been involved in that effort, by the way. I have focused on the Defense Department and our hospitals inside the Defense Department because of the jurisdiction of this committee. We have a program to inform the beneficiaries that use the military health system of the value of the program, to encourage them to sign up for the program, and to inform loved ones of those who pass away of what is at stake if they are able to utilize the organs of that loved one to keep life sustained for somebody else. The Department is now looking into noting organ donors on military IDs.

I am wondering whether or not you are a supporter of organ donor programs in general and whether you will give some support to that program inside the Department.

Dr. WINKENWERDER. The quick answer, sir, is absolutely. Organ donation and organ transplantation save lives. One of the keys to making those programs work is awareness of the public or, in this case, the military personnel and their families. We need to do all that we can to get their participation levels at the highest.

Chairman LEVIN. Well, thank you for that. I hope that you would take a look at some of the statistics that have been produced inside the Department. They are a little encouraging but not nearly as much as they should be. So, take a look at what the hospitals have been able to do.

Dr. Sambur, let me ask you just a couple quick questions. The Air Force has cut its science and technology investments by about 50 percent since the Cold War was over. How do you protect investments in research given the need for a lot of short-term items?

Dr. SAMBUR. Well, that is obviously a very fine balancing act, but I think the issue here is basically to make sure people understand that the seeds of our future security rest with the science and technology programs we are doing now. If you don't have an emphasis on science and technology, if it is not brought up to the importance level it deserves, then you are really risking our security.

If confirmed, I would like to work very closely with you and the committee to make sure that the proper attention is given to the science and technology programs.

Chairman LEVIN. Thank you.

In a recent report on Air Force research and development (R&D) programs, the National Academy of Sciences noted that the broad scope of responsibilities of the Assistant Secretary of the Air Force for Acquisition can prevent effective advocacy for Air Force scientific and technical (S&T) at the corporate policy and decision making level of the Air Force. Do you agree with that assessment and how are you going to balance your responsibilities for large acquisition programs with the need to protect smaller but very important, as you have just pointed out, R&D programs?

Dr. SAMBUR. Well, as I said, Mr. Chairman, this is a very fine balancing act. You need to make sure that you are in constant communications with everybody to make this happen, and at the end of the day, you have to give emphasis to these science and tech-

nology programs, otherwise things will happen in the future that you will be sorry for.

Chairman LEVIN. Are you familiar with that National Academy of Sciences report?

Dr. SAMBUR. No, I am not.

Chairman LEVIN. Well, perhaps then after you are confirmed, you would take a look at it.

Dr. SAMBUR. I will certainly do that, if confirmed.

Chairman LEVIN. Congress has worked with the Department to waive regulations and create new hiring and promotion authorities so that the Department can become a more attractive work place for highly trained technical workers. Congress and the National Academy of Sciences have been disappointed with the degree to which the Department has utilized those new authorities, and I am wondering how you would have the Air Force address the issue of attracting and retaining the finest technical work force possible.

Dr. SAMBUR. I am not familiar, as I said before, with that report, but obviously the success of any endeavor in science and technology depends upon the quality of the people. So, at the end of the day, you have to find the solution to that, and if confirmed, I will certainly make that a priority.

Chairman LEVIN. Take a look at some of those provisions that we have put in place to give you some authority especially for that purpose, to address the lack of adequate utilization of those authorities. Please put that on your list of things to do if you are confirmed.

Dr. SAMBUR. I will certainly do that.

Chairman LEVIN. Ms. Walker, last Friday the President issued a directive that purported to limit congressional access to classified information. The President has modified that since, perhaps not technically in written form, but nonetheless has sent very clear signals that there is no intent that he had to restrict access to classified information by this committee and other committees who have a need to have that information. We cannot operate without classified information. We cannot make the assessments that we have to make as to what weapons systems work, which ones do not work, where our shortfalls are in the inventory, and a hundred other things without classified information.

Do we have your assurance that you will do everything within your authority to ensure that information needed in our activities as an authorizer and in our oversight role will be provided to this committee in a timely manner?

Ms. WALKER. Yes, Mr. Chairman, you do. I agree that Congress and particularly this committee must have access to information in order to perform essential functions. If confirmed, I would commit to work within the procedures established between Congress and the executive in order to make that classified information available to you.

Chairman LEVIN. The last question I have is the following, Ms. Walker. Congress relies on accurate and timely information to carry out those oversight responsibilities. The information usually runs through official channels, but sometimes it comes from whistleblowers. In the past, we have seen on occasion retaliatory action taken against whistleblowers who have come to Members of Con-

gress with classified information, revealing waste, fraud, or abuse in the Department of Defense activities.

My question of you is this: do you believe that such whistleblowers, those who bring classified information to Members of Congress, should be protected from retaliation?

Ms. WALKER. Well, that is an interesting question, Mr. Chairman. I have not considered any specific cases, obviously, or what was involved in any of that. Obviously, whistleblowers—and I know that is a category that is somewhat charged—perform an essential function many times. I was aware, as Assistant Secretary of Energy, that there were times when whistleblowers brought information to us in the environment, safety and health area that was essential. They should be protected from any retaliation for that.

When you are dealing with classified information, I am not prepared today to speak to specific cases and what might be involved in that. But I do agree with you. If you are suggesting that whistleblowers often perform a valuable service and should not be retaliated against, in general I would agree. If they are violating specific laws or policies against revealing classified information and under what circumstances they bring that information forward, I cannot speak to those cases. There may be times when those need to be reviewed on an individual basis. But in general, when it comes to whistleblowers, I do believe there is a service often performed there.

Chairman LEVIN. Now, Members of Congress have clearance to receive classified information. So, what would be the problem with a whistleblower giving us classified information if we are authorized to receive classified information?

Ms. WALKER. Well, I understand—and again, my understanding is not perfect—that not every Member of Congress receives the same degree of classified information nor at the same level. So, what I was speaking to was really without assuming that the member to which that information was given was an appropriate receiver of that information. If you are suggesting that it is a member of this committee receiving information that is appropriately given, then I would agree with you. In that circumstance, it would seem retaliation would be obviously something that is not warranted.

What I was suggesting is there may be circumstances where certain levels of classified information might be revealed to those who would not otherwise receive it based on the level of the classification, and in those instances, I could not prejudge what might be appropriate action taken by the Department. That is all I am saying. But in general I would agree with you about protecting whistleblowers.

Chairman LEVIN. Thank you.

Senator Warner.

Senator WARNER. For Dr. Sambur. This committee has taken initiatives in the past few years and again this year in legislation—and we are very proactive on this—to encourage the military departments to move ahead with research and development of unmanned combat systems. Are you familiar with those initiatives by the committee?

Dr. SAMBUR. I am not totally familiar with it. I am somewhat familiar with the unmanned.

Senator WARNER. Well, the military departments have made considerable progress, including the Department of the Air Force. It would be our hope that you likewise will see the wisdom in moving ahead on those fronts and, in that budget fight, get a little money for it.

Dr. SAMBUR. Well, I certainly share your view.

Senator WARNER. Do you concur in the desirability of having these systems?

Dr. SAMBUR. Absolutely. I think that has to be part of our future. Again, if we are not doing things that make us safe for the future, we are really not doing our job.

Chairman LEVIN. If I can just interrupt. Senator Warner is being modest on this. When he was chairman of this committee, he was and still is the leader in the so-called UAVs, and this committee has followed that lead very strongly.

Dr. SAMBUR. I am aware of his leadership.

Chairman LEVIN. This is a big chunk of the future, and there is a real shortfall.

Dr. SAMBUR. I agree with you totally.

Chairman LEVIN. So, I just wanted to let you know that he speaks for the committee in this regard.

Senator WARNER. I thank my chairman, but you were a full partner in getting it done.

Now, here is an area where you and I have had some differences.

Chairman LEVIN. Whoops. I think time is up here. [Laughter.]

Senator WARNER. Dr. Beckner, the United States, I think wisely, has decided that the safety and reliability of our nuclear weapons stockpile shall be maintained without the need for testing and, to a certain extent, without the need for development of a new weapon, if that would be necessary.

I personally believe that the Stockpile Stewardship program is a laudable goal, but this committee received extensive testimony last year in conjunction with the treaty, with which you are familiar, and came to the conclusion that that stockpile stewardship program, frankly, through no negligence, no oversight, no lack of effort, but just through the ability to break through in this new area of technology, was way behind schedule. As a consequence, the Senate ultimately decided not to ratify the treaty.

Now, I am not going to probe you too strongly for your views, but I would hope that you could indicate to the committee that you are of an open mind on this issue. At the same time, you know better than I, there is an aging process in all of those weapons and we have an obligation to handlers and others, indeed the communities in our country where they are housed, shipped, and the aircraft which from time to time carry them. We have a tremendous responsibility to assure that these weapons can function and function within the parameters designed and that they are safe to handle.

Now, a concomitant situation is that a nation who, for whatever reason might wish to challenge us in such a way that the President and others would have to consider—the Lord forbid—the use of them, we have to know that they would be effective. Now, those are awesome responsibilities that fall on your shoulders.

I am concerned about this stewardship program and its ability to meet the goals, albeit laudatory, that were laid down in years past. So, give it some thought.

Do you have an open mind? That is the most I am going to ask you to say at this moment.

Dr. BECKNER. No question about it. I have an open mind, Senator. I have followed this program for a long time, and realistically we are only in the early stages of it. We are talking about maintaining a stockpile for decades without further testing, if we can.

Senator WARNER. That is correct.

Dr. BECKNER. But we also, I think, all understand that if the day comes when we cannot certify the performance, the safety that stockpile, we will have to return to the President and to Congress and seek relief.

Senator WARNER. If we have to do that, better earlier than too late because this is a dangerous world out there. We know that so well. Things that we never could envision can happen now, and that is a doctrine we are going to have to follow.

Give it some thought. This is one Senator who is going to carefully monitor that, and in due course when you come before this committee, you can expect questions which I will not press now, but at that time, as to your judgment as to the stockpile program and whether or not the stewardship is on target, on schedule, and can coincide in such a way as to alleviate any problems we have with aging.

I thank you, sir. I thank this panel.

Thank you, Mr. Chairman. It has been a very good hearing. So that you and I can go to other matters, I will put my questions in for the record.

Chairman LEVIN. I will put the rest of my questions in for the record.

I want to let you know, Dr. Beckner, just to put my oar in a bit on this last question, there is no statutory relief that you would need. If the administration decides to test, there is no prohibition on it other than President Bush's moratorium. If we ever ratified the treaty, which I hope we will some day, under the safeguards provisions, any country can withdraw and test if it is in the national interest to do. That was one of the reasons I was able to support that ratification, is that we could test under the treaty's provisions if it was in our national interest to do so.

We do not have as big a difference as might have been indicated here because I think we both agree that if testing became essential to assure the safety and the security of our stockpile, that we would test. Hopefully it will not be necessary. Hopefully that program that we have now going will continue to give us all the assurance we need about safety and reliability. So, I do not think we have a major difference.

By the way, I want to compliment Senator Warner again because he really played a very critical role. He made a huge effort to actually delay the confirmation vote on that treaty, as I remember, and he was, as always, a very constructive and bipartisan voice so that we could have delayed that vote to a time when we could have had perhaps more information and had a longer debate.

Senator WARNER. This committee held a series of hearings, and I will have to tell you, it is your peer group out there, the directors of those labs, not the politicians, that came forward.

Dr. BECKNER. I know them all.

Senator WARNER. They sat in those chairs and just said to the Members of Congress, we are working as hard as we can, night and day. No shortage of money is my recollection. No shortage of scientists, but we are still struggling to achieve the goals of that stewardship program. That was the reason that the Senate, in my judgment, made its decision.

Thank you again, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Warner. We thank you all.

We stand adjourned.

[Whereupon, at 4:00 p.m., the committee was adjourned.]

[Prepared questions submitted to Linton F. Brooks by Chairman Levin prior to the hearing with answers supplied follow:]

August 31, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to submit my responses to a number of questions which you requested in connection with my nomination to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration. In accordance with your letter of August 3, 2001, I have provided 75 copies and a computer disk.

I appreciate the opportunity to provide you my views. I look forward to discussing these important issues with the committee and, if confirmed, to working with you and the committee to advance the United States' nonproliferation agenda. Thank you for your consideration.

Very respectfully,

LINTON F. BROOKS.

Enclosure.

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. The fundamental responsibility of the Deputy Administrator for Defense Nuclear Nonproliferation is to enhance U.S. national security by promoting nuclear nonproliferation, reducing global danger from weapons of mass destruction, advancing international nuclear safeguards and eliminating inventories of surplus fissile materials usable for nuclear weapons.

If confirmed, my most significant functions will be: to develop DOE/NNSA policies regarding arms control and nonproliferation; to direct research and development for treaty monitoring and for reducing the threats from nuclear, chemical, and biological weapons; to implement a cooperative international program to promote worldwide nuclear safety; to lead international materials and weapons protection programs, including those involving the Russian Federation; and to coordinate the development of policy regarding surplus fissile materials and manage the U.S. and Russian programs for disposition of excess weapons plutonium.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have a broad understanding of national security policy, especially arms control and nonproliferation policy, from my service in the State Department, Arms Control and Disarmament Agency, Office of the Secretary of Defense, and National Security Council Staff. My service as START negotiator and as supervisor of cooperative programs with Russia at the Center for Naval Analyses (CNA) has made me familiar with security issues and current political conditions in the Russian Federation. My NSC and OSD assignments and my recent service on advisory panels have

made me familiar with the culture and capabilities of the national laboratories. Finally, from running a bureau at ACDA and a division at CNA, as well as from my Navy service, I am used to leading national security professionals and shaping a comprehensive, mission-oriented vision for a national security organization.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. Yes. I need to deepen my knowledge of the details of the programs for which I will be responsible if I am confirmed. I also need to build collegial working relationships with my counterparts in other agencies. I have already begun both actions in preparing for confirmation.

Question. Assuming you are confirmed, what duties and functions do you expect that the Administrator of the National Nuclear Security Administration would prescribe for you?

Answer. In addition to the duties associated with my position, the Administrator will expect me to work with the other Deputy and Associate Administrators through his newly established Management Council to help with corporate functions and to help him make the NNSA a coherent, effective, efficient and respected organization.

Question. If confirmed, how would you work with the following:

Other Deputies in the NNSA.

Answer. I expect to establish a close working relationship with my colleagues. Formally, this will be through the Administrator's recently-established Management Council. Informally, I will work with both Deputy and Associate Administrators in NNSA as a routine part of my day-to-day duties.

Question. The Assistant Secretary for Environmental Management.

Answer. Because responsibility for facilities will not, in general, be part of my portfolio, I anticipate that my interactions with the Assistant Secretary for Environmental Management will be relatively limited. The one exception concerns plutonium disposition, where I expect to work closely with the Assistant Secretary for Environmental Management in creating the necessary infrastructure at Savannah River.

Question. Other Assistant Secretaries of the Department of Energy.

Answer. Because of the semi-autonomous nature of the National Nuclear Security Administration, I anticipate much of my interaction with other Assistant Secretaries will be via NNSA. Where appropriate, I will work to establish collegial relations with other parts of the Department of Energy.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. The major substantive challenge I will confront if confirmed will be ensuring that the many nonproliferation programs for which I will be responsible are consistent and coherent, both within the Office of Defense Nuclear Nonproliferation and with other U.S. government programs. An important near term task will be helping devise a program for plutonium disposition that meets our nonproliferation goals and that can be supported both politically and fiscally.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work with my colleagues to ensure that I provide the necessary strategic direction to ensure a coherent nonproliferation program. In addition, I will devote considerable personal attention to the recently initiated review of plutonium disposition.

Question. What do you consider to be the most serious problems in the performance of the functions of the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. The three most serious management problems I expect to face are: (1) maintaining an adequate and responsible budget for the various programs under my cognizance; (2) improving coordination with other agencies of the U.S. Government and with the national laboratories; and (3) retaining high-performing, experienced staff while attracting bright young professionals into government service.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. I will support the NNSA Administrator in his attempts to establish a formal Planning, Programming, and Budgeting System within NNSA. Such a system will aid in managing the long-term funding needs that are inherent in many of the programs for which I will be responsible. In addition, I will devote personal atten-

tion to building on recent efforts to improve coordination and working relationships. I have not yet identified specific actions I will take on recruiting and retention.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. Should I be confirmed, my broad priorities will be working to ensure that the many nonproliferation programs for which I will be responsible are consistent and coherent, especially with respect to Russia, and working to improve coordination and working relations within my office, with other agencies of the U.S. Government, and with the national laboratories.

BAKER-CUTLER REPORT

Question. The Baker-Cutler Task Force of the Secretary of Energy's Advisory Board described the tasks of the Deputy Administrator for Nonproliferation as key to meeting the largest unmet national security threat currently facing the United States.

What is your view of the findings and recommendations of the Baker-Cutler report?

Answer. I believe the Baker-Cutler report is generally correct, especially in its conclusion that the problem of securing Russian weapons and material is urgent and requires both adequate funding and a long-term vision. If confirmed I will work toward such a vision as a vehicle for securing adequate funding. At the same time, the Baker-Cutler Task Force was not asked to assess overall administration fiscal priorities. Thus I believe the recommendations for massive budget increases should be taken as an indication of the importance of the problem, but not as a realistic guide to budget preparation.

NUCLEAR CITIES

Question. The Nuclear Cities Initiative (NCI) program has been criticized for being ineffective, lacking clear and measurable milestones, having weak management and changing program goals.

Do you agree with this view? If so, how would you improve the program?

Answer. My initial review of the program suggests that some criticisms are valid, while some are not. Rather than focus on the past, if confirmed I plan to work to restructure the program so that it will command support consistent with the importance of its goal of reducing the Russian weapons complex.

Question. Do you have a view as to how you would focus the Nuclear Cities program and the goals that you would establish for the program to achieve?

Answer. A management review is now in progress within the administration to determine how to restructure and refocus the Nuclear Cities program to respond to past criticisms while retaining the program's unique focus on transforming the former Soviet weapons complex. If confirmed, I intend to devote immediate, personal attention to that review. Pending its completion, I have not yet come to any firm conclusions about how the program should be transformed.

Question. Do you support implementation of the NCI project at Avangard?

Answer. Yes, provided the Department of Energy is able to satisfy current Congressional concerns. As I understand it, the current DOE/NNSA plan is to focus its efforts on the city of Sarov and the conversion of the Avangard weapons plant. This appears to me to be a sound strategy and I plan to support it if confirmed.

Question. What do you see as the distinguishing factors between the NCI program and the Initiatives for Proliferation Prevention and, if confirmed, how would you work to improve the coordination between the two programs?

Answer. The Initiatives for Proliferation Prevention program focuses on individual scientists, engineers, and technicians, while the NCI program focuses on conversion of the nuclear weapons complex itself. In my view a sound program requires both components. If confirmed, I will give immediate attention to a management review now under way to devise an approach to ensuring effective coordination while preserving the good features of both programs.

Question. According to a May 2001 GAO report, 70 percent of the funds expended for the Nuclear Cities Initiative were expended in the United States, with the bulk of the costs utilized by the U.S. national laboratories to implement the program. The GAO report further states that "officials from the Ministry of Atomic Energy told [GAO] that they are dissatisfied with the amount of program funds that have been spent in Russia and that if the Department [of Energy] is serious about creating jobs for Russian weapons scientists, more funds must be spent in Russia."

If confirmed, how would you address the issues raised in the GAO report?

Answer. I understand that management controls have already been put in place to ensure that at least 51 percent of program funds for fiscal year 2001 and 60 percent of program funds for fiscal year 2002 are spent in Russia. If confirmed I will monitor the progress of these improvements and take additional corrective action if the DOE is failing to meet its goal.

Question. According to the May 2001 GAO report, the NCI and IPP programs are "very similar programs in Russia's nuclear cities" that have "caused duplication of effort." Consequently, GAO recommends that the "Department evaluate all of the NCI projects, particularly community development activities, and eliminate those that do not meet the program's basic objectives of creating jobs and assisting with the downsizing of Russia's nuclear weapons complex." The GAO report goes further by recommending, "that the Department determine whether the NCI and IPP should be consolidated into one effort in order to achieve potential cost savings and other efficiencies."

If confirmed, would you support these GAO recommendations, including the reevaluation of NCI projects to ensure that these projects met the program's basic objectives?

If you do not support consolidation, how would you work to coordinate the programs, if confirmed?

Answer. A management review is now in progress within the Administration to determine how to restructure and refocus the Nuclear Cities program to respond to past criticisms and to improve synergy with the Initiatives for Proliferation Prevention program, while retaining a focus on transforming the former Soviet weapons complex. If confirmed, I intend to devote immediate, personal attention to that review. Pending completion of the review, I have not yet come to any firm conclusions about how the program's management should be transformed.

RESEARCH AND ENGINEERING FUNDING

Question. The NNSA nonproliferation research and engineering budget request for fiscal year 2002 is $40 million lower than the fiscal year 2001 appropriated amount and may be lower than what is required to meet current requirements and to sustain key unique research capabilities.

If confirmed, how would you propose to address this issue?

Answer. I strongly support nonproliferation research and engineering and believe additional funds are needed to address an increasing number of technical and global proliferation challenges. I share the committee's concern that reduced funding will result in some technologies becoming operational later than originally scheduled and some technology development being slowed. If confirmed I intend to give significant attention to this area. At the same time, I recognize that I will be required to balance these requirements against other important programs within a constrained budget environment.

FORMER BIOLOGICAL WEAPONS SCIENTISTS

Question. The Department of Defense and the Department of State (DOS) each work with former biological weapons scientists through the Cooperative Threat Reduction (CTR) program and the International Security and Training Center (ISTC). The Department of Energy also conducts similar work that is coordinated with the Departments of Defense and State through the Interagency Working Group.

In your view, what role, if any, should DOE have in the future with respect to scientists that were involved in the former Soviet Union biological weapons programs?

If the NNSA were to participate in this work, would you recommend working through existing programs in the DOD and DOS to leverage existing programmatic management structures and to ensure the greatest level of cooperation?

Answer. Curbing the spread of knowledge concerning biological weapons is an important—though very difficult—U.S. policy objective. As I understand it, the NNSA/DOE efforts in the Initiatives for Proliferation Prevention program already include efforts to redirect former Soviet biological weapons scientists to civilian pursuits. I understand current DOE efforts are carefully coordinated with State and DOD; if confirmed, I would insist that this be true for future efforts as well. I am not yet in a position to make specific recommendations with respect to an expanded DOE role or on specific aspects of program management.

EXPANDED COOPERATION

Question. In your view, is there an opportunity to expand the cooperative programs between NNSA and the States of the Former Soviet Union, other than Russia, such as Kazakhstan and Ukraine?

Answer. Almost certainly the answer is yes, subject to budget constraints. There may be steps we can take to reduce the proliferation threat from diversion of highly-enriched uranium, for example, or to expand use of the Initiatives for Proliferation Prevention program to help scientists in Ukraine or Kazakhstan redirect their efforts to civilian pursuits. I have not, however, reached the stage of having specific proposals to offer.

Question. If so, what threat reduction goals should such expanded cooperative programs have?

Answer. The goals should be the same as existing programs: to ensure the security of nuclear material against possible diversion and to shift technical workers and scientists away from weapons work and toward civilian pursuits.

NEED FOR MANAGEMENT IMPROVEMENTS

Question. If confirmed, what management initiatives would you propose?

Answer. I have no specific initiatives to propose at this time. I believe my most important near-term management task will be to help ensure the smooth implementation of the October 1 NNSA reorganization.

FISSILE MATERIALS DISPOSITION

Question. The fiscal year 2002 budget request and the administration's review of the nonproliferation programs have raised concerns about the fissile materials disposition program. The near term issue is whether the DOE will be able to transport plutonium and plutonium residues from Rocky Flats to Savannah River.

Do you believe that there is an adequate plan in place for disposing of plutonium and plutonium residues after they reach the Savannah River site?

Answer. I believe the current plans are technically adequate assuming they are properly funded. The current program has not, however, gained the necessary policy and political support within and outside the administration.

Question. Will you commit to give this program your full and immediate attention if confirmed?

Answer. I am committed to ensuring a thorough review is undertaken in order to ensure a program that will garner the necessary support. As noted above, I plan to devote immediate, personal attention to this area if confirmed.

EXPORT CONTROLS

Question. According to the CIA's Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munition, "increasingly rigorous and effective export controls and cooperation among supplier countries have led other foreign WMD programs to look elsewhere for many controlled dual-use goods."

If confirmed, would you examine the role that the Office of Defense Nuclear Nonproliferation's Export Control Program has in cooperating with supplier states on developing rigorous export controls and examine additional opportunities for greater cooperation with these supplier states?

Answer. Yes.

RUSSIAN COST SHARE

Question. According to a recent National Security Council staff review of U.S.-Russian nonproliferation programs, Russia may be capable of assuming more of the costs of implementing these programs.

In your view, what DOE nonproliferation programs do you believe should require greater Russian cost share?

Do you believe these programs would be more or less effective with greater Russian cost sharing?

Answer. I believe we should constantly review all cooperative programs to ensure adequate Russian support, both to provide wise use of U.S. resources and to give Russia a greater stake in sustaining these programs. I have not reached any conclusions on specific programs. I believe it is important to recall that the United States engages in nonproliferation efforts with Russia because it is in the U.S. interest, not as a favor to the Russian Federation.

RUSSIA AND IRAN

Question. In December 2000, Secretary Cohen met with then-Russian Defense Minister Igor Sergeyev to discuss U.S. concern over Moscow's continued arms sales and proliferation activities with Iran. While this meeting and subsequent State Department meetings were considered upbeat, the United States did not receive concrete assurances from Russia that these proliferation activities would cease.

What is your view of the current level of Russian arms sales and nuclear technology efforts with Iran?

Answer. Based on the briefings I have received to date, I believe that there is an unacceptably high level of cooperation between Russia and Iran in nuclear issues and that international stability and U.S. security would be improved by reducing that cooperation.

Question. As Deputy Administrator for Defense Nuclear Nonproliferation, what policy options would you propose to address proliferation activities of Russia with Iran?

In your view, are there any DOE nonproliferation programs with Russia that could or should be used to leverage a desired policy outcome with respect to curbing or eliminating Russian secondary proliferation activities?

Answer. I believe the U.S. approach to Iran must be a coordinated one that goes beyond the responsibilities of a single department. If confirmed, I will work with colleagues throughout government to devise such an approach. At the same time, our programs with Russia are not conducted as a "favor" to the Russia Federation, but because they are in U.S. interest. Thus using these programs to provide policy leverage should only be done after very careful consideration of the potential cost to our nonproliferation objectives.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Administrator for Defense Nuclear Nonproliferation?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JEFF BINGAMAN

NONPROLIFERATION POLICIES AND PROGRAMS PERTAINING TO SOUTH ASIA

1. Senator BINGAMAN. Ambassador Brooks, what capabilities does your organization have regarding management and implementation of nonproliferation policies and programs pertaining to South Asia?

Ambassador BROOKS. The Office of Defense Nuclear Nonproliferation (NA–20) has a regional security program that focuses on nonproliferation challenges in several parts of the world. The Middle East and South Asia are two of the most critical of these regions. By hindering proliferation and addressing security in unstable regions, the program also contributes to the U.S. effort to combat terrorism. NA–20 actively participates in interagency deliberations on policy toward such regions; NA–20 also plays a significant role in implementing U.S. policy. For example, we play a role in various international negotiations, informal dialogue with South Asian countries, and international collaboration on the application of technical solutions to regional security problems. In fulfilling this mission, NNSA draws on the considerable technical and analytical skills of the National Laboratories, particularly Sandia National Laboratories' Cooperative Monitoring Center.

ESTABLISHMENT OF A SEPARATE REGIONAL DIRECTORATE

2. Senator BINGAMAN. Ambassador Brooks, should your organization establish a separate regional directorate in which nonproliferation issues regarding South Asia and other regions of concern are addressed and funded'?

Ambassador BROOKS. Not at this time. The current organization allows consideration of policy issues in the context of the overall U.S. approach to nonproliferation. If, in the future, active programs were established in South Asia, then appropriate organizational changes could be considered.

ADDITIONAL FUNDING

3. Senator BINGAMAN. Ambassador Brooks, has your organization sought additional funding for nonproliferation programs as part of the President's initiative requesting $40 billion for counterterrorism?

Has the Department of Energy reviewed your proposal and made recommendations to the President for additional funding?

Please provide specific information for budget requests for individual nonproliferation programs that were submitted to the President?

Ambassador BROOKS. The Office of Defense Nuclear Nonproliferation reviewed all its programs for possible acceleration. As you are aware, the Administration was forced to select among many potential augmentations and chose to focus on those with an immediate, rather than a long-term, focus. I believe it is inappropriate to provide details of internal Administration budget deliberations.

ESTABLISHMENT OF A SEPARATE REGIONAL DIRECTORATE

4. Senator BINGAMAN. Ambassador Brooks, in the wake of September 11, President Putin has expressed greater willingness to cooperate with the United States than in recent years. Has that willingness manifested itself in any specific ways with respect to the cooperative threat reduction nonproliferation programs managed by DOE?

Ambassador BROOKS. Yes, I believe President Putin's willingness to increase cooperation with the United States following the September 11 events has manifested itself in both a greater spirit of cooperation and also in a tangible number of new nonproliferation proposals. Specifically, Secretary of Energy Abraham and Minister of Atomic Energy Rumyantsev met in Vienna following the September 11 tragedy and have had several phone conversations since then that reflect this new spirit of cooperation. Minister Rumyantsev himself described their late September meeting as "very constructive and productive." Rumyantsev followed that meeting with an invitation for the Secretary to meet with him in Moscow. In addition, this new spirit of cooperation was demonstrated by Minister Rumyantsev's offer to U.S. Ambassador Vershbow for him to visit first-hand the ten MinAtom closed cities to directly observe the tangible results of U.S-Russian nonproliferation cooperation.

MinAtom has also focused its attention on developing a number of new technical proposals to further expand U.S.-Russian cooperation. In early October, Sandia National Laboratories received 45 new proposals from MinAtom institutes under the U.S.-Russian Warhead Safety and Security Program. If implemented these projects will significantly increase the safety and security of Russian nuclear warheads and fissile material. I also received a letter from the Vice President of the Kurchatov Institute containing a number of new proposals specifically designed to combat terrorism.

POTENTIAL DIRECTIONS FOR IMPROVED COOPERATION WITH RUSSIA

5. Senator BINGAMAN. Ambassador Brooks, will you undertake to explore potential directions for improved cooperation with the Russian government?

Ambassador BROOKS. Yes. Certainly, this will be a topic that is discussed when Secretary Abraham and Minister Rumyantsez meet in Moscow.

COUNTRY CLEARANCE

6. Senator BINGAMAN. Ambassador Brooks, employees of the Department of Energy and the National Laboratories have often experienced significant difficulties in getting country clearance from the State Department needed to conduct business in conjunction with DOE's nonproliferation programs. I requested that DOE and the Department of State initiate a high-level working group to resolve country-clearance

related problems. Has such a group been established? Has progress been made resolving this matter?

Ambassador BROOKS. The high level working group has not been established because improvements in the process worked out by the acting Deputy Administrator for Defense Nuclear Nonproliferation and the relevant offices in the Department of State made such a group unnecessary. I recognize the importance of an effective country clearance process and will be alert to recommend appropriate action, including the establishment of a high level working group, should problems arise in the future.

REVIEW OF OPERATIONS OF DOE MOSCOW OFFICE

7. Senator BINGAMAN. Ambassador Brooks, DOE recently completed a review of operations of the DOE office in Moscow. Would you please summarize the findings of that review?

Ambassador BROOKS. Former U.S. Ambassador to Russia, Jim Collins, and Gen. John Gordon, Under Secretary and Administrator for Nuclear Security, co-sponsored the review, which included interviews in both Moscow and Washington DC of 30 key United States Government personnel familiar with the DOE Moscow Office. The key findings of the review were that DOE Moscow Office has competent leadership, management and staff and that the Office performs valuable functions for DOE, the Department of State, and the U.S. Embassy in supporting nonproliferation and nonnuclear (oil/gas) programs in Russia. The primary challenge identified during the strategic review was to improve the working relationship between DOE and the Department of State in Washington.

To address this challenge, the strategic review also included a near-term action plan with 18 specific actions to further increase the effectiveness of DOE Moscow Office and to improve cooperation/coordination between DOE and State. To date, approximately 70 percent of these actions have already been implemented which has led to a significant improvement in coordination and cooperation between DOE and State.

QUESTION SUBMITTED BY SENATOR JOHN WARNER

U.S.-RUSSIA PLUTONIUM DISPOSITION PROGRAM IN DOE/NNSA

8. Senator WARNER. Ambassador Brooks, in your answer to the advanced policy questions, you indicated that you expect to work closely with the Assistant Secretary for Environmental Management in creating the necessary infrastructure at Savannah River. Specifically, what infrastructure do you have in mind and how will this support the implementation of the U.S.-Russia Plutonium Disposition Program?

Ambassador BROOKS. The Department's current plutonium disposition strategy involves the construction and operation of three key facilities at the Savannah River Site, i.e., Mixed Oxide (MOX) Fuel Fabrication Facility, Pit Disassembly and Conversion Facility and an Immobilization Facility. These facilities will depend on interim storage at the K Area Material Storage (KAMS), supply of vitrified high level radioactive waste for immobilization from the Defense Waste Processing Facility (DWPF), and possible Canyon use for plutonium polishing—all under the purview of the Assistant Secretary for Environmental Management. Additionally, the plutonium disposition program will rely on Savannah River Site to provide security, utilities, roads, analytical laboratory capabilities, etc. All of these elements are essential to implement the existing U.S.-Russia Plutonium Management and Disposition Agreement.

QUESTION SUBMITTED BY SENATOR STROM THURMOND

BILATERAL PLUTONIUM MANAGEMENT AND DISPOSITION AGREEMENT

9. Senator THURMOND. Ambassador Brooks, Russian Atomic Energy Agency First Deputy Valentin Ivanov recently indicated that without the Mixed Oxide Fuel component of the Bilateral Plutonium Management and Disposition Agreement the plan to eliminate plutonium in the United States and, more importantly, Russia would collapse. Do you agree with this assessment?

Ambassador BROOKS. Yes. The Russians have said repeatedly over the past 6 years they would not proceed with a bilateral plutonium disposition agreement with the United States unless it was based primarily on irradiating mixed oxide (MOX) fuel in nuclear reactors. The Russians feel immobilization does not degrade the

isotopics of the weapon-grade plutonium making it relatively easy for a sophisticated Nuclear Weapons State to reuse this material in weapons. Further, the Russians have expressed an interest in recovering the energy value from the plutonium they worked so hard to produce. We have been informed that this position is not only held by Ministry of Atomic Energy but also by the Ministry of Defense, the Ministry of Foreign Affairs and is strongly concurred in by the Office of the Prime Minister.

[The nomination reference of Linton F. Brooks follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 4, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Linton F. Brooks, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration. (New position)

[The biographical sketch of Linton F. Brooks, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF AMBASSADOR LINTON F. BROOKS

Ambassador Linton F. Brooks is Vice President and Assistant to the President for Policy Analysis at the Center for Naval Analyses (CNA), a federally funded research and development center located in Alexandria, Virginia. As such, he is responsible for broad policy analyses of issues of national importance.

Prior to joining CNA, Ambassador Brooks had an extensive career in government service. During the Bush administration, he served as Assistant Director for Strategic and Nuclear Affairs at the United States Arms Control and Disarmament Agency, and in the State Department as Head of the United States Delegation on Nuclear and Space Talks and Chief Strategic Arms Reductions (START) Negotiator. In this latter capacity, he was responsible for final preparation of the START I Treaty; which was signed by Presidents Bush and Gorbachev in Moscow on July 31, 1991. In December 1992, he performed a similar function during the final preparation of the January 3, 1993, START II Treaty. Thereafter, he served as a consultant on START II ratification to the Clinton administration.

Before becoming Head of the United States Delegation to the Nuclear and Space Talks in April 1991, Ambassador Brooks served for 2 years as Deputy Head of the Delegation, holding the rank of ambassador. He joined the delegation after spending over 3 years as Director of Arms Control on the staff of the National Security Council, where he was responsible, among other things, for all aspects of United States strategic arms reductions policy and nuclear testing policy during the final third of the Reagan administration.

Ambassador Brooks' National Security Council service culminated a 30-year military career. Prior to his retirement as a Navy captain, Ambassador Brooks served at sea in destroyers, ballistic-missile submarines, and attack submarines; commanded the nuclear-powered attack submarine U.S.S. *Whale* (SSN 638); and served in a variety of Washington assignments relating to nuclear policy, military strategy, and arms control.

Ambassador Brooks holds a BS in physics from Duke University, where he was elected to Phi Beta Kappa, and an MA in government and politics from the University of Maryland. He is a Distinguished Graduate of the U.S. Navy War College and has published a number of prize-winning articles on naval and nuclear strategy.

The son of a career Army officer, Ambassador Brooks was born in Boston, Massachusetts, on August 15, 1938. He now resides in Vienna, Virginia, with his wife, the former Barbara Julius of Lancaster, Pennsylvania. The couple has two grown daughters, Julie and Kathryn.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Linton F. Brooks in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Linton Forrestall Brooks.
Nickname "Lint" used 1959 to date.

2. **Position to which nominated:**
Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

3. **Date of nomination:**
September 4, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 15, 1938; Boston, MA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married since 24 October 1964 to Barbara Sue (Julius) Brooks.

7. **Names and ages of children:**
Julie K. Brooks—32.
Katheryn L. Brooks—28.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Rils Hoyre Skol—Oslo Norway—1952–4.
Columbia High School—Columbia, SC—1954–5 (Diploma 1955).
Duke University—Durham, NC—1955–9 (BS, Physics, 1959).
University of Maryland—College Park, MD—1970–72.
(MA, Government and Politics, 1972).
U.S. Navy War College—Newport, RI—1978–9 (Certificate, 1979).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
June 1989—Aug 1992—U.S.Department of State—Head of Delegation on Nuclear and Space Talks and Chief START Negotiator.
Aug 1992—Jan 1993—U.S. Arms Control and Disarmament Agency—Assistant Director for Strategic and Nuclear Affairs.
Jan 1993—Sept 1996—U.S. Arms Control and Disarmament Agency—Consultant on START II ratification (part time).

Jan 1993—June 1994—The CNA Corporation (Center for Naval Analyses)—Distiguished Fellow (part time).

Jun 1994—Date—The CNA Corporation (Center of Naval Analyses)—Vice President.

All employment has been in the Washington area.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

U.S. Strategic Command Strategic Advisory Group Policy Panel (2000–date).

As part of my duties for the Center for Naval Analyses, I regularly advise the Navy staff in Washington.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Vice President, The CNA Corporation, Alexandria, VA (will resign upon confirmation).

I serve as a consultant to TRW for the sole purpose of serving as a member of the Sandia National Laboratories National Security Advisory Panel. I will resign upon confirmation.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Life member—United States Naval Institute.

Life member—Navy Submarine League.

Chase Hill Civic Association.

Executive Committee, United States Committee for the National Laboratories (NOTE: This is a recently formed educational and advocacy organization to support the Department of Energy's national laboratories; I will resign upon confirmation).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Angier B. Duke Scholar, Duke University, 1955–59.

Phi Beta Kappa and various other college honor societies.

Colbert Memorial Prize for Professional Essay, Navy War College, 1979.

Arleigh Burke Prize (professional writing) U.S. Naval Institute.

State Department Distinguished Honor Award (2).

U.S. Arms Control and Disarmament Agency Distinguished Honor Award.

Defense Distinguished Service Medal, Legion of Merit (3), Defense Superior Service Medal, Navy Commendation Medal.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

BOOK

Co-editor with Arnold Kanter: *U.S. Interventon Policy for the Post-Cold War World: New Challenges and New Responses,* (An American Assembly Book), New York, W.W. Norton & Co., 1994.

BOOK CHAPTER

"Conflict Termination Through Maritime Leverage" in Stephen J. Cimbala and Keith Dunn (eds) *Conflict Termination and Military Strategy;* Westview Press, 1987.

"Diplomatic Solutions to the 'Problem' of Non-Strategic Nuclear Weapons," (forthcoming).

MONOGRAPH

Peacetime Influence Through Forward Naval Presence, CNA Occasional Paper, Center for Naval Analyses, Alexandria, Virginia, October 1993.

ARTICLES IN *INTERNATIONAL SECURITY*

"Naval Power and National Security; The Case for the Maritime Strategy" (Fall 1986).
"Nuclear SLCMs Add to Deterrence and Security" (Winter 1988/1989).

ARTICLES IN *NAVAL WAR COLLEGE REVIEW*

"Pricing Ourselves Out of the Market: The Attack Submarine Program" (September–October 1979).
"An Examination of the Professional Concerns of Naval Officers as Reflected in Their Professional Journal" (January–February 1980).

ARTICLES IN *SUBMARINE REVIEW*

"Strategic Planning in the Submarine Force" (January 1985).
"Forward Submarine Operations and Strategic Stability" (April 1993).
"Comments on Defensive Anti-Air Warfare for SSNs" (July 1994).
"Waiting for START III" (October 1998).

ARTICLES IN THE *PROCEEDINGS* OF THE UNITED STATES NAVAL INSTITUTE

"Tactical Nuclear Weapons: Forgotten Facet of Naval Warfare" (January 1980).
"It's Time to Start Speaking Up" (January 1985).
"'New' As in Nuclear Land Attack Tomahawk" (April 1985).
"Escalation and Naval Strategy" (August 1985).
"The Nuclear Maritime Strategy" (April 1987).
"Nuclear weapons at Sea" (August 1988) (with Franklin C. Miller).
"Dropping the Baton" (June 1989).
"Why Doesn't the Navy Make More Use of the Retired Community" (January 1994).
"The New Nuclear Threat" (May 1994).

COMMENT AND DISCUSSION IN THE *PROCEEDINGS* OF THE UNITED STATES NAVAL INSTITUTE

October 1983 (Operations in a nuclear environment).
November 1984 (Anti-SSBN operations.
December 1984 (Nuclear escalation).
August 1985 (Tomahawk missiles).
Article in Undersea Warfare (official Navy publication)
"Arms Control and Submarines," (Spring 2001).

ARTICLES PUBLISHED IN MY OFFICIAL CAPACITY AND REPRESENTING U.S. GOVERNMENT POSITIONS

"The Strategic Arms Reduction Treaty: Reducing the Risk of War," *NATO Review,* Volume 39, Number 5 (October 1991).
"START: An End and a Beginning," *Disarmament,* Volume XV, Number 2 (1992).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

No speeches given relating to nonproliferation.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

LINTON F. BROOKS.

Undated.

[The nomination of Linton F. Brooks was reported to the Senate by Chairman Levin on October 15, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 16, 2001.]

[Prepared questions submitted to Marvin R. Sambur by Chairman Levin prior to the hearing with answers supplied follow:]

September 18, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

MARVIN R. SAMBUR.

Enclosure.
cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support full implementation of the Goldwater-Nichols Act.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I believe that the reforms outlined in the Goldwater-Nichols Act are now part of the day-to-day business of the Department. We have seen how the Goldwater-Nichols Act significantly enhanced the Department's joint warfighting effectiveness. From a management standpoint, the Goldwater-Nichols Act was an important milestone in furthering the reform mindset within the Department, which led to today's pursuit of acquisition excellence.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe the most important aspect of the Goldwater-Nichols Act is the improved joint warfighting capabilities. The Department's quick, unified response to the recent heinous terrorist attacks shows the strength of the joint force team. Today's acquisition excellence mindset, which had its genesis in the Goldwater-Nichols Act, will enable the acquisition community to efficiently deliver the combat capabilities the joint warfighters need to successfully accomplish the full range of military missions that will be required as we wage the war of the 21st century against terrorism.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Over the past several years, I have seen the Air Force make dramatic improvements in the way it acquires and sustains weapon systems, and much of this progress was due to Congress passing historic reform legislation. As a nominee for this prestigious position, I am not aware of any current legislative efforts. If confirmed, I would look forward to working closely with Congress and the Department to identify the best way ahead.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Air Force for Acquisition?

Answer. It is my understanding that the Assistant Secretary of the Air Force for Acquisition serves as the Service Acquisition Executive for the Air Force. It is my understanding that, if confirmed, I would have the authority, responsibility, and accountability for acquisition functions and programs within the Air Force. Further, it is my understanding that the Air Force is in the process of implementing the Space Commission's recommendations regarding the acquisition of space systems. If confirmed, I would look forward to working closely with all involved to ensure an orderly transition.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. As President and Chief Executive Officer of ITT Defense, my business career centered around the acquisition, management, and engineering of high technology programs. I believe my experience leading a cutting edge technology firm provides me with a strong foundation for leading the Air Force's acquisition team.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Air Force for Acquisition?

Answer. I believe that, if I have the honor of being confirmed for this prestigious position, I am professionally and technically prepared to assume the duties of the Assistant Secretary of the Air Force for Acquisition. If confirmed, I would look forward to being aided in my duties by the strong leadership team that currently exists within the Department, the Air Force, and the Acquisition staffs. If confirmed, I would look forward to seeking advice and counsel from those who have preceded me and other experts, and I would look forward to the challenge of the job.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. If confirmed, I would look forward to having a close working relationship with the Secretary and the Under Secretary of the Air Force. It is my understanding that the Under Secretary of Defense for Acquisition, Logistics, and Technology has revised the Defense Acquisition Board process. If confirmed, I would look forward to being part of that important body. Furthermore, if confirmed, I would look forward to continuing the acquisition community's close working relationship with the operational side of the Air Force team, including the Chief of Staff of the Air Force and commanders of the major commands. By working together as a leadership team, we would understand each other's problems and concerns and ultimately provide airmen with needed combat capabilities that are effective, reliable, and affordable.

Question. If confirmed, how would you work with the following officials:

The Under Secretary of Defense for Acquisition, Technology and Logistics and the Deputy Under Secretary of Defense for Acquisition and Technology.

Answer. If confirmed, I would look forward to having a close working relationship with the Under Secretary of Defense for Acquisition, Logistics, and Technology and his deputies. It is my understanding that, if confirmed, I would be charged with representing the Air Force on all matters relating to Air Force acquisition policy and programs.

Question. The Secretary of the Air Force.

Answer. If confirmed, I would look forward to having a close working relationship with the Secretary and the Under Secretary of the Air Force. It is my understanding that the Secretary of the Air Force has made the Assistant Secretary of the Air Force for Acquisition responsible for all research, development, and acquisition of weapon systems within the service. Additionally, it is my understanding that, if con-

firmed, I would serve as the Service Acquisition Executive and Senior Procurement Official.

Question. The other Assistant Secretaries of the Air Force.

Answer. It is my understanding that the other Assistant Secretaries have responsibilities for their respective areas: Manpower and Reserve Affairs, Installations and Environment, Financial Management and Comptroller, General Counsel, and Supervisor of Space Matters. If confirmed, I would look forward to working with them on crosscutting issues affecting our respective areas of responsibility, and would provide the assistance of the acquisition team on matters affecting their particular responsibilities as appropriate.

Question. The assistant secretaries for acquisition in the other military services.

Answer. If confirmed, I would look forward to developing a sound working relationship with the Acquisition Executives in the other Military Departments to ensure each of us can successfully carry out the statutory responsibilities assigned to us.

Question. The Commander in Chief, U.S. Space Command and the commanders in chief of the space commands in the military services.

Answer. It is my understanding that the Space Commission provided recommendations regarding acquisition of space systems. If confirmed, I would look forward to cooperating fully with the Commander In Chief U.S. SPACE Command and the commanders of the space commands in the military services to ensure continued efficient administration of matters related to acquisition of space systems for the joint warfighting team.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Air Force for Acquisition?

Answer. I believe the most important challenge facing the Air Force is ensuring our Nation's aerospace force can successfully accomplish the myriad of missions airmen must perform within a fiscally constrained environment. If confirmed as the Assistant Secretary of the Air Force for Acquisition, I believe that my challenge would be to integrate research, development, and acquisition functions in the context of this complex equation. I believe my challenge would be to promote an environment that encourages the acquisition team to continue to refine Air Force processes and Air Force bureaucracies and find even more efficient and effective ways to deliver affordable combat capabilities to our warfighters in support of the joint team.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. I believe that these are interrelated challenges and cannot be resolved individually. They must be addressed in the context of improving the way the acquisition community and the government conducts business. I know this Administration is committed to achieving significant reform. It is my understanding that the Secretary of Defense and the Service Secretaries have established the Senior Executive Council and Business Initiatives Council, both of which are reviewing the Department's processes and working hard to implement a wide range of "best practices." If confirmed, I would look forward to reviewing current progress, and ensuring any plans that I implement would complement the initiatives already underway.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Air Force for Acquisition?

Answer. At this time as the prospective Assistant Secretary of the Air Force for Acquisition, I am not aware of any systemic problems in the office. If confirmed and problems were to arise, I would look forward to working closely with Congress and the Department to identify the best way ahead.

Question. If confirmed, what management actions and timelines would you establish to address these problems?

Answer. At this time as the prospective Assistant Secretary of the Air Force for Acquisition, I am not aware of any systemic problems in the office. However, if confirmed and problems were to arise, I would do my best to solve them as expeditiously as possible to maintain the integrity of the acquisition process.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of the Air Force for Acquisition?

Answer. I believe that the set of priorities stated by the Secretary of Defense present an excellent framework for the service. If confirmed, I would work diligently

to address these priorities as part of the Air Force's acquisition process. Broadly speaking, I believe this includes:

- Supporting transformation—by leveraging new technology, the acquisition team can enable the Air Force to posture itself to face the challenges of an uncertain future.
- Improving readiness—providing the warfighter with sustainable combat capability is a crucial responsibility of the acquisition team.
- Increasing retention—the acquisition team can only be successful if they have a skilled and motivated team supporting them.
- Supporting recapitalization—the acquisition team is the linchpin for enabling the Air Force to provide the tools our airmen need to fly, fight, and win.

TESTING

Question. What is your view of the role that realistic testing should play in the acquisition process prior to any decision to enter into high rate production?

Answer. Realistic testing ensures that we know the capabilities, effectiveness, and suitability of the weapon system, and have the opportunity to correct any deficiencies, prior to making the long-term commitment of funds and staking the Nation's and warfighter's future on it. If confirmed, I would seek to ensure that proper test and evaluation continues to be an integral part of the planning for all acquisition programs.

Question. Is there potential for saving both time and money in the pre-production testing of major weapons systems by:

(1) Making greater use of simulation?

(2) Combining simulation with low-rate production and testing in the field?

Answer. The synergy obtained through the use of validated models and simulations, ground testing, and in-flight testing enables the acquisition team to identify deficiencies and make changes to a system early in its development. It's easier from a technical standpoint, and more cost effective from a financial standpoint. Therefore, the more we can learn about a system early in its development, the better we can guide the acquisition process. If confirmed, I would seek to ensure plans of weapon acquisition programs continue to utilize the proper balance of using validated modeling and simulation, ground testing, and in-flight testing to reduce cycle times while providing the best combat capabilities to the warfighter.

STREAMLINING THE ACQUISITION PROCESS

Question. Both Secretary Rumsfeld and Under Secretary Aldridge have indicated that they believe that there is a compelling need to streamline the acquisition process to reduce the fielding times for new weapons systems and capabilities. Some would point to the testing process as an overall area that should be scrutinized in this effort to reduce these cycle times.

However, the increasing complexity and interaction of complex systems would tend to argue for achieving higher confidence during testing that these systems will work as advertised.

If you are confirmed as the Assistant Secretary of the Air Force for Acquisition, how would you propose to achieve the appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate operational testing?

Answer. I believe that the Secretaries are correct. There is definitely a need to reduce the time it takes to get combat capability to the warfighter. If confirmed, I would look forward to working with the acquisition and test communities to determine how greater use of modeling and simulation can help the Air Force in evaluating weapon systems. If confirmed, I would work diligently to ensure the acquisition community continues to take advantage of all the tools available to provide the best combat capabilities to the warfighters in the shortest time possible.

Question. Do you anticipate the need for changes in legislative or regulatory authority to achieve this balance?

Answer. Over the past several years, I have seen the Air Force make dramatic improvements in the way it acquires and tests weapon systems, and much of this progress was due to Congress passing historic reform legislation. As the nominee for this prestigious position, I am not aware of any current legislative efforts. If confirmed, I would look forward to working closely with Congress and the Department to identify the best way ahead.

AEROSPACE INDUSTRIAL BASE

Question. The Department has decided to make a winner-take-all selection for moving to the engineering and manufacturing development phase of the Joint Strike Fighter program. This raises questions about the future viability of the aircraft industrial base.

To what extent, if any, do you see a connection between maintaining a healthy aerospace production base and maintaining superior warfighting capabilities?

Answer. I believe that our national security needs require a strong industrial base to provide technologically superior and affordable weapon systems to the nation's warfighters. A healthy aerospace industrial base is vital for maintaining superior combat capabilities for our airmen now and in the future. Key to this is a competitive defense marketplace with financially sound companies that are able to attract outstanding technical and managerial talent, as well as investment capital.

Question. Do you believe a change or modification to the Joint Strike Fighter acquisition strategy will be necessary, after the upcoming source selection, to preserve the U.S. industrial bases' ability to design, develop, and produce tactical aircraft?

Answer. I am aware that the Joint Strike Fighter program is currently in a source selection. However, as a nominee for this prestigious position, I have not received any briefings on this program and thus am not aware of the specifics of the program's plans. If confirmed, I would seek to ensure that directors of all weapon system acquisition programs continue to consider the effect their plans have on the defense industrial base while providing the best combat capabilities to the warfighter.

DEPOTS VS. CONTRACT MAINTENANCE

Question. Many defense contractors have argued that it is a waste of money to have government depots duplicate their production capacity in order to maintain systems after initial production. They argue that a cradle-to-grave approach, where the production facility becomes the maintenance facility over the life of a system, would save time and money in weapons acquisition. Others argue that there are certain capabilities that must be maintained in government-owned facilities to ensure that the Services will have ready access to this capability during a national emergency, and that the cradle-to-grave approach would subject the Department to a potentially more costly sole-source maintenance contract.

How do you believe that the government should decide on the appropriate balance between these competing views of the maintenance strategy?

Answer. I am not immersed in the particulars of this subject. However, I believe the acquisition community must provide reliable, sustainable combat capabilities to the warfighter. If confirmed, I would look forward to working closely with the Air Force's logistics team to ensure weapon system acquisition program plans continue to consider the importance of sustainability to the warfighter.

Question. Should the Department maintain a core weapon systems maintenance capability?

Answer. I am not immersed in the particulars of this subject. However, I believe that all available options must be considered to ensure the highest state of readiness for our airmen. If confirmed, I would look forward to working closely with the Air Force's logistics team to ensure weapon system acquisition program plans continue to consider the importance of sustainability to the warfighter.

ACQUISITION WORKFORCE

Question. The Department has been reducing the size of the acquisition workforce for a number of years. Since these reductions have taken place primarily through attrition and reductions in hiring new employees, the average age of the workforce has been increasing. Some have estimated that a significant percentage of the workforce may retire in the next few years, creating a situation that could complicate our efforts to recapitalize or transform the Department's forces.

What are your plans to achieve the correct size in the acquisition workforce and to support that force as potentially large numbers of older workers retire in the next few years?

Answer. I had limited insight into the acquisition workforce issues as President and Chief Executive Officer of ITT Defense. The acquisition team is the linchpin for enabling the Air Force to provide the tools our airmen need to fly, fight, and win. If confirmed, I would look forward to working closely with the experts from the manpower and personnel areas to determine the best way ahead on this issue.

F–22 PROGRAM

Question. Over the past several years, the F–22 program has been operating under a legislated production cost cap. This cap was based on the Air Force's assessment of what would be required to complete the buy of 339 aircraft. At the time, it was understood that there were other offices, including the Congressional Budget Office (CBO) and the Cost Analysis Improvement Group or CAIG that had higher estimates of F–22 production costs.

Over the past couple of years, the Air Force has assured the committee that various cost estimates for F–22 production were beginning to converge, giving the committee reason to believe that F–22 production would fit within the cost gap.

This year, the Air Force estimate of production costs for the F–22 is up by roughly $2 billion. In such a circumstance, we should have expected that this increase would have indicated some further convergence of the cost estimates. Press reports, however, indicate that the independent cost estimates have begun to diverge from the Air Force estimate.

In your opinion, why are these cost estimates diverging?

Answer. I am aware that a Defense Acquisition Board was conducted on the F–22, and the Board authorized the Air Force to proceed with Low Rate Initial Production. I believe that this was a good decision for the country in light of the combat capability the F–22 will bring to the joint warfighting team when it becomes operational. However, as a nominee for this prestigious position, I have not received any briefings on this program and thus am not aware of the specifics of the program's plans. If confirmed, I would look forward to working closely with the Secretary of the Air Force to ensure all weapon acquisition program plans, to include the F–22, continue to consider the importance of affordability. If confirmed, I would take advantage of all available management tools to maintain oversight of weapon system costs.

Question. What steps should the Air Force take to ensure that it will be able to produce enough aircraft to meet the requirements for the program within the cost cap?

Answer. As a nominee for this prestigious position, I have not received any briefings on this program and thus am not aware of the specifics of the program's plans. If confirmed, I would look forward to working closely with the Secretary of the Air Force to ensure all weapon acquisition program plans, to include the F–22, continue to consider the importance of affordability of the weapon systems. If confirmed, I would take advantage of all available management tools to maintain oversight of weapon system costs.

F–22 EVENT-BASED DECISION MAKING

Question. The Air Force is required to manage the F–22 program on the basis of achieving certain milestones, rather than "graduating" when certain time on the calendar has elapsed. There have been delays in the testing program that will delay the start of operational testing by up to one year from the previously planned date. Nevertheless, there is still some risk that developmental testing may not be able to support operational testing even on this delayed schedule.

Can you assure the committee that the Air Force will not proceed to operational testing before the program has completed sufficient developmental testing?

Answer. If confirmed, I would be firmly committed to ensuring the safety and effectiveness of all weapon systems the acquisition team provides to the warfighters. Realistic development and operational testing ensures that we identify and fix safety and effectiveness concerns, prior to making the long-term commitment of funds and staking the Nation's and warfighters' future on it. If confirmed, I would look forward to working with the acquisition and test communities to ensure proper test and evaluation continues to be an integral part of the planning for all acquisition programs.

UNMANNED AIR VEHICLES

Question. The Air Force has demonstrated a capability on the Predator Unmanned Air Vehicle (UAV) to fire Hellfire missiles at fixed targets, and will soon be expanding this capability to include mobile targets. The Unmanned Combat Air Vehicle (UCAV) is scheduled for first flight within a year. The Global Hawk High Altitude Endurance UAV is entering production and will be collocated with the U–2 fleet at Beale Air Force Base in California.

What is your vision for the future of UAVs and UCAVs in the Air Force?

Answer. It is my understanding that the warfighters' determine required combat capabilities. It is my understanding that the acquisition team is then charged to de-

liver that combat capability when needed at an affordable cost. If confirmed, I would continue the acquisition community's close working relationship with the operational side of the Air Force team, including the Chief of Staff of the Air Force and commanders of the major commands. By working together as a leadership team, we would understand each other's problems and concerns and ultimately provide our airmen with needed combat capabilities that are effective, reliable, and affordable.

Question. In the Fiscal Year 2001 Floyd D. Spence National Defense Authorization Act, Congress set a goal that within 10 years one-third of U.S. military operational deep strike capability would be unmanned. In addition, Congress invested an additional $50 million above the President's budget request in the Air Force Unmanned Combat Air Vehicle.

Do you support the 10-year goal of one-third of U.S. military operational deep strike aircraft being unmanned?

Answer. I am aware of the public law that outlined this important goal, and am aware that there are programs within the Department geared to attaining this objective. As a nominee for this prestigious position, I am not aware of the specifics of the program plans. However, if confirmed, I would look forward to working with Department and Air Force officials to ensure the Air Force continues to support the Department's demonstration program that is integral to achieving that goal.

Question. In your view, is the current level of investment, the Fiscal Year 2002 President's budget request of $60 million, sufficient to realize this goal?

Answer. As a nominee for this prestigious position, I am not aware of the specifics of this issue. If confirmed, I would look forward to working with the acquisition team to ensure they continue to identify the level of investment needed to efficiently provide needed combat capabilities to the warfighters. I would look forward to working closely with the Department and Congress to determine the best way to provide the necessary resources.

ACQUISITION PROCESS PROBLEMS

Question. The committee has been concerned about schedule and cost problems in a number of Defense Department acquisition programs. Perhaps more troubling is that the Department seems to have been surprised by some of these problems. Various Department officials have testified that the implementation of earned value management systems and integrated product teams should have provided greater visibility into cost and schedule, but there would appear to have been some shortcomings in that regard.

Do you believe that structural changes or policy changes are appropriate to help avoid similar problems on current or future programs? If so, what changes would you recommend?

Answer. As a nominee for this prestigious position, I am not aware of any systemic problems in the office. If confirmed, I would work diligently to ensure directors of all Air Force weapon system acquisition programs continue to take advantage of the tools available to manage cost, schedule, and technical performance and to provide the best combat capability to the warfighter when needed at an affordable cost. If confirmed and problems were to arise, I would do my best to solve them as expeditiously as possible to maintain the integrity of the acquisition process.

OVERSIGHT OF SPACE-RELATED PROGRAMS

Question. Secretary Rumsfeld has announced that he intends to vest oversight of space programs in the Under Secretary of the Air Force.

Do you believe that programs such as GPS receivers and satellite communications ground terminals appropriately fit within the "space" portfolio of the Under Secretary?

Answer. It is my understanding that the Space Commission provided recommendations regarding acquisition of space systems. However, as a nominee for this prestigious position, I am not aware of the specifics of the report of the implementation plan. If confirmed, I would look forward to cooperating fully with the Commander in Chief, U.S. Space Command, and the commanders of the space commands in the military services to ensure continued efficient administration of all matters related to acquisition of space systems for the joint warfighting team.

Question. Do you know exactly what space-related responsibilities you will handle, if you are confirmed, and what responsibilities will be handled by the Under Secretary?

Answer. It is my understanding that the Space Commission provided recommendations regarding acquisition of space systems. However, as a nominee for this prestigious position, I am not aware of the specifics of the report or the implementation plan. If confirmed, I would look forward to having a close working rela-

tionship with the Under Secretary of the Air Force, and other Department leaders, in the space realm. If confirmed, I would look forward to cooperating fully with them to ensure continued efficient administration of all matters related to acquisition of space systems for the joint warfighting team.

Question. If the Air Force becomes the executive agent for the DOD for Space, how will this impact your duties?

Answer. It is my understanding that the Space Commission provided recommendations regarding acquisition of space systems. However, as a nominee for this prestigious position, I am not aware of the specifics of the report or the implementation plan. If confirmed, I would look forward to having a close working relationship with the Under Secretary of the Air Force, and other Department leaders in the space realm. If confirmed, I would look forward to cooperating fully with them to ensure continued efficient administration of all matters related to acquisition of space systems for the joint warfighting team.

Question. If the Air Force is the executive agent for DOD for Space, how will this affect your relationship with the service acquisition assistant secretaries and Under Secretary of Defense Aldridge?

Answer. It is my understanding that the Space Commission provided recommendations regarding acquisition of space systems. However, as a nominee for this prestigious position, I am not aware of the specifics of the report or the implementation plan. If confirmed, I would look forward to developing a sound working relationship with Under Secretary of Defense Aldridge and the Acquisition Executives in the other Military Departments to ensure each of us can successfully carry out the statutory responsibilities assigned to us. If confirmed, I would look forward to cooperating fully with them to ensure continued efficient administration of all matters related to acquisition of space systems for the joint warfighting team.

SCIENCE AND TECHNOLOGY INVESTMENT

Question. In his June 28, 2001 testimony before this committee, Secretary Rumsfeld stated that he has set a goal of 3 percent of the total defense budget for the Defense Science and Technology Program.

If confirmed, would you support a similar goal for the Air Force Science and Technology portfolio, as a percentage of the entire Air Force budget?

Answer. I believe that a strong science and technology program is crucial to providing future generations of airmen the combat capabilities they will need in the future. Science and technology is certainly an area I am most interested in. If confirmed, I would work diligently to ensure that the acquisition community enables the Air Force to continue to maintain it's technological dominance over any potential adversary. If confirmed, I would look forward to working with the leadership of the Air Force, the Department, and Congress to ensure the Air Force continues to provide an appropriate level of resources in the Science and Technology arena.

Question. In your view, does the current Air Force Science and Technology portfolio adequately support the warfighter of today and the future?

Answer. As a nominee for this prestigious position, I am not aware of the specific technologies within the Air Force's Science and Technology portfolio. I am certainly most interested in this arena. If confirmed, I would work diligently to ensure that the acquisition community enables the Air Force to continue to maintain it's technological dominance over any potential adversary. If confirmed, I would look forward to working with the leadership of the Air Force, the Department, and Congress to ensure the Air Force continues to provide an appropriate level of resources in the Science and Technology arena.

Question. If confirmed, how do you intend to facilitate communication between the science and technology community and the warfighter?

Answer. If confirmed, I would look forward to continuing the close working relationship the acquisition community has with the operational side of the Air Force team, including the Chief of Staff of the Air Force and commanders of the major commands. By working together as a leadership team, we would understand each other's problems and concerns and ultimately provide the airmen with needed combat capabilities that are effective, reliable, and affordable. If confirmed, I would work diligently to use this understanding to ensure the Air Force Science and Technology portfolio continues to invest in research that will provide the needed capabilities in the future.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Air Force for Acquisition?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR STROM THURMOND

AIR FORCE MODERNIZATION

1. Senator THURMOND. Dr. Sambur, The Air Force has developed a time-phased approach that seeks to modernize without sacrificing readiness. Among its priorities are procuring the C–17, increasing C–5 reliability, upgrading conventional bombers and precision-guided munitions (PGMs), and modernizing fighter and tanker fleets.

Considering the current threat environment, do you agree with this priority for modernization?

Dr. SAMBUR. Certainly, the current threat environment is placing enormous requirements on all our assets. I am confident that current Air Force planning, programming, and procurement efforts are working hard to correctly prioritize these requirements to support the National Military Strategy. If confirmed, I look forward to participating in this process.

[The nomination reference of Dr. Marvin R. Sambur follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 4, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Dr. Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force, vice Lawrence J. Delaney.

[The biographical sketch of Dr. Marvin R. Sambur, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. MARVIN R. SAMBUR

Marvin R. Sambur has been with ITT for nearly 25 years, where he served in several capacities. These positions included President and CEO of ITT Defense, President and General Manager of ITT Aerospace and Communications, and President and General Manager of ITT Electron Technology.

As President of ITT Defense, Dr. Sambur was responsible for the total management of ITT's $1.5 billion Defense sector. The defense sector included six divisions with 10,000 employees that supplied advanced wireless communications systems, sophisticated satellite payloads, air traffic control systems, night vision goggles, electronic warfare systems, and advanced services to the U.S. and foreign governments.

As President of ITT Aerospace and Communications, Dr. Sambur was instrumental in making the division into the world leader in the manufacture and supply of tactical radios used by the U.S. military and allied forces, as well as the world leader in the design and production of space borne navigation and metrological satellite payloads.

Prior to joining ITT, Dr. Sambur was with Bell Laboratories, where he was a member of the technical staff of the Digital Signal Processing Research Department.

He holds a Bachelor of Science degree in Electrical Engineering from City College of New York and a Master of Science degree and a Ph.D. in Electrical Engineering from the Massachusetts Institute of Technology.

Dr. Sambur has published numerous papers in the areas of voice processing and digital signal processing and has been granted several patents. In 1984, he was given the prestigious IEEE Centennial Award for engineering management. He is a senior member of IEEE, the Acoustical Society of America, Eta Kappa Nu, Tau Beta Pi, and Sigma Xi.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. Marvin R. Sambur in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Marvin Robert Sambur.

2. **Position to which nominated:**
Assistant Secretary of the Air Force for Acquisition.

3. **Date of nomination:**
September 4, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
March 31, 1946; Brooklyn, NY.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to the former Arlene Carol Bossowick.

7. **Names and ages of children:**
Beth Yvonne Sambur (24 years); Ian Matthew Sambur (20 years).

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Brooklyn Technical HS (9/59–6/63); CCNY (9/63–6/68) received BEE; MIT (9/68–6/72) received MSEE and PhD.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

President ITT Aerospace Technology Division (6/91–10/98 and 8/2000–3/2001); President ITT Defense (10/98–8/2001); presently Consultant for ITT (4/2001–present).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member IEEE.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Paul Helmke ($100) running for U.S. Senate in Indiana.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

IEEE centennial award for outstanding Engineering Management; elected Senior member of IEEE.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

YEAR	TITLE	PUBLICATION	
1969	First Passage Time Statistics of a Ramp Plus Noise	Requirement for Degree of Master of Science, MIT Also published in Bell System Journal, VOL 50	author
1972	Speaker Recognition and Verification Using Linear Prediction Analysis	Requirement for PhD, MIT Also published in IEEE Trans On Acoustic, Speech and Signal processing. 1973	author
1973	LMS Adaptive Filtering for enhancing the Quality of Noisy Speech	Bell System Technical Journal, VOL 52	author
1974	High Quality 9.6KPS Algorithm that satisfies the Embedded Bit Concept	IEEE Transactions on Acoustics, Speech and Signal Processing	author
1974	A Distance Metric for Linear Prediction	Bell System Technical Journal	author
1975	A Speaker-Independent Digit-Recognition System	Bell System Technical Journal, VOL 54, No 1, JAN 75	co-author
1975	An Efficient Linear-Prediction Vocoder	Bell System Technical Journal, VOL 54, No 10, DEC 75	author
1975	An Algorithm for Determining the Endpoints of Isolated Utterances	Bell System Technical Journal, VOL 54, No 2, FEB 75	co-author
1975	Selection of Acoustic Features for Speaker Identification	IEEE Transactions on Acoustics, Speech, and Signal Processing, APR 75	author
1975	New Techniques for Automatic Speaker Verification	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-23, No 2, APR 75	co-author
1975	Applications of a Nonlinear Smoothing Algorithm to Speech Processing	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-23, No 6, DEC 75	co-author
1976	Speech Encryption by Manipulations of LPC Parameters	Bell System Technical Journal, VOL 55, No 9, NOV 76	co-author

YEAR	TITLE	PUBLICATION	
		76	
1976	Some Preliminary Experiments in the Recognition of Connected Digits	IEEE Transactions on Acoustics, Speech, and Signal Processing, APR 76	co-author
1976	A Statistical Decision Approach to the Recognition of Connected Digits	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-24, No 6, DEC 76	co-author
1976	LCP Analysis/Synthesis from Speech Inputs Containing Quantizing Noise or Additive White Noise	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-24, No 6, DEC 76	co-author
1976	Speaker Recognition Using Orthogonal Linear Prediction	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-24, No 4, AUG 76	author
1976	Speech Recognition System	patent application 15dec76	author
1977	A Variable-Band Coding Scheme for Speech Encoding at 4.8 kb/s	Bell System Technical Journal, VOL 56, No 5, MAY-JUN 77	co-author
1977	Systems: Part 1 -- Wideband-to-Narrowband Link	Bell System Technical Journal, VOL 56, No 9, NOV 77	co-author
1977	LPC Prediction Error -- Analysis of Its Variation with the Position of the Analysis Frame	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-25, No 5, OCT 77	co-author
1977	Application of an LPC Distance Measure to the Voiced-Unvoiced-Silence Detection Problem	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-25, No 4, AUG 77	co-author
1978	Adaptive Noise Canceling for Speech Signals	IEEE Transactions on Acoustics, Speech, and Signal Processing, VOL ASSP-26, No 5, OCT 78	author
1982	Speech Processing Technology	Speech Technology	author
1982	Mediumband Speech Coders	Speech Technology c/o Media Dimensions, Inc.	author

YEAR	TITLE	PUBLICATION	
1982	Speech Algorithm Advances Promise Toll-Quality Medium-Band Digitized speech	Speech Technology, SEP/OCT 82	author
1983	Natural Communication with Machines	IEEE proceedings	author
1983	Speech Compression Techniques	Princeton University 1983	author
1984	Military Applications of Speech Coding and Recognition	IEEE New York Chapter May 3, 1984 Seminar, Speech Synthesis and Recognition Communication/ Computer System Applications	author
1984	Perspective of a Director of Engineering on Software Management	IEEE Proceedings	author

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DR. MARVIN R. SAMBUR.

This 1st day of August, 2001.

[The nomination of Dr. Marvin R. Sambur was reported to the Senate by Chairman Levin on November 8, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 8, 2001.]

[Prepared questions submitted to Dr. William Winkenwerder, Jr. by Chairman Levin prior to the hearing with answers supplied follow:]

October 5, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Yours truly,

DR. WILLIAM WINKENWERDER, JR.

cc: Hon. John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. Significant progress has been made, and I believe the Department has embraced the spirit of the act.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. Reaffirmation and clarification of civilian control, and strengthening the role of the Commanders in Chief of the Unified Commands.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not familiar with any proposed amendments to Goldwater-Nichols. I have not formed an opinion on the potential appropriateness of any changes to the Goldwater-Nichols Act.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of Defense for Health Affairs?

Answer. If confirmed, I would serve as the principal staff assistant to the Under Secretary of Defense for Personnel & Readiness (USD(P&R)) and to the Secretary of Defense for the full range of health policies and programs. My primary duty would be to execute the Department's medical mission—to provide, and maintain readiness to provide, medical services to members of the Armed Forces, ensuring their fitness for duty and deployment. I would also be responsible for the provision of health care to the family members of the Armed Forces, retirees and their eligible family members, and others eligible for DOD health benefits.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. If confirmed, I would bring a number of skills to this important position. I am a board-certified physician with several years of experience in clinical practice. My clinical experience has been complemented with fourteen years of health care management experience that includes both private sector and public service. These positions include experience in health care delivery, health plan management, and with the health insurance industry. I will call on my experiences in each of these settings if I am confirmed as Assistant Secretary of Defense for Health Affairs.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of Defense for Health Affairs?

Answer. The Secretary of Defense and the Under Secretary for Personnel and Readiness have outlined their expectations for this position, and expressed their confidence in my ability to perform this job within the authorities already provided.

If confirmed, the most important actions that I would undertake, early in my tenure, would be to draw on the existing pool of talented military and civilian health care professionals in the Department of Defense and the external military support organizations and beneficiary groups for ideas and to clearly communicate to these organizations and individuals the expectations that the Secretary and Under Secretary have for them. I would also seek to strengthen relationships with government and non-government agencies outside of the Department of Defense, to include the Department of Health and Human Services, the Centers for Medicare and Medicaid Services, the Centers for Disease Control, the Food and Drug Administration, the Agency for Health Care Policy and Research, the Department of Veterans Affairs, and the health care industry.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. Clearly, the primary mission of ensuring the health and fitness of our Active-Duty Forces remains preeminent. If I am confirmed, I anticipate that the coming months will be very focused on force health protection activities, our medical readiness responsibilities, and medical support to potential deployments. The Secretary of Defense expects a world-class health system for the men and women who serve or have served our country that is defined by superior performance, accountability and financial integrity.

Question. In carrying out your duties, how will you work with the following:

The Under Secretary for Personnel and Readiness.

The TRICARE Management Agency.

The Surgeons General of each of the Services.

The TRICARE Lead Agents.

The TRICARE Support Contractors.

The Designated Providers' Chief Executive Officers (i.e., Uniformed Services Treatment Facility CEOs).

Beneficiary Groups.

Answer. An overarching theme that will define my relationships with each of these important individuals or groups is close collaboration. Continued success in defense health care will be largely defined by our ability to work together as a team—the civilian leadership in DOD, the Military Departments, both line and medical, TRICARE regional offices, private sector contractors, and the beneficiary or constituent associations which represent the people the Department of Defense serves. I do believe that success is also achieved through the establishment of performance expectations, supported by clear lines of authority and accountability for these expectations.

The lines of authority and accountability between the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Health Affairs, and the TRICARE Management Activity are clear and direct. If confirmed, I look forward to working with Dr. Chu and with the health care professionals within Health Affairs and TMA. The TMA is a subordinate field activity under the Assistant Secretary of Defense for Health Affairs, and responsibility for its performance rests with this office. The buck stops here.

I would also look forward to working closely and collaboratively with the Service Surgeons General. I would include them in our strategic planning process, and I am looking forward to soliciting their ideas on sustaining and improving our military medical readiness posture. The Surgeons General and their line leadership direct the activities of our military medical treatment facilities, where more than half of all our medical care is delivered. Our close working relationship will be vital to communicating and implementing a coordinated strategy for medical readiness activities as well as health care delivery to our other beneficiaries.

Coming from the private sector, I am also confident in the ability of private health care contractors to complement the military health care delivery system with high quality services. The relationship between government and private contractors should be based on a true partnership. Honest, open and frequent communications is the key to a healthy working relationship with all of our contractors, TRICARE or Designated Providers. Together with a clear definition of performance expectations and measures, I believe that these contractual relationships can and should grow into long-term relationships mutually benefiting both the government and contractor.

Finally, if confirmed, I am dedicated to continuing the close working relationship that has developed with the beneficiary associations over the past year. I plan to communicate frequently with these organizations, and to solicit their ideas on how we can improve our performance. If I am confirmed, I plan to meet with the leaders of The Military Coalition and National Military Veterans Alliance early in my tenure and at regular, frequent intervals throughout my tenure.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of Defense for Health Affairs?

Answer. I believe that medical readiness and force health protection requirements represent the primary challenges for the Assistant Secretary of Defense. Parallel challenges include the need to improve the predictability of health care costs; manage the TRICARE benefit and the long-term costs of the program; ensure high quality care; and institute continuous improvement of business practices through improved contracting and performance outcomes measurement.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I would quickly establish 6–12 month work plans for making achievable and measurable progress on each of the high priority issues. I believe that the establishment of clearly defined goals combined with the empowerment of individuals to achieve those goals is essential to making rapid improvements in the health care system.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of Defense for Health Affairs?

Answer. In the past several weeks, I have been fortunate to observe activities within Health Affairs and to have spent some time with the acting Assistant Secretary of Defense for Health Affairs, Dr. Jarrett Clinton. Despite staff shortages that occurred during the transition period, he and his staff superbly implemented the new TRICARE benefits, and provided expert advice to the Under Secretary and Secretary of Defense on a range of force health protection and medical readiness matters—both before and after September 11. In that regard, I want to commend Dr. Clinton and his staff for their performance over the past year. If confirmed, I hope to build upon these successes, increase outreach to other government agencies and institute smart business practices to manage the TRICARE benefits that are now in place.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. The pace of activity in the medical readiness arena is clearly accelerated since September 11, 2001. Actions and timelines in many areas will likely be defined by days and weeks, not months and years. If confirmed, I will determine or review each required action and set the deadline for implementation. In the TRICARE arena, I would immediately undertake actions to establish time lines to monitor performance, establish performance improvement goals where appropriate and strengthen management controls. The contracting cycle for activities this large require fairly significant lead times for issuance of requests for proposals (RFPs), reviews of bidder submissions, secondary reviews, award of contracts, and transitions from outgoing to incoming contractors.

PRIORITIES

Question. If confirmed, what broad priorities will you establish in terms of issues which must be addressed by the Assistant Secretary of Defense for Health Affairs?

Answer. If confirmed, the challenges I identified above would become the priorities for action. First, ensuring our Active-Duty Forces are healthy and prepared to deploy at any time. Second, ensuring our military medical forces are prepared to provide quality services to our forces anywhere in the world. Third, introducing business practices that will ensure we deliver a world-class health care system that serves the beneficiary by improving their health while controlling costs for both the beneficiary and the taxpayer.

TRICARE

Question. TRICARE has been a managed care program in the making in the Department of Defense for over a decade. The Department is currently developing options for the next generation of contracts for care provided by civilian providers.

If confirmed, what will be your commitment to the TRICARE program?

Answer. I wholeheartedly support TRICARE. In the past few years, TRICARE has improved significantly—particularly in the areas of claims processing and customer satisfaction. If confirmed, I will seek further improvements in the program, and I will seek to increase accountability, strengthen our business practices and our partnership relationships with the private sector.

Question. Do you have any views on how a new generation of contracts could be structured?

Answer. It is my understanding that the TRICARE Management Activity is actively engaged in shaping the next generation of TRICARE contracts. Most of this activity is procurement sensitive, and I have not yet participated in detailed discussions. If confirmed, I plan to quickly engage in the specific details and our objectives. In general, however, I believe that contracts should be developed in a manner that invites the greatest level of competition, and that emphasizes outcomes rather than prescribing the processes for achieving those outcomes.

Question. Based on your experience in the private sector, what contracting mechanisms or modifications should be considered?

Answer. In the private sector, we emphasize quality, service and cost-effectiveness measures in our contracts, and incentives to achieve high levels of performance.

Question. If confirmed, what will be your short-term and long-term goals for TRICARE?

Answer. If confirmed, my short-term goals would be to implement and monitor the new benefits introduced in fiscal year 2002. In the longer term, I plan to pursue the Secretary's imperative for a world-class health system that continues to improve beneficiary satisfaction, protect our military families from excessive out-of-pocket costs and procure new TRICARE contracts in a manner that best supports military medical readiness and serves the interests of our beneficiaries and the taxpayers.

Question. If confirmed, how will you capture the essence of the partnering arrangement between the Government and the TRICARE Support Contractors that is necessary for the successful delivery of health care within the TRICARE Program?

Answer. If confirmed, I would further the partnering relationships with contractors. The relationship between government and private contractors should be based on a true partnership. Honest, open and frequent communications, and a shared understanding of mutual accountability are the key elements to a healthy working relationship with all of our contractors.

Question. As members and staff of the committee visit installations and military units around the world, it has become apparent that TRICARE is not understood by many service members and their families. Many senior leaders do not understand TRICARE well enough to assist their subordinates. Some concerns about the effectiveness of the TRICARE program are the result of misunderstandings about the program.

If confirmed, what will you do to help beneficiaries understand their TRICARE benefits?

Answer. If confirmed, I will rely on both TMA and TRICARE contractors to ensure beneficiaries reach ever-higher levels of understanding of their TRICARE benefits. I would seek to use every available means of communication—the internet, direct mail, call centers, face-to-face briefings, media, and coordination with beneficiary association organizations to ensure the widest possible outreach efforts. My experience in the private sector has taught me that beneficiaries use all of these sources for their information, and that repetitive communications are required to fully reach the entire population.

Question. In your opinion, what is the role of the operational chain of command in ensuring that service members thoroughly understand the options within TRICARE available to their families?

Answer. I support the role that the chain of command assumes for their subordinates' welfare, to include education on the range of benefits available to their soldiers, sailors, airmen and marines. Fortunately, senior personnel are also TRICARE beneficiaries. In my opinion, the most important piece of information is to know where to direct people in order to get informed answers.

Question. If confirmed, how will you ensure the operational chain of command fulfills that role?

Answer. If confirmed, I plan to meet early and often with senior leaders—both officer and enlisted—and get their views on how best to educate our active duty personnel. I am certain that this will be a two-way street—providing Health Affairs and TMA with good ideas, and providing the line leadership with information to take back to their people.

Question. There continues to be concern expressed by TRICARE beneficiaries about the adequacy and availability of health care providers in some areas of the country. While managed care support contracts have access standards and timeliness requirements to ensure beneficiaries have access to appropriate providers within a reasonable period of time, this does not always happen.

What ideas do you have about improving the number and adequacy of providers under the TRICARE program?

Answer. I believe that having access to quality health care providers is an essential element of a world-class health care system. In addressing this problem, if confirmed, I would want to first understand what the problem is. Is it: (1) a general

lack of health care providers (primary care of specialists) in a certain geographic area, or (2) an adequate number of health care providers, but a reluctance to participate in TRICARE? I anticipate that the answer might vary depending on the geographic location. Similarly, the solution would have to vary and be appropriate for the local circumstances. I want to ensure that the quality of the health care is not compromised to increase provider participation. Based on information I have reviewed, I do believe that the Department of Defense has been provided with appropriate flexibility in determining reimbursement rates and encouraging TRICARE participation.

COMMITMENT TO MILITARY RETIREES

Question. In your opinion, what, if any, is the commitment on behalf of the Department of Defense and the military departments to provide health care through the Military Health Care System to those who have retired from the uniformed services?

Answer. In my brief review of the implementation of TRICARE for Life, I have been impressed that the Administration has demonstrated a clear commitment to funding and implementing this benefit. The Department is wholly committed to providing excellent health care to all our beneficiaries, including military retirees. Military facility health care is finite. The entitlement to payment for civilian health care services under TRICARE, now available to retirees over 65 as well as under 65, provides assurance of comprehensive coverage for our retirees even when military providers are not available.

RESOURCING

Question. Adequate financing of the Defense Health Program has long been an issue. In a hearing earlier this year, Secretary Rumsfeld acknowledged that the funding planned for fiscal year 2002 for the Defense Health Program reflected the Department's best estimate, but he could not be more precise.

What ideas do you have for more accurately projecting the cost of, and appropriately resourcing, the Defense Health Program?

Answer. If confirmed, I would focus on analyzing the process by which we develop our budget requirements and seek to understand our total requirements. The costs of the major components of the health care dollar are growing at different rates. We must understand these dynamics, be able to predict them, and take actions to manage them. This process should be helpful in improving both budget predictability and improving our resource allocation in future years. My civilian sector experience has focused on productivity, coordinated care programs, and using metrics for performance improvement. I think this focus will be very valuable in support of TRICARE.

I am pleased that the President and Secretary of Defense have set the Department on a course to much greater stability by funding the Defense Health Program in fiscal year 2002 at a level in which we do not anticipate any need for a supplemental appropriation for health.

If confirmed, I will closely monitor execution during the fiscal year not only of the Defense Health Program requirements but also monitor the overall healthcare trends in the civilian sector and make use of healthcare actuary experts to more accurately project cost requirements in the future.

MILITARY HEALTH PROFESSIONAL RECRUITING AND RETENTION

Question. The Department of Defense relies on a combination of bonuses and incentives to recruit and retain health care professionals to provide care to military members and their families. The last legislative revision to applicable bonus amounts occurred approximately ten years ago. Given the inherent reduction in buying power of those programs over time, Congress, in last year's Authorization Act, directed the Department of Defense to conduct a review and report on the adequacy of special pays and bonuses for medical corps officers and other health care professionals.

What are your views on the adequacy of existing bonus and pay incentive programs?

Answer. I am still becoming familiar with the complex issues surrounding military bonus and specialty pay. If confirmed, I look forward to reviewing the draft reports being prepared for you that will review the existing programs and offer suggestions for improvement. I am committed to an overarching strategy to recruit and retain the best-qualified health care professionals for a career in the military. It is important to properly manage recruiting, pay, and retention programs to ensure appropriate balance for Department missions and beneficiary needs.

Question. If confirmed, will you undertake a close examination and development of recommendations regarding pay incentives?

Answer. Yes, I will.

HEALTH CARE FOR VETERANS

Question. On May 28, 2001, the President issued an executive order establishing a Presidential Task Force to Improve Health Care Delivery for Our Nation's Veterans. The 15-member Task Force is comprised of health care experts, officials familiar with Department of Veterans Affairs and Department of Defense health care systems, and representatives from veteran and military service organizations. The mission of the commission is to identify ways to improve benefits and services to those eligible for services through both agencies and to create greater collaboration in the delivery of health care between the two agencies.

How do you envision the Department of Defense playing a role in this process and what opportunities do you foresee to work jointly with the Veterans Administration?

Answer. If confirmed, I look forward to working in a supportive manner with the Presidential Task Force and with the Department of Veterans Affairs to further identify and expand joint opportunities. The Department of Veterans Affairs has an important mission in serving our Nation's veterans. I would work aggressively with the Department of Veterans Affairs to ensure opportunities for sharing resources and better business processes are not missed when both Departments and the taxpayer stand to benefit from improved coordination of Federal resources.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Health Affairs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

TRICARE CONTRACTING

1. Senator WARNER. Dr. Winkenwerder, the Department of Defense is moving toward new contracting approaches for purchasing health care services to augment our military treatment facility capabilities through the TRICARE program. What is your view of separating out particular functions, such as pharmacy services or claims processing, from major contracts and would you advocate a single nationwide contract for such services?

Dr. WINKENWERDER. While I believe there have been significant improvements over the past 5 years positively impacting the health care benefit, populations served, and contracts with private health care firms who assist in delivering health benefits to DOD beneficiaries, I do believe as health care delivery and financing continue to evolve and improve, there will always be ways to improve service and satisfaction, while reducing administrative complexity and reducing costs. With that said, in reviewing the TRICARE contracts, I believe DOD should be guided by these principles: improve those things that are in need of repair, retain those things that are working well, and do everything possible to avoid disruptive services to beneficiaries. This approach would retain many of the most essential elements of the existing TRICARE contracts—geographically based, risk-shared contracts, in which the prime contractor serves as the integrator for health care delivery in a region. At the same time, the benefits of competition in new contracts would further im-

prove beneficiary satisfaction, sustain quality care, and increase the efficient management of the health program.

Carving out of pharmacy services is consistent with industry practice. It is a practice I would support for TRICARE. I have doubts that a single worldwide contract for claims processing would be effective for the Department of Defense, but I would further examine the concept before making a final decision.

2. Senator WARNER. Dr. Winkenwerder, are there other areas that you feel would lend themselves to a separate procurement action?

Dr. WINKENWERDER. A further possibility could be to consider a separate marketing contractor to design and produce all TRICARE marketing materials. This would present a "one face" approach, thus eliminating program description discrepancies that are possible with a multi-contracted system.

TRICARE CONSOLIDATED PHARMACY BENEFIT

3. Senator WARNER. Dr. Winkenwerder, Congress has had a long standing interest in the efficiency of the DOD pharmacy programs and in fact directed the Secretary of Defense to develop and implement a plan that would redesign the pharmacy programs and would incorporate best business practices of the private sector.

Do you believe that the current concept of operations for the consolidated pharmacy benefit is consistent with the direction Congress has provided on this matter?

Dr. WINKENWERDER. While I have not been briefed in detail on the program, yet, it is my view that consolidating the pharmacy benefit is critical to providing the management structure and contracted services needed to fully achieve these goals. I would continue to solicit industry input and to review best business practices for incorporation into DOD programs where applicable and when consistent with congressional and executive direction.

4. Senator WARNER. Dr. Winkenwerder, how would you improve the consolidated pharmacy benefit to ensure that it conforms to the stated objectives of both the Secretary of Defense and Congress?

Dr. WINKENWERDER. I recognize the importance of this program to the Department of Defense and its beneficiaries. I would seek to continuously improve the program and to ensure that it represents both best practices in industry and meets the needs of all Department of Defense beneficiaries. I would want the program to be efficient and effective while being a model for the Nation.

QUESTION SUBMITTED BY SENATOR STROM THURMOND

ROLE IN DOMESTIC CBRN INCIDENTS

5. Senator THURMOND. Dr. Winkenwerder, Department of Defense personnel have had extensive training on the treatment of chemical, biological, radiological or nuclear injuries. However, these resources have to focus on the needs of the Armed Forces.

What role do you anticipate military medical personnel will have in responding to a domestic chemical, biological, or nuclear incident?

Dr. WINKENWERDER. I understand the DOD medical community has extensive knowledge, training, and research experience with chemical, biological, and nuclear threats. I believe DOD would provide that expertise to support the responsible civil authorities in a domestic incident, as long as it did not compromise the primary military mission.

[The nomination reference of Dr. William Winkenwerder, Jr. follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 21, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Dr. William Winkenwerder, Jr., of Massachusetts, to be an Assistant Secretary of Defense, vice Sue Bailey.

[The biographical sketch of Dr. William Winkenwerder, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. WILLIAM WINKENWERDER, JR.

Since October 1998, Dr. William Winkenwerder, Jr., has been with Blue Cross and Blue Shield of Massachusetts, first as Executive Vice President for Health Care Services, and most recently, as Vice Chairman in the Office of the CEO. In these positions, he has been responsible for all business and clinical operations and activities for health providers (hospitals, physicians, pharmaceuticals, labs, etc.) and an annual medical expense budget of more than $3.0 billion.

Prior to joining Blue Cross and Blue Shield, he was with Emory University from May 1996 to September 1998, first as Vice President for Emory Health Care then as Associate Vice President for Health Affairs. With Emory University, Dr. Winkenwerder was responsible for managing and developing a group practice of over 100 physicians affiliated with the university at the Robert Woodruff Health Sciences Center. From April 1992 to December 1995, he was Vice President and Chief Medical Officer for Southern Operations with Prudential Healthcare, responsible for health care management supporting 15 local managed care plans and affiliated medical group practices, providing care for 1.5 million employees in five southeastern states.

From August 1988 to March 1992, Dr. Winkenwerder was Director of Quality Assurance and Associate Medical Director for the Southeast Permanente Medical Group of Kaiser Permanente. As a member of the senior management team, he was responsible for quality assurance, credentialing, utilization, cost management, and clinical information systems in a start-up HMO. From April 1987 to August 1998, he was with the Health Care Financing Administration of the U.S. Department of Health and Human Services as Special Assistant to the Administrator, responsible for policy coordination and development of medical payment issues in Medicare and Medicaid.

Dr. Winkenwerder is a 1976 graduate of Davidson College. He received his MD from the University of North Carolina School of Medicine in 1981, and an MBA from the Wharton School at the University of Pennsylvania in 1986. He is currently on the Board of Directors for the American Association of Health Plans and the Federal Employees Program of the Blue Cross Blue Shield Association. He is a member of a number of professional associations, including the American Medical Association, the American College of Physicians—American Society of Internal Medicine, and the American College of Physician Executives. Dr. Winkenwerder has published writings on health policy in the New England Journal of Medicine and the Journal of the American Medical Association.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Dr. William Winkenwerder, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
William Winkenwerder, Jr., M.D.

2. **Position to which nominated:**
Assistant Secretary of Defense for Health Affairs.

3. **Date of nomination:**
September 21, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
April 27, 1954; Asheville, NC.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary Pride Winkenwerder; Mary Pride Schuler (maiden name).

7. **Names and ages of children:**
William (Will) Winkenwerder III—9 years old.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Davidson College (1972–1976), B.S. 1976.
University of North Carolina School of Medicine (1977–1981), M.D. 1981.
University of Pennsylvania The Wharton School (1984–1986), M.B.A. 1986.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Blue Cross/Blue Shield of Massachusetts, Inc., Boston, MA. Executive Vice President, Health Care Services Vice Chairman, Office of CEO—1998–2001.
Emory University, Atlanta, GA. Associate Vice President for Health Affairs and Vice President, Emory Health Care—1996–1998.
Prudential Healthcare, Atlanta, GA. Vice President, Chief Medical Officer for Southern Operations—1992–1995.
Kaiser Permanente, Atlanta, GA. Associate Medical Director—1988–1992.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Employee—Health Care Financing Administration, U.S. Department of Health and Human Services, Special Assistant to the Administrator—1987–1988.
Member—State of Florida Commission on Autologous Bone Marrow Transplantation—1993.
Consultant Advisor—State of Georgia Governor's Task Force on Health Care Reform—1993.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corpora-

tion, company, firm, partnership, or other business enterprise, educational, or other institution.

Care Science, Inc., Member, Board of Directors—1997 to present.

Blue Cross/Blue Shield of Massachusetts, Officer—Senior Vice President—2000 to 2001.

American Association of Health Plans, Member, Board of Directors—1999 to 2001.

Center for Studying Health System Change, Member, Board of Advisors—1999 to present.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

- American Medical Association (1984-Present)
- American College of Physicians (1984-1990); American Society of Internal Medicine (1994-Present)
- American College of Physician Executives (1989-Present)
- Medical Association of Atlanta/ Medical Association of Georgia (1990-1998)
- American Association of Health Plans (1993-95; 1998-2001)
  Board of Directors (2000-2001)
- United Way of Massachusetts Bay (1999-2001)
  Leadership Cabinet (2000)
- Davidson College Alumni Association (1976-Present)
- Wharton Healthcare Alumni Association (1987-Present)
  Board of Directors (1998-2001)
- University of North Carolina (UNC) School of Medicine, Alumni Association (1981-Present)
- The Health Care Forum- Physician Leadership Network (1992-1999)
- All Saints Episcopal Church (1987-1992), Atlanta, Georgia
- Peachtree Presbyterian Church (1992-1998) Atlanta, Georgia
- Wellesley Hills Congregational Church (1999-Present), Wellesley, Massachusetts
- The International Club, corporate membership, (1999-2000) Bolton, Massachusetts
- The Buckhead Club, corporate membership, (1996-1998), Atlanta Georgia

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

National Republican Party—Member.

Georgia Republican Party—Member.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Republican National Committee, March 1998—$35.

Republican National Committee, April 2000—$50.

North Carolina Republican Party Victory 2000, October 2000—$1,000.

Republican National Committee, July 2001—$50.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Athletic Scholarship (football), Davidson College—1972–1976.

Foreign Fellowship Award, UNC School of Medicine—1981.

Henry Wise Fellow Finalist—1983.

Wharton Washington Fellowship, University of Pennsylvania—1986.

Henry J. Kaiser Family Foundation Fellowship, University of Pennsylvania—1984–1986.

Administrator's Citation, Health Care Financing Administration—1988.

White House Fellows Finalist—1991.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Publications (Peer reviewed)

1. Cangialose C., Blair A, Borchardt J., Ades T., Bennett C., Dickersin K., Emanuel L., Gesme D., Henderson I.C., McGinnis L., Mooney K., Mortenson L., Sperduto P., Winkenwerder W., Ballard D. Purchasing Oncology Services: Summary Recommendations. (submitted to The Journal of the American Medical Association).

2. Winkenwerder W. The Impact of Health Care Reform on Group Practice. Physician Executive October 1994

3. Winkenwerder W. Primary Care and Specialist Physician Roles in a Managed Care Environment Monograph. Medicine in Transition Series. American Medical Association June, 1994.

4. Winkenwerder W., Eisenberg J., Williams S., Young M., Hershey J., Levy B., Variation in Physicians Management of Sexually Transmitted diseases. Journal of General Internal Medicine 1993; 8:369-73.

5. Winkenwerder W., Kessler A., Stolec R., Federal Spending for illness caused by Human Immunodeficiency Virus. The New England Journal of Medicine 1989; 1989: 1598 - 1603

6. Roper W., Winkenwerder W., Hackbarth G., Krakauer H., Effectiveness in Health Care: An Initiative to Evaluate and Improve Medical Practice. The New England Journal of Medicine 1988; 319: 1197-1202

7. Roper W., Winkenwerder W. Making Fair Decisions about Financing AIDS Care. Public Health Services Reports 1988; 103(3): 305-308.

8. Winkenwerder W., Nash D. Corporately Managed Health Care an d the New Role of Physicians. Cancer Investigation 1988; 6(2).

9. Winkenwerder W., Roper W. Enhancing Freedom and Fairness Through Medicare's Private Health Plan option. HMO Practice 1988; Vol. 2.

10. Winkenwerder W., Ball J. Transformation of American Health Care: The Role o fthe Medical Profession. The New England Journal of Medicine 1988; 318(5): 317-319.

11. Winkenwerder W. Ethical Dilemmas for Housestaff Physicians: The Care of the Critically Ill and Dying Patients. The Journal of the American Medical Association 1985; 254(24): 3454 - 3457.

12. Winkenwerder W., Adams K.R., Lineberger T.H., Johnson G Jr. Blood Filtration in Patients with Peripheral Vascular Disease Clinical Hemorrheology 1982; 2:201 - 207.

13. Winkenwerder W., Johnson G Jr., Lineberger T.H., Hothem A.L., Adams K.R., Hinson T. Burns 1980; 6(2): 91-95

William Winkenwerder, Jr., M.D., M.B.A.

Other Publications, Editorials:

1. Winkenwerder, W. Don't trust anti-trust exemptions on the ballot this November. Editorial. The Georgia Healthcare News. Vol. 1, No. 6, 1994.

2. Winkenwerder W. How Congress Can Help Promote Health Care System Reform. Atlanta Medicine. Summer 1994.

3. Winkenwerder W. The American Health Care System: A 1994 Snapshot and a View of the Future. Davidson Journal. Winter 1994.

4. Winkenwerder W, Udvarhelyi S, Cutler C. Letter to the Editor. (Re: Bone Marrow Transplantation and Breast Cancer) The New England Journal of Medicine 1994;331(5)329.

5. Winkenwerder W. Any Willing Provider Laws Aren't in Physicians' Best Interests. Managed Care. June 1994.

6. Winkenwerder W. True Managed Competition versus The Clinton Health Plan. Journal of the Medical Association of Georgia. January 1994.

7. Winkenwerder W. The Best and Worst of Clinton's Health Plan. (A Roundtable Discussion) Managed Care. November 1994.

8. Winkenwerder W. "Future Directions for Physicians" in Physicians in Managed Care. A Career Guide. American College of Physician Executives. Edited by Steven Mohlie and Mark Bloomberg, 1994.

9. Winkenwerder W. Clinton's Plan: Look Out for the Bureaucracy. Atlanta Journal Constitution. October 1993.

10. Winkenwerder W. Understanding Managed Competition. Atlanta Business Chronicle. June 3, 1993.

11. Winkenwerder W. Flourishing System Needs a Healthy Dose of Ethics. Atlanta Journal Constitution. February 2, 1993.

12. Winkenwerder W. Health-care Plans: Which One Will Work? Bush Approach The Most Promising. Atlanta Journal Constitution. October 25, 1992.

13. Winkenwerder W. Federal Spending for HIV-Related Illness. Society for General Internal Medicine News. November 1990.

14. Winkenwerder W. Promoting More Effective Health Care - The Role of Nursing. Journal of Professisonal Nursing;Vol 6, No 6, Nov-Dec 1990.

15. Winkenwerder W. Desegregation of Hospital and Medical Societies in North Carolina. The New England Journal of Medicine; 319(1):56.

16. Winkenwerder W. Catastrophic Health Plan is Best. The Philadelphia Inquirer. March 8, 1987.

17. Winkenwerder W. The Machine at the Bedside. Editorial Review. Annals of Internal Medicine. May 1986.

18. Winkenwerder W. Ethical Dilemmas for the Medical Team. American College of Physisians Observer. February 1986.

Abstracts:

1. Federal spending on Aids in the United States. IV International Conference on AIDS. Stockholm, Sweden, June 1988.

2. Winkenwerder W, Eisenberg J, Williams S, Levy BP. Syphilis management by generalists and subspecialists. Clin Res 1986;34(2):845A.

3. Cebul RN, Winkenwerder W, Pettiford H, Talbot G, Williams SV, Hershey JC. Analyzing multiple testing options using the personal computer: applications in patient care, teaching and health policy. Presented at National Symposium Microcomputers, in Health Care Education. Omaha, Nebraska, April 1985.

4. Dittus RS, Chesnaky PM, Winkenwerder W, Delany DJ, Fletcher RH. Risk factors for bacteremia in nosocomial pneumonia. Presented at AFCR National Meeting, Washington, DC, May 1985, Clin Res (abst.).

Government Publications:

1. Report on the Intragovernmental Task Force on Aids. Office of the Assistant Secretary for Health, Department of Health and Human Services. January 1988.

2. Private/Public Sector Advisory Committee on Catastrophic Illness. Report to Otis Bowen, M.D., Secretary of Health and Human Services, January 1987.

3. Catastrophic Illness Expenses: Report of Medicare Task Working Group. Office of the Secretary, Department of Health and Human Services, January 1987.

4. From the Health Care Financing Administration. JAMA. Authored monthly for the Administrator (William Roper, M.D.). August 1987 - September 1988.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Two presentations, one was an actual speech from March 1999, while the second from May 2001 was a slide presentation.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DR. WILLIAM WINKENWERDER, JR.

This 9th day of July, 2001.

[The nomination of Dr. William Winkenwerder, Jr. was reported to the Senate by Chairman Levin on October 15, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on October 16, 2001.]

[Prepared questions submitted to Dr. Everet H. Beckner by Chairman Levin prior to the hearing with answers supplied follow:]

QUESTIONS AND RESPONSES

DUTIES

Question. What is your understanding of the duties and functions of the Deputy Administrator for Defense Programs?

Answer. The fundamental responsibility of the Deputy Administrator for Defense Programs (DADP) is to enhance the U.S. national security by assuring the safety, security and reliability of the existing nuclear stockpile and by maintaining the capability to design, develop, analyze, produce and test (if required) nuclear weapons now and in the future. In the broadest sense, the DADP must work with the administration and Congress to maintain and strengthen the nuclear weapons complex, consisting of its labs, plants and, most importantly, its people. He/she also must maintain successful interfaces and working relations with two especially important customers, the military end users and the regulators.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. My scientific training is as a nuclear physicist. My career has advanced from research, to management of research, to management of development and manufacturing programs in an orderly fashion over the past 35 years. I have now been directly associated with the nuclear weapons program for over 20 years, with the last 15 years spent in senior management positions in both the U.S. and U.K. nuclear weapons programs. In that regard, I was Vice President for Weapons at Sandia National Laboratories in the late 1980's during the development of several of the weapons systems which are now mainstays of the stockpile. I was then Principal Deputy Assistant Secretary for Defense Programs at the Department of Energy from 1990 through 1995, the period when the Stockpile Stewardship concept had to be turned into a workable program to replace underground testing. More recently, I have been Deputy Chief Executive at the U.K. Atomic Weapons Establishment, which has the responsibility for design, development, production and maintenance of the U.K. nuclear weapons program.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Deputy Administrator for Defense Programs?

Answer. Yes. I need to build strong relationships with my counterparts in other agencies, particularly the DOD and the Defense Nuclear Facilities Safety Board, as well as with Members of Congress and key staffers who I will need to work with effectively to assure the success of this element of the NNSA program.

Question. Assuming you are confirmed, what duties and functions do you expect that the Administrator of the National Nuclear Security Administration would prescribe for you?

Answer. In addition to the duties associated with my position, the Administrator will expect me to work with the other Deputy and Associate Administrators through his newly established Management Council to enhance the efficiency and respect of the organization.

Question. If confirmed, how would you work with the following:

Other deputies in the NNSA.

Answer. If confirmed, I see several important interactions requiring my attention with the Deputy Administrator for Nuclear Nonproliferation and the Assistant Administrators. In the case of the Deputy Administrator for Nuclear Nonproliferation, there are important synergies between the Nuclear Weapons programs and those of Nuclear Nonproliferation which we need to cause to occur more effectively and efficiently, to the benefit of both programs. Much of DP and NN work is common to the three principal DP laboratories, Los Alamos, Lawrence Livermore and Sandia National Laboratories and effective coordination of programs at Headquarters level can make for smoother operations at the labs, in terms of both manpower and facilities utilization. Technical ideas and innovation can also be shared between the pro-

grams so that we do not develop things twice for slightly different reasons. In the case of the interactions with the Assistant Administrators (AA), the interactions with the AA for Facilities and Operations will be crucial to the NNSA thrust for more efficiency in operations, for reductions in layers of oversight, and for proper stewardship of the critical facilities at both the labs and the plants.

Question. The Assistant Secretary for Environmental Management.

Answer. If confirmed, interactions with the Assistant Secretary for Environmental Management will be primarily in assuring a smooth transition of old and unused buildings and land at DP sites to an agreed, funded plan for decommissioning, decontamination and restoration of land.

Question. Other Assistant Secretaries of the Department of Energy.

Answer. If confirmed, interactions with other Assistant Secretaries will certainly occur on technical matters involving utilization of special facilities and capabilities at other DOE laboratories, in peer reviews of DP programs, in sharing of special capabilities at NNSA laboratories, and in development of DP staff through assignments (both short-term and long-term) into other areas of relevant DOE work as a part of their career development programs.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Deputy Administrator for Defense Programs?

Answer. The major challenges that will confront the Deputy Administrator for Defense Programs will be in the installation of the new management strategies of NNSA, and in maintaining program focus so that planned goals and milestones are the right ones and are achieved on time and on budget. There is a general view that NNSA presently has too many overlapping functions and assigned personnel at the Headquarters and Field levels, leading to reduced efficiency in the labs and plants. The Administrator has committed to Congress to establish clear roles and responsibilities in all the NNSA activities, and, if confirmed, there will be a major role for me in making the new operational strategy work. The program planning and management tasks are critically tied to knowing what to do, when to do it, and to making clear assignments for the work. That planning function will be centered at Headquarters, with execution in the Field. There appears to be a major challenge in clarifying roles and responsibilities for both the planning function and the execution function, with far too much overlap in responsibilities (either assigned or assumed) at the present.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will review the planning activity to establish the validity and priority of present program plans, and to search for better ways for the research programs to address stockpile problems and find the most cost-effective solutions. In some cases, that will be to do nothing, if our collective judgement assures us that leaving a weapon system alone is better and safer than embarking on a modification and remanufacture program. Another payoff from a thorough planning activity is to optimize task loading of both the plants and the labs. It appears that DP is presently confronted with plans which will stretch or exceed several of the plant capacities unless better overall solutions are found. In some cases, DP will need support from the DOD and the services, to help deal with the reality that every weapon system cannot be the top priority. Finally, through proper planning, DP must bring some order and control to the requirements for future R&D and production construction projects.

Question. What do you consider to be the most serious problems in the performance of the functions of the Deputy Administrator for Defense Programs?

Answer. The most serious management problems in the performance of the functions of the Deputy Administrator for Defense Programs are those of establishing a better understanding of roles and responsibilities between Headquarters and Field and getting them to work together. This originates from a program plan which is too detailed at Headquarters level and which encourages the labs and plants to spend too much time staking out program territory and too little time accepting responsibility for producing results which they know to be the right thing to do.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will lead the planning effort and the effort to establish proper roles and responsibilities such that within the first year we will have substantive results in the form of a new program planning strategy, probably some changes in the top-level program plan, and a new working relationship between the Headquarters, Field Offices, labs and plants, in terms of roles and responsibilities

for program planning and execution. In its simplest form, the Headquarters will be responsible for the master plan, reconciled with the budget, and the field offices will be responsible for contracting for the execution of that plan and for oversight of the execution of work in the labs and plants.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Deputy Administrator for Defense Programs?

Answer. If confirmed, the priorities which I would establish in terms of issues which must be addressed would center around planning and program execution against customer expectations. This means that DP must work with its customers first to establish the proper expectations, and then with the Administration and Congress to obtain funding to deliver against those expectations. The critical next step is to establish program plans and work authorizations to deliver those program requirements, with the final step being oversight and tracking of progress against program goals in the work conducted by the labs and plants.

RELATIONSHIPS

Question. Please describe your understanding of the relationship of the Deputy Administrator for Defense Programs with the following Officials:

The Administrator of the National Nuclear Security Administration.

The Secretary of Energy.

The Under Secretary of Defense for Acquisition and Technology.

The Assistant to the Secretary of Defense for Nuclear Chemical and Biological Matters.

The Commander in Chief of the Strategic Command.

The Deputy Administrator for Nonproliferation.

Associate Administrator for Facilities and Operations.

Associate Administrator for Management and Administration.

Answer. My understanding of the relationship of the Deputy Administrator for Defense Programs with other Officials is as follows:

The Administrator. I report directly to the Administrator, assisting him in developing overall NNSA policy and plans, and in assuring that the DP labs and plants deliver against the agreed plans.

The Secretary of Energy. I also report to the Secretary, through the NNSA Administrator.

The Under Secretary of Defense Acquisition and Technology. In addition to his other duties within the Department of Defense, the Under Secretary is also the Chairman of the Nuclear Weapons Council (NWC). The NWC was established by Congress as the joint DOD/DOE organization responsible for the safety, security, reliability, and control of the U.S. nuclear stockpile. The Administrator of the National Nuclear Security Administration is the DOE member of the NWC. My role as Deputy Administrator for Defense Programs will be to support the Council and ensure that important issues requiring NWC attention are brought to the Council through our representative.

The Assistant Secretary of Defense for Nuclear Chemical and Biological Matters. In addition to his other duties within the Department of Defense, the Assistant Secretary for Nuclear, Chemical and Biological Matters acts as the Executive Secretariat for the Nuclear Weapons Council and Chairs the subordinate committee to the NWC, known as the Standing and Safety Committee. This committee reviews issues and makes recommendations to the Nuclear Weapons Council. I expect to work closely with this committee to ensure important issues and sound recommendations are brought to the attention of the NWC.

The Commander in Chief of the Strategic Command. This is the central customer at the DOD for the work of the National Nuclear Security Administration. The CINCSTRATCOM is also charged with rendering his judgment annually on the certification of the U.S. stockpile along with the Nuclear Weapons Council, and the Directors of the three Nuclear Weapons Laboratories. I expect that there will be numerous interactions with the CINCSTRATCOM regarding military requirements, and other discussions to address issues that may arise in our nuclear weapons stockpile.

The Deputy Administrator for Nonproliferation. This was answered in question A on page 2.

Associate Administrator for Facilities and Operations. This is the office which will be the steward for the Administrator of all NNSA facilities, in terms of operational readiness, compliance oversight of regulatory matters, and establishing priorities to satisfy future requirements. It will be important that the DADP and the AA for Fa-

cilities and Operations work smoothly together to optimize operational efficiency and readiness, to assure compliance of operations, and to acquire future facilities to upgrade the complex in a timely and cost-effective manner.

The Associate Administrator for Management and Administration (M&A). This is the NNSA office with responsibility for future years planning and for budget control in the current year. The Planning Programming Budgeting and Evaluation (PPBE) Process is being installed by the AA for M&A, and Defense Programs will be using that system in its planning activities, as well as in its current year budget control activities.

Question. The National Nuclear Security Administration (NNSA) has proposed legislation regarding the contractor National Laboratory Directors and contractor Weapons Plant managers and to whom they report. This legislation, if enacted, would eliminate the hierarchical reporting requirement of these officials to the Deputy Administrator for Defense Program and instead allow these same officials to report directly to the Administrator of the NNSA.

If this legislation is enacted in the Fiscal Year 2002 National Defense Authorization Bill, will the National Laboratory Directors and Weapons Plant Managers have any residual reporting requirements to the Deputy Administrator for Defense Programs?

Answer. This question and the one which follows are central to the Administrator's plan to clarify roles and responsibilities in the NNSA. If the reference legislation is enacted, the contractual connection between the labs and the plants will be directly through the contracting officers to the Administrator. At the same time, progress in program activities will flow upwards from the labs and plants through the field offices and into the Headquarters of Defense Programs. These relationships will be different depending on the time frame under consideration. The primary DP Headquarters concerns will be with formulation and specification of planning and budget requirements, and for that the labs and plants (in some cases the lab directors and plant managers themselves) will provide both technical and financial input. Similarly, when DP is working with Congress on budget and program input, information for this will often be provided by the DP labs and plants. For ongoing work at the labs and plants, only on extraordinary occasions would it be necessary to have direct communication from the lab directors or plant managers. So, you might say that, while the lab directors and plant managers report directly to the Administrator, the programs from their institutions normally report into DP Headquarters.

Question. If this legislation is enacted, what steps would you anticipate the NNSA would take to ensure there is no confusion about to whom NNSA officials, National Laboratory Directors, Weapons Plant Managers, and other relevant officials and contractors would report?

Answer. The steps taken by NNSA to ensure there is no confusion about the reporting chain for NNSA officials, lab directors, plant managers and other relevant officials and contractors will be a high priority management task for all of NNSA in the coming year. The most important tool for guiding all DP elements in developing these new processes and driving the necessary change will be the DP planning processes, both long term and short term, and the PPBE process that requires the output from these plans. This will establish the reporting processes within the program planning and execution structure.

STOCKPILE STEWARDSHIP PROGRAM

Question. One of the purposes of the Stockpile Stewardship Program is to identify potential problems with nuclear weapons, fix the item before it rises to a problem, and then ensure that the fix is adequate and has not introduced a new problem. As a result, the weapons are being scrutinized more closely than in the past and with better science-based capabilities. In addition, greater scrutiny is being given to matters that were not well understood in the past. What to do with this new level of knowledge is also presenting a challenge.

In your view, how do you balance newly discovered issues that have existed from manufacture and changes that have occurred since manufacture?

Answer. The criteria for balancing newly discovered issues from those that have occurred since manufacture is more properly a matter of deciding the priority of all stockpile issues. A starting premise for nuclear weapons is, indeed, that generally the best thing to do is leave them in their "as built" condition until there is clear evidence that something needs to be fixed.

Question. Should life extension programs improve systems or maintain them?

Answer. As to the question of whether life extension programs should improve systems or maintain them, it is again important first to assess the contemplated action within the context of the entire stockpile and the present-day military require-

ments. Only then can we expect to make decisions as to what needs to be improved and what needs only to be maintained.

Question. With budget challenges, what is the best way for determining how to make these tradeoffs?

Answer. As to the relationship of budget challenges to these aforementioned considerations, the answer is clear. The decisions must be based on cost-benefit criteria in every case.

PLUTONIUM PITS

Question. One of the most significant challenges facing the Office of Defense Programs is regaining the capability to manufacture and certify a pit.

Have you had an opportunity to review the current plan to certify a pit?

If so, do you believe that the approach is correct?

If you have not had the opportunity to review the current plan, would you please do so and inform the committee as soon as possible after your confirmation, if confirmed, of your view on the plan and report your findings to the committee?

Answer. I have not had an opportunity to receive a detailed review of the current LANL plan to certify a pit. If confirmed, I will inform the committee of my views as soon as possible after my confirmation, given the importance of reestablishing this important national security capability.

Question. The Foster Panel Report, also known as the *Fiscal Year 2000 Report to Congress of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile,* found that it could take 15 years from the point of developing a conceptual design for a pit production facility until the final construction of the facility is completed. If it is determined through the science-based Stockpile Stewardship Program that one or more of our existing pit designs is no longer reliable, and therefore is not certifiable, our nuclear stockpile would, in effect, be unilaterally downsized below a level which could maintain a strong nuclear deterrence.

What progress has NNSA made towards a conceptual design for a pit production facility?

How confident are you that NNSA will be able to successfully deliver a new pit production facility, if required, within the next 10 to 15 years?

What is the requirement, both in production capacity and schedule, that a new facility would meet?

Answer. While I have not been briefed in detail on a modern pit facility, there are several issues that must be addressed before proceeding with this costly, new facility. First, the Administration must complete the Nuclear Posture Review, which will tell us the size of the stockpile that we will need to support in the future. Second, studies on pit life need to be completed. Third, contingency requirements need better definition. With these facts in hand, we will be able to properly size and design a modern pit facility to meet the needs of the stockpile into the 21st century.

NUCLEAR TESTING

Question. In your view, will the United States need to resume underground nuclear testing in the foreseeable future in order to ensure the reliability, safety, and security of the United States strategic nuclear forces?

Answer. I believe the President has recently reported on this subject to Congress. At this time, I know of no reason to change the views expressed in that report.

Question. The Foster Panel Report also reported DOE's view that it would take 24–36 months to conduct an underground nuclear test, if so directed by the President.

Do you agree with the Foster Panel that it would take 24–36 months to conduct a test?

In your view, should NNSA reduce the time it would take to perform an underground nuclear test to less than 24 months?

What type of test would be required that would have to be conducted in less than 24 months?

Answer. These questions on the report of the Foster Panel are similar to those on the Pit Production Facility. Given the importance of this issue, I need to be extensively briefed by the DP staff before I would be comfortable providing an answer.

I will say this, however, that neither testing nor any other element of the DP weapons programs should be analyzed in isolation. In each and every case, since availability of resources is always central to the question of what gets done and what does not, a thorough cost-benefit analysis must be done of all the program priorities in order to make such decisions. I recognize that such analyses are always fraught with uncertainties, but decisions based on the best available information will always be my preferred approach.

MAINTENANCE OF THE STOCKPILE

Question. Are you confident in our ability to identify and fix potential problems in all weapons expected to be included in the enduring stockpile?

Answer. I am confident that with the continued support of the Administration and Congress the highly skilled men and women of the weapons complex will be able to ensure the continued safety, security and reliability of the U.S. nuclear deterrent.

Question. What do you believe to be our biggest challenges in maintaining the nuclear weapons expected to be in the enduring stockpile?

Answer. The biggest challenges in maintaining the nuclear weapons expected to be in the enduring stockpile will be one of confidence in the answers, in the absence of full scale test data. In the final analysis, when confidence is low, it will be necessary to take immediate action, either in the form of manufacturing a more predictable solution, if possible, withdrawing the weapon from the stockpile, or recommending a return to testing to solve the problem.

Question. What specific criteria should the NNSA apply to the new facilities and infrastructure initiative to ensure the maintenance and repair backlogs are eliminated using the most efficient and least expensive plan?

Answer. The criteria for NNSA to apply to the new facilities and infrastructure initiative is that which I have put forward previously the most cost-effective solution, in light of an analysis of the entire set of problems requiring attention. The "cost" part of the analysis can generally be made using "more or less" standard engineering techniques. The "effective" part of the analysis requires participation by both NNSA and its customers, since there will be priorities to be weighed which are outside the decision-making space of NNSA.

Question. How can the NNSA avoid these types of maintenance and repair backlogs in the future?

Answer. NNSA can avoid these types of maintenance and repair backlogs in the future by maintaining a thorough long-range program plan which Congress can support, by getting input from its customers on their priorities so that not everything has to be done immediately, and by making hard choices which almost certainly will not please all the people all the time.

Question. Is the NNSA taking such action to avoid backlogs?

Answer. Under the NNSA Administrator's reorganization, the responsibility for facilities and infrastructure has been assigned to the Assistant Administrator for Facilities and Operations (AAFO). If confirmed as Deputy Administrator for Defense Programs, my deputies and I will work with the AAFO to ensure the existing backlog is worked off and that plans are in place to avoid future backlogs.

LIMITED LIFE COMPONENTS

Question. How confident are you in the Department of Energy's ability to manufacture limited life components for the enduring stockpile?

Answer. My confidence in the NNSA's ability to manufacture limited life components for the enduring stockpile is quite high, with the exception of the requirements for radiation hardness which are in place for certain components. To date, I believe such problems have been solved to the satisfaction of the labs and the services. However, trade-offs may have to be made in the future in which the hardness specifications of existing military requirements have to be weighed against the cost of obtaining high-confidence solutions.

PROJECT AND CONSTRUCTION MANAGEMENT

Question. DOE and the NNSA have made significant efforts to improve their construction and project management. One element of these improvements is strict oversight and formalized reviews of the various programs.

If you are confirmed, will you keep these activities in place?

Answer. Yes, although I will want to be comfortable with the details of the oversight and reviews.

Question. NASA faces significant challenges to modernize its facilities and reduce the overall square footage of the facilities, and reduce its maintenance expenses.

Will you maintain the requirement that any new construction must have as part of the project the funds to tear down the old facilities that are being replaced or otherwise ensure a reduction in the size of facilities at a particular site?

Answer. I am not at this time familiar with the requirement that any new construction must have funds to tear down the old facilities or otherwise ensure reduction in the size of the facilities. It sounds reasonable, but I would want to understand the full scope of that requirement before committing to it.

ADVANCED SUPERCOMPUTING INITIATIVE

Question. Do you support moving to a 100 teraops computer as the next computer purchased or would you advocate an interim computer or computers? If you support the interim approach, what capacity should these interim machines have in your view and when would you see a need for 100 teraops or beyond?

Answer. I understand that the laboratories currently have 3 Teraop machines at Sandia and LANL and a 12 Teraop machine at Lawrence. I further understand that a 30 Teraop machine is scheduled for installation at Los Alamos. The ASCI program, as it is currently structured, is scheduled to accept a 100 Teraops machine in 2005. I have not been briefed in detail by the program office on the sequence of steps to achieve 100 Teraops.

NATIONAL IGNITION FACILITY

Question. The funds for the National Ignition Facility (NIF) were budgeted to accommodate annual budget projections and developed to finish the project as quickly and as cheaply as possible.

Would you support restructuring the NIF budget to reduce the overall cost of the project and complete the project sooner than the current schedule would allow?

Answer. I have not yet received detailed briefings which would allow me to answer this question with confidence. My personal view is that the answer is no, based on a personal philosophy that to do something right is generally preferable to doing it quickest.

Question. In your view, will the scientific information sought from the NIF have enough value to justify its cost as part of the Stockpile Stewardship Program if the NIF does not reach ignition?

Answer. I believe that decision has already been made. It is my understanding that the project is well past the point where such analyses and decisions should be made. On the assumption that the project will be even moderately successful, my personal views are that stopping the project at this late date would be imprudent if not downright foolish. Obviously, ignition is an important goal of the project. Based on my present understanding of the physics of the processes and the program expectations, I know of no evidence to suggest that ignition is unachievable on NIF. That said, I am fully aware that this goal has been before us for a long, long time, and that a community of nay-sayers is crowding around the arena just waiting for the first evidence of trouble.

Question. In your view, if the NIF fails to reach ignition, does that preclude us from being able to certify a nuclear weapon, without underground testing in the distant future?

Answer. At this time, I know of no weapon certification problem which is uniquely dependent on "ignition conditions in NIF for solution. The ignition environment in NIF is indisputably an important environment for obtaining understanding will assist us in continuing to certify weapons, in the absence of full scale testing. The further we look into the future, the more important this capability becomes, for a variety of reasons.

Question. In your opinion, could the National Ignition Facility meet its goal of ignition with a reduced number of lasers below the 192-laser design?

Answer. I am not adequately informed at this time to provide an opinion on the importance of 192 laser beams in meeting the ignition goal. I do believe that the more power and energy available, the higher the probability of success.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Administrator for Defense Programs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

PIT PRODUCTION COMPLEX

1. Senator THURMOND. Dr. Beckner, earlier this year, the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile issued its report and testified before this committee. The principle recommendation this year, as it was last year, is to restore missing pit production capabilities and refurbish the pit production complex.

Do you agree with this assessment and would you support the beginning immediately to start conceptual planning and design of a large pit production facility?

Dr. BECKNER. As long as the United States retains a nuclear deterrent, we must have the capability to produce all the components of a nuclear weapon. The Los Alamos National Laboratory (LANL) is working diligently to restore a limited pit manufacturing capability for the United States. To date, LANL has produced 11 developmental pits and is on schedule to have a certifiable pit by 2003. The NNSA and LANL are also working diligently to reduce the time needed to deliver a certified pit to the stockpile from 2009.

Before committing tax dollars for construction of a new and costly modern plutonium manufacturing facility several issues must be addressed. First, the administration must complete the Nuclear Posture Review, which will determine the size and composition of the nuclear weapons stockpile that we will be responsible for supporting. Second, results from ongoing studies of pit life times must be considered. Third, contingency requirements on production capacity needs better definition.

While the aforementioned studies are ongoing, the NNSA has taken steps, consistent with Congressional direction, to prepare the analysis needed to support a decision on a modern pit facility. Defense Programs plans to request Critical Decision Zero (CD–0) from Administrator Gordon and the Deputy Secretary of Energy in the second quarter of fiscal year 2002 which will formally initiate conceptual design and the National Environmental Policy Act (NEPA) compliance process. The fiscal year 2002 Energy and Water Development Appropriations bill will allow the NNSA to begin the NEPA work, technology development, and facility conceptual design activities.

2. Senator THURMOND. Dr. Beckner, this committee has long been concerned with the massive quantities of weapons grade nuclear materials left over in the former Soviet Union after the Cold War. In 1993 the committee created the Office of Fissile Materials Disposition at the Department of Energy and we were also deeply engaged in the 18 months of arduous negotiations that resulted in the Plutonium Management and Disposition Agreement of September 2000. Unfortunately, there are some officials in the administration who opposed the program as it is currently structured.

Do you support the Plutonium Management and Disposition Agreement of September 2000?

Dr. BECKNER. Yes. I am committed to implementing the Plutonium Management and Disposition Agreement signed by the United States and Russia in September 2000. This agreement provides for the disposition of 68 metric tons of weapon-grade plutonium-34 metric tons in each country.

3. Senator THURMOND. Dr. Beckner, what actions should we take to get this important national security program back on track?

Dr. BECKNER. The administration is reviewing United States' nonproliferation assistance to Russia including the Department of Energy's plutonium disposition program. As part of this effort, the Department is leading an interagency review of options to make the current plutonium disposition program more cost effective and sustainable. We will complete this review as soon as possible and make a final decision in time for the fiscal year 2003 budget submission to Congress.

[The nomination reference of Dr. Everet H. Beckner follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 25, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Dr. Everet H. Beckner, of New Mexico, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, vice Madelyn R. Creedon, resigned.

[The biographical sketch of Dr. Everet H. Beckner, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. EVERET H. BECKNER

EVERET H. BECKNER

Education:

- Baylor University, Waco, Texas
  B.S. Physics, 1956 (Cum Laude)
- Rice University, Houston, Texas
  M.A. Physics, 1959
- Rice University, Houston, TX
  Ph.D. Physics, 1961

Employment History:

1996 – Present: Lockheed Martin Corporation, Bethesda, Maryland
- 1996-99: Vice President, Tech Ops
- 2000-Present: Vice President and Deputy Chief Executive, AWE, plc, Aldermaston, U.K.

1991-1995: U.S. Department of Energy, Washington, D.C.
Principal Deputy Assistant Secretary for Defense Programs

1962-1990: Sandia National Laboratories, Albuquerque, New Mexico

- 1986-90: Vice President, Defense Programs
- 1983-86: Vice President, Energy Programs
- 1980-83: Director, Energy Programs
- 1976-80: Director, Waste Management Programs
- 1973-80: Director, Physical Research
- 1970-73: Dept. Manager, Laser Programs
- 1968-70: Dept. Manager, Intense Beam-Physics Programs
- 1966-68: Division Supervisor, Device Research
- 1962-66: Staff Member, Plasma Physics Research

Recognition Awards:

- Fellow, American Physical Society
- Member, New Mexico Governor's Task Force on Economic Development
- Performance Award: Lockheed Martin Corporation
- Performance Award: U.S. Department of Energy

Family History:

Born Clayton, New Mexico, February 24, 1935

Three children:
Dr. Gregory Beckner, Houston, Texas
Lee Elizabeth Beckner Strouse, deceased
Matthew Beckner, Superior, Colorado

Married to Mary Caroline Allen Beckner

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee.

The form executed by Dr. Everet Beckner in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Everet Hess Beckner.

2. **Position to which nominated:**
Deputy Administrator, Defense Programs.

3. **Date of nomination:**
September 25, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 24, 1935; Clayton, New Mexico.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mary Caroline Allen Beckner.

7. **Names and ages of children:**
Gregory Mitchell Beckner, 42.
Lee Elizabeth Beckner Strouse, deceased.
Matthew Hess Beckner, 30.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Clayton, NM High School, 1948–52.
Baylor University, 1952–56, B.S. 1956.
Rice University, 1957–61, M.A. 1959, Ph.D. 1961.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Sandia National Laboratories, Albuquerque, NM—Vice President, Defense Programs, 1986–1990.
U.S. Department of Energy, Washington, D.C.—Principal Deputy Assistant Secretary for Defense Programs, 1991–1995.
Lockheed Martin Corporation, Bethesda, MD and Aldermaston, U.K., Vice President: Tech Ops: 1996–2000. Vice President and Deputy Chief Executive, U.K. Atomic Weapons Establishment: 2000–2001.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
New Mexico Governor's Advisory Group on Economic Development.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Director, AWE plc. I resigned this position on August 31, 2001.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Fellow: American Physical Society.

Member: American Institute for the Advancement of Science.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member—Republican Party.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Republican Party—$100.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Fellow—American Physical Society.

Performance Award—USDOE.

Performance Award—Lockheed Martin.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

All are more than 15 years ago. Physics research articles on plasma physics, nuclear physics, intense electronic beam physics: approximately 50.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

EVERET H. BECKNER.

This 1st day of October, 2001.

[The nomination of Dr. Everet Beckner was reported to the Senate by Chairman Levin on December 18, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on January 25, 2002.]

[Prepared questions submitted to Mary L. Walker by Chairman Levin prior to the hearing with answers supplied follow:]

October 5, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

MARY WALKER.

Enclosure.
cc: Senator John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I am unaware of any specific provisions of the act that have not been implemented. If confirmed, I will take all steps necessary to assist the Department of the Air Force in continued implementation and compliance.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The legislation clarified the roles and relationships among the combatant commanders, the services, the Chairman of the Joint Chiefs of Staff, and the National Command Authorities. As such, the reforms have enhanced joint operational planning and execution, enhanced effective civilian control, and increased efficiencies within the services.

Question. The goals of Congress in enacting these defense reforms, as reflected in Section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control, improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles, which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposal to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not currently aware of any Department of Defense sponsored legislative proposals to amend the Goldwater-Nichols Act. If confirmed, I will be in a better position to carefully review and evaluate possible changes in light of the overall objectives of the act.

DUTIES

Question. What is your understanding of the duties and functions of the General Counsel of the Department of the Air Force?

Answer. The General Counsel is the chief legal officer of the Department of the Air Force. As such, the legal opinions issued by the General Counsel are the controlling legal opinions within the Department. The General Counsel provides legal advice and guidance to the Secretary, the Under Secretary, the Assistant Secretaries, their staffs, and other offices within the Office of the Secretary, as well as to the Chief of Staff and the rest of the Air Staff. The General Counsel also provides legal services throughout the entire Department in a variety of disciplines including fiscal law, ethics, contract law, environmental law, international law, intellectual property

law, real property law, personnel law, labor law, and litigation. The General Counsel also serves as the Designated Agency Ethics Official, the Suspending and Debarring Official for the Department of the Air Force, and exercises oversight of intelligence and other sensitive activities and investigations.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I have practiced law for more than 20 years specializing in environmental and land use law and litigation, including interpretation and negotiation of government regulations. I have also worked on other matters, including business litigation, real estate, mergers and acquisitions and labor (Title VII) matters.

In the course of serving the Reagan Administration at the Departments of Justice and Interior, I supervised in excess of 100 government lawyers and worked closely with Defense Department lawyers on major cases affecting government lands. I am comfortable advising and briefing senior officials on legal issues and enjoy working as a part of a team, cultivating the talents in the career staff who serve so faithfully. I have also served on several international delegations and on an international commission. As Assistant Secretary for Environment, Safety & Health of the Department of Energy, I was responsible for the safety oversight of the nuclear weapons program, and in this capacity, worked closely with the nuclear Navy on radiation standards applicable to the Navy Department.

In private practice, I have advised CEOs, businesses and local governments of their obligations under law and the options they have in order to creatively accomplish their goals. I understand the tough decisions that must sometimes be made when competing interests are involved. I believe this experience has equipped me to serve the Department of the Air Force and my country in this role.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the General Counsel of the Department of the Air Force?

Answer. I believe I have the necessary legal training, experience and leadership abilities to be the General Counsel. If confirmed, I will benefit from the extraordinary talent, expertise and experience of the civilian and military lawyers in the Department as I broaden my understanding of the issues the Air Force faces every day.

Question. Assuming you are confirmed, what duties and functions do you expect that Secretary Roche would prescribe for you?

Answer. If confirmed, I anticipate Secretary Roche will expect me to provide timely, accurate, and candid legal advice and counsel, ensuring compliance with the law and the protection of the legal prerogatives of the Department. I expect the duties and functions of the office will cover the wide range of legal issues and responsibilities prescribed under the appropriate Secretary of the Air Force Orders. Additionally, I anticipate the Secretary would expect me to manage the General Counsel's Office efficiently and effectively, to foster an atmosphere of professionalism and responsiveness regarding all legal matters and services, and to continue the close and highly effective professional relationship between the Office of the General Counsel and the Judge Advocate General and his staff as well as the legal staffs of other government agencies with whom we work.

Question. In carrying out your duties, how will you work with the Judge Advocate General of the Air Force?

Answer. If confirmed, I will maintain a close professional relationship between the Office of the General Counsel and the Judge Advocate General Department. Full consultation and coordination of matters of mutual import and interest would characterize that relationship. It is imperative that the two offices work well together to provide the highest quality of legal support to the Department of the Air Force.

Question. How are the legal responsibilities of the Department of the Air Force allocated between the General Counsel and the Judge Advocate General?

Answer. Secretarial Orders delineate the responsibilities of the General Counsel and the Judge Advocate General. Those Orders reflect the extensive coordination between lawyers serving in those offices. The Judge Advocate General is the senior uniformed legal officer of the Department of the Air Force. Among his responsibilities is the administration of military justice throughout the Air Force and ensuring effective field legal support to commanders as well as to the Chief of Staff and the Secretary of the Air Force consistent with the Secretarial Orders.

As the Chief Legal Officer of the Department, the General Counsel is responsible for oversight and direction of legal matters within the Air Force, for furnishing legal advice and assistance to the Office of the Secretary of the Air Force, for providing legal advice and assistance to the Air Staff consistent with the Secretarial Orders, and for performing other such functions as the Secretary may direct. The Office of the Air Force General Counsel and the Judge Advocate General Department have

maintained a close and effective working relationship, which I will strive to maintain if confirmed.

Question. In carrying out your duties, how will you work with the General Counsel of the Department of Defense?

Answer. The General Counsel of the Department of Defense is the Chief Legal Officer and final legal authority for the Department of Defense, including the Department of the Air Force. If confirmed, I expect to interact with Mr. Haynes' office on matters of mutual interest or concern. Should our interpretation of the law differ, I will defer to the DOD General Counsel's opinion after advising him of my independent professional opinion. I anticipate frequent interaction with the DOD General Counsel. I believe a professional relationship based on information exchange and consultation will benefit the entire Department.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the General Counsel of the Department of the Air Force?

Answer. While it is difficult to anticipate specific legal questions, I think it is crucial that the legal prerogatives of the Department of the Air Force be protected as the Nation evaluates and builds the most appropriate air and space strategy for a changing and complex national security environment. Legal issues are certain to be involved in that process. Additionally, legal guidance will be necessary as the Air Force addresses retention issues. Third, the General Counsel must be prepared to assist in efforts to improve acquisition processes and organizational structures in order to enhance innovation and effectiveness.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I plan on working closely with the Secretary, with the Chief of Staff, and with the talented and dedicated attorneys of the Department to candidly evaluate the challenges and to ensure responsive and accurate legal services to address these challenges.

Question. What do you consider to be the most serious problems in the performance of the functions of the General Counsel of the Department of the Air Force?

Answer. I am not aware of any serious problems.

Question. What management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will make sure that any problems identified in the performance of the General Counsel functions will be addressed as expeditiously as possible and through appropriate channels.

Question. Do you believe the Department of the Air Force has the legal resources necessary to carry out the missions that may be required of it in wartime? If not, what is needed?

Answer. I believe legal "readiness" is a vital component of mission readiness. The Department of the Air Force requires the highest quality of legal support. I am currently unaware of any deficiencies in legal resources that would prevent the Air Force from carrying out its wartime missions. Having said that, legal readiness, like mission readiness, requires constant vigilance. Recruiting, training, and retaining motivated professionals must always be a priority.

PRIORITIES

Question. What broad priorities will you establish in terms of issues, which must be addressed by the General Counsel of the Department of the Air Force?

Answer. If confirmed, my foremost priority will be to provide the Department timely, accurate, and candid legal advice, ensuring compliance with the law and the protection of the legal prerogatives of the United States Air Force. It is imperative that the Air Force has the legal support necessary to build the very best air and space strategy and forces possible.

RECRUITING AND RETENTION ISSUES

Question. How do you assess your ability to hire and retain top quality civilian attorneys and provide sufficient opportunity for advancement?

Answer. I am hopeful that the Air Force will maintain the ability in the future to obtain and retain the highest quality civilian attorneys both in the General Counsel's Office and the Judge Advocate General's Department. If confirmed, I want to make service as a civilian attorney in the Air Force as attractive and professionally rewarding as I possibly can.

Question. In your view, does the Department of the Air Force have a sufficient number of Air Force judge advocates on active duty to perform the missions assigned to the Judge Advocate General's Corps?

Answer. I believe that the Department of the Air Force must have sufficient military lawyers to meet the needs of the Air Force. If confirmed, I will work closely with the Judge Advocate General of the Air Force to ensure that there are a sufficient number of judge advocates to perform the missions assigned to the Judge Advocate General.

Question. In your view, what incentives to successful recruiting and retention of judge advocates need to be implemented or established?

Answer. If confirmed, I will work with the Judge Advocate General of the Air Force to ensure that there are sufficient incentives to assure successful recruiting and retention of judge advocates. Some of those incentives that I would expect to examine would include student loan deferral for military service and continuation pay, as well as other competitive pay and benefit issues.

MILITARY JUSTICE MATTERS

Question. Since Article 6 of the Uniform Code of Military Justice gives primary jurisdiction over military justice to the Judge Advocates General, how do you see your functions in this area with regard to the Judge Advocate General of the Air Force?

Answer. Article 6 of the Uniform Code of Military Justice states "the Judge Advocate General or senior members of his staff shall make frequent inspection in the field in supervision of the administration of military justice." I recognize that the Judge Advocate General has special expertise in the area of military justice and statutory duties regarding its administration. As the Chief Legal Official in the Department of the Air Force, I would provide the Secretary legal advice in this area as he desires and I would consult closely with the Judge Advocate General on military justice matters of mutual interest if confirmed.

Question. In your view, how should the General Counsel approach military justice matters—both in terms of specific cases and general policy issues to provide useful advice without generating problems of unlawful command influence?

Answer. I believe the General Counsel has an obligation to help safeguard the fairness, independence, and credibility of the Department's disciplinary procedures. That duty includes the responsibility to advance policies necessary for the maintenance of good order and discipline. In doing so, the General Counsel must avoid any action that may inappropriately affect or appear to inappropriately affect the outcome of any particular case. The General Counsel must help ensure the military justice system, its judicial officers, commanders and convening authorities ultimately responsible for disciplinary action are free to exercise their personal discretion within the bounds of the law.

Question. In recent years, there have been a number of cases in which military members have been accused of adultery. Concerns have been raised about the consistency with which these cases have been handled.

What do you see as the role of the General Counsel of the Department of the Air Force in ensuring the Uniform Code of Military Justice is enforced in a fair and consistent manner?

Answer. I view the role of the General Counsel in this area as working closely with the Judge Advocate General, and I will commit to do so in order to appropriately ensure consistency, fairness and credibility of the military justice system.

Question. Do you see a need for any changes in either the law or its implementation in this area?

Answer. I am not aware of the need for any changes at this time. If confirmed, I would consult fully with the Judge Advocate General on this matter and carefully consider recommendations from the Joint Services Committee on Military Justice as well as the General Counsels of other Departments.

Question. It has been suggested that the twin legal staffs of the military departments—uniformed personnel, headed by the Judge Advocates General, and civilian personnel, headed by the General Counsels—need to be unified or rationalized in the interests of economy and clarity.

What are your views on this matter?

Answer. I am not aware of any suggestions to fundamentally change the organization of, or relationship between, the General Counsel's office and the Judge Advocate Generals Department. Under Title 10 of the United States Code, the General Counsel is the Chief Legal Officer of the Department and provides oversight, guidance and direction for legal matters throughout the Air Force. The Judge Advocate General is the senior uniformed lawyer in the Air Force and, in addition to some

specific responsibilities with regard to the Uniform Code of Military Justice, performs duties as prescribed by the Secretary, as does the General Counsel. The duties and responsibilities of the respective offices, which I understand to be complimentary rather than duplicative, are set out in Secretary of the Air Force Orders.

The staffs of the Office of the General Counsel and the Judge Advocate General's Department are not exclusively civilian and exclusively military. Civilian and military lawyers work for the General Counsel. Likewise, civilian and military lawyers work in the Judge Advocate General's Department. If confirmed, I look forward to working with the Judge Advocate General to develop further efficiencies in providing the highest quality legal advice and services throughout the Air Force.

Question. The complexity of criminal prosecutions involving espionage, national security violations, and other crimes in which capital punishment may be awarded has raised questions about the experience and qualifications of military attorneys to prosecute and defend such cases.

If confirmed, will you assure the committee that you will examine the capabilities of the Air Force to competently litigate such cases and ensure that the Department of the Air Force is fully prepared to investigate and prosecute national security and capital punishment cases in an appropriate manner?

Answer. Yes.

ROLE IN MILITARY PERSONNEL POLICY MATTERS

Question. What role, if any, should the General Counsel play in military personnel policy and individual cases, including cases before the service boards for the correction of military records?

Answer. I believe the General Counsel's appropriate role in this area is to assist the Secretary of the Air Force, the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) and other senior Department of the Air Force leaders to ensure that the Department's military personnel policies are formulated and applied uniformly, fairly, and in accordance with applicable laws and regulations. If I become aware of individual cases in which military personnel policies were not fairly and lawfully applied, I will take appropriate action to ensure that the case is properly resolved. If confirmed, I will coordinate with the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), who exercises overall supervision for the Department of the Air Force Military Review Boards Agency, to ensure that the Air Force Board for Correction of Military Records receives the Air Force legal community's full support. I understand that the Office of the General Counsel provides legal advice for the resolution of cases considered by the Secretary and his designees. I am also informed the Office of the General Counsel participates in the resolution of significant legal issues affecting the Air Force Board for the Correction of Military Records. If confirmed, I would expect to continue this involvement.

WHISTLEBLOWER PROTECTION

Question. Section 1034, Title 10, United States Code, prohibits taking retaliatory personnel action against a member of the Armed Forces as reprisal for making a protected communication. By definition, protected communications include communications to certain individuals and organizations outside of the chain of command. We continue to see a lack of understanding in the senior military leadership of the policy that it is appropriate and necessary to protect service members who report misconduct to appropriate authorities outside of the chain of command.

Do you support prohibiting retaliatory personnel actions for making protected communications?

Answer. Yes.

Question. If confirmed, what actions will you take to ensure that senior military leaders understand the need to protect service members who report misconduct to appropriate authorities within or outside the chain of command?

Answer. I believe that the military member's right to report perceived misconduct is sacrosanct. If confirmed, I will review the steps the Department has taken and is taking to inform Air Force members of their rights and responsibilities under the act. If additional measures are required, I will work with the Judge Advocate General to implement appropriate training and reporting procedures.

LEGAL ETHICS

Question. In your opinion, who is the client of the General Counsel of the Department of the Air Force?

Answer. The client of the General Counsel is the Department of the Air Force. While the Department acts through its authorized officials, if a conflict arises be-

tween the interest of the Department and the interests of an official, the General Counsel's duty is to the Department.

Question. What is your understanding of the action a Department of Defense attorney should take if the attorney becomes aware of improper activities by a Department of Defense official who has sought the attorney's legal advice and the official is unwilling to follow the attorney's advice?

Answer. The attorney should immediately bring the matter to the attention of the attorney's supervisor and, if not satisfactorily resolved, to higher level supervisory lawyers or authorities in the chain of supervision or command.

Question. In your view, do the laws, regulations and guidelines that establish the rules of professional responsibility for attorneys in the Department of Defense provide adequate guidance?

Answer. Yes. I am informed all DOD lawyers are members of a Bar and are therefore subject to the rules of professional responsibility of their particular jurisdiction. Lawyers engaged in litigation must also comply with the rules of the court in which they appear. All military and civilian lawyers in the Judge Advocate General's Department of the Air Force must comply with the Air Force Rules of Professional Responsibility and the Air Force Standards for the Administration of Criminal Justice. Additionally, I'm informed JAG Department attorneys may request an ethics opinion from the office of The Judge Advocate General's Ethics (Professional Responsibility) Advisor in the Legal Assistance Division.

ROLE IN THE OFFICER PROMOTION AND CONFIRMATION PROCESS

Question. In your view, what is the role of the General Counsel of the Department of the Air Force in ensuring the integrity of the officer promotion process?

Answer. I am informed that the General Counsel's Office provides legal advice on officer promotion procedures and the processing of selection board reports. This includes review of the Secretary's Memorandum of Instructions to each selection board and of each selection board report. In addition, the General Counsel, acting for the Secretary, reviews reports of substantiated unfavorable information concerning senior officers to determine whether that information should be made available to selection boards. The Air Force Office of the General Counsel takes an active role to ensure that promotions are made in full compliance with law and Department of Defense guidance. If confirmed, it would be my intention, subject to the Secretary's direction, to continue this level of legal oversight of the officer promotion process, in close cooperation and coordination with the uniformed Air Force legal and personnel communities.

Question. What is the role of the General Counsel of the Department of the Air Force in reviewing and providing potentially adverse information pertaining to a nomination to the Senate Armed Services Committee?

Answer. The current Air Force practice, which I would expect to continue if confirmed, is for the General Counsel to review each selection board report, and each Departmental communication to the committee, the President, or the Secretary of Defense, concerning nominations, for consistency and compliance with law and regulation. This review is particularly important in cases of nominees against whom there have been findings of misconduct or improprieties, to ensure that the Air Force meets its obligations of full and meaningful disclosure. In addition, if confirmed, I would expect to continue the present practice of the General Counsel reviewing each Lieutenant General and General nominees' financial disclosure reports and related financial information to ensure there are no conflicts of interest.

LITIGATION INVOLVING THE DEPARTMENT OF DEFENSE

Question. What is your understanding of the appropriate role of the Article III courts in the review of military activities?

Answer. I understand both the Constitution and the Supreme Court provide that the principle authority to control the military rests with Congress and the President. I also understand a long line of court cases have held that many internal military decisions are not subject to judicial review, and that Article III courts are generally ill-suited for defining or limiting the power of the executive and legislative branches as to military matters. In those categories of cases in which judicial review of military activities is appropriate, the courts should give substantial deference to the decisions of Congress and the President.

Question. In your opinion, what is the relationship between the Department of Defense and the Department of Justice with respect to litigation involving the Department of Defense?

Answer. According to Title 28, United States Code, section 516, the Justice Department has the responsibility to represent the Air Force in all litigation matters

other than courts martial. Consistent with the statute, Department of Air Force lawyers work with Justice Department attorneys performing key roles to help advance the Department's legal interests. For example Air Force attorneys review pleadings, participate in discovery, assist in developing litigation strategy, and in some cases become a part of the trial team. As a former Justice Department attorney, I look forward to sustaining a superb relationship between the two Departments, if confirmed.

Question. Is the present arrangement satisfactory, or does the Department need more independence to conduct its own litigation?

Answer. I am not currently aware of any problems in the present arrangement, or of the need for greater independence for the Department. If confirmed, I will make inquiry on this issue and take steps to ensure the Department exercises appropriate independence.

COURT OF APPEALS DECISION

Question. On January 4, 2000, the United States Court of Appeals for the District of Columbia Circuit decided the case of *National Center for Manufacturing Sciences v. Department of Defense, 199 F. 3d 507 (D.C. Cir. 2000).* The court concluded that "Because of the existence of 10 U.S.C. Section 114, it is clear that any monies appropriated for NCMS by Congress for research must be authorized before they can be appropriated and distributed"; and "Because 10 U.S.C. Section 114(a)(2) requires authorization of these funds before they become available, appropriation alone is insufficient."

What is your view of the court's decision in this case and its implications regarding the obligation of funds that are appropriated, but not authorized?

Answer. As I understand it, the case did not squarely address the issue of whether Department of Defense appropriations must be authorized before they can be obligated or expended. The court and the parties both viewed the funds at issue as authorized by Congress, and so this was merely a collateral matter in a case that concerned whether funds earmarked for NCMS in fiscal year 1994 had been effectively rescinded by a later act of Congress. If confirmed, I will work closely with the Defense Committees if similar issues arise.

ENVIRONMENTAL ISSUES

Question. The military departments have endeavored to resolve environmental encroachment issues while fulfilling essential readiness requirements, however, these efforts have often resulted in diminished, less realistic training. Based on testimony provided by the services at the Readiness Subcommittee hearing on March 20, 2001, it appears that the time is ripe for the development and implementation of a comprehensive strategy that addresses the individual and the cumulative effects of environmental encroachment. In the current threat environment, it is critical that such a strategy ensure the preservation of quality military training. Such efforts will require sound legal advice and recommendations.

If confirmed as the Air Force General Counsel, how would you propose to facilitate and contribute to the development and implementation of a comprehensive strategy intended to address readiness concerns related to environmental encroachment issues?

Answer. National defense is our primary mission, and that mission can accommodate wise natural resource stewardship. Maintaining continued access to ranges and airspace is absolutely critical to readiness. If confirmed, I will have the opportunity to apply over 20 years of experience in the environmental law field to this important national issue. I will assist the Department in balancing test and training requirements with responsible stewardship. Strong relationships with the U.S. Department of Interior, its state counterparts and other interested parties are of great importance. Effective communication will serve to both provide access to critical airspace and ranges and ensure that others understand that realistic training is necessary for our Nation's security.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate

and necessary security protection, with respect to your responsibilities as the General Counsel of the Department of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR STROM THURMOND

ATTRACTING QUALITY PEOPLE

1. Senator THURMOND. Ms. Walker, a key issue facing the Department of Defense is recruiting and retaining quality people to manage and carry out the functions of the Department.

What will be your approach to ensuring that the Office of the Air Force General Counsel has the quality people to ensure the Secretary and the Department has the best and brightest lawyers and employees?

Ms. WALKER. If confirmed, I will work diligently to ensure continued successful recruiting and retention of outstanding attorneys, paraprofessionals and support personnel for the Office of the Air Force General Counsel. Further, I would work to ensure we have the right number of people and depth of expertise to provide the high quality legal support the Department requires. I support the use of intern programs as a way of developing entry-level candidates. Additionally, while we may never expect to compete with private sector salaries, it is essential that we fund and utilize fully the authorities we have currently to repay student loans, offer recruiting and retention incentives, and enhance training opportunities. If confirmed, I want to make service as a civilian attorney in the Air Force as attractive and professionally rewarding as I possibly can. I would seek to assure that our attorneys and support personnel have many opportunities to participate in career development activities, including but not limited to formal Continuing Legal Education (CLE) programs, job skill seminars, and conferences. I am informed some steps have already been taken to initiate a formal career-broadening program to enhance the attorneys' experience and better prepare them for promotion, including exchanges with other offices. These are the types of initiatives I would support as we look for ways to secure and retain the "best and the brightest" for the Department.

[The nomination reference of Mary L. Walker follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 25, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Mary L. Walker, of California, to be General Counsel of the Department of the Air Force, vice Jeh Charles Johnson.

[The biographical sketch of Mary L. Walker, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MARY L. WALKER

Mary Walker is a lawyer from California and former partner with Brobeck, Phleger & Harrison LLP, a national law firm based in San Francisco. She specializes in land use and environmental law and litigation and has represented a diverse range of clients including those in oil, shipbuilding, transportation, manufacturing, high technology, biotechnology, fisheries, food, land development, and municipal government.

She has served on the boards of several nonprofit organizations, including BIOCOM/San Diego, Floresta, Inc., Global Involvement Through Education, and the

Endowment for Community Leadership. She is a frequent author of opinion pieces on environmental regulation, energy policy, and nuclear power and waste.

In the 1980s, Ms. Walker served the Federal Government in several positions, including Assistant Secretary for Environment, Safety & Health of the Department of Energy, Deputy Solicitor of the Department of Interior, Principal Deputy Assistant Attorney General of the Land & Natural Resources Division of the Department of Justice, and U.S. Commissioner for the Inter American Tropical Tuna Commission.

Ms. Walker has an undergraduate degree in Biological Sciences/Ecology from the University of California at Berkeley, and a law degree from Boston University Law School.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial and other information of the nominee. The form executed by Mary Walker in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Mary L. Walker.
Mary Walker Lilly (1988/1989).

2. **Position to which nominated:**
General Counsel, U.S. Air Force.

3. **Date of nomination:**
September 25, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 1, 1948; Dayton, OH.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Single.

7. **Names and ages of children:**
Winston Samuel Walker, age 12.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
Glendale High School, Diploma 6/66.
UC Irvine, 9/66–6/68.

UC Berkeley, B.S. Biology/Ecology 6/70.
Boston University Law School 9/70–6/72, JD 6/73.
UCLA Law School (Visiting third year student) 9/72-6/73.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

1991–1994—PARTNER

Luce, Forward, Hamilton & Scripps LLP San Diego, CA.
Specialized in environmental and land use law and litigation for diverse clients including landowners, manufacturers, biotechnology and other businesses.
Defended Federal and state enforcement actions, counseled clients on compliance with laws and regulations, performed due diligence in mergers and acquisitions, designed and supervised environmental audits, and brought cost recovery actions under Federal and state Superfund laws for clean up of contaminated sites.

1994–7/2001—PARTNER

Brobeck, Phleger & Harrison LLP San Diego, CA.
Specialized in environmental law and litigation for diverse clients including oil, shipyards, fisheries, high technology, biotechnology, pharmaceuticals and small businesses. This has included litigation (both defense and plaintiff work) and counseling concerning air, water, waste, natural resource and consumer warning laws and regulations, as well as due diligence, negotiations and drafting of merger and acquisition agreements. Representation of biotechnology industry has included advocacy in favor of changes to laws and regulations at the state and local level.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

FEDERAL GOVERNMENT

1988–1995—U.S. Commissioner, Inter American Tropical Tuna Commission (IATTC).
1985–1988—Assistant Secretary, Environment, Safety & Health U.S. Department of Energy.
1984–1985—Deputy Solicitor, U.S. Department of Interior.
1982–1984—Principal Deputy Assistant Attorney General, Land & Natural Resources Division.

LOCAL GOVERNMENT

2000–3/2001—Board Member, Public Facilities Financing Authority City of San Diego (Mayoral appointment).
1989–-7/2001—Special Environmental Counsel for various southern California municipal. In recent years, this has been limited to Federal Superfund related actions.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
As a partner: Brobeck, Phleger & Harrison LLP.
As a director/officer: BIOCOM San Diego (Director and Co-Chair, Environmental Committee). Endowment for Community Leadership (Director). Professional Women's Fellowship (Director and Past President).
As an advisor: Floresta (Advisory Board). Global Involvement Through Education (advisory Board). UCSD Environmental Management Board (has not met in recent years).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
California Bar Association.
San Diego Bar Association.
The Federalist Society.
Lawyers for Bush Cheney.
The Heritage Foundation.
BIOCOM San Diego (Board member, Co-Chair Environmental Committee).
Industrial Environmental Association.
Professional Women's Fellowship of San Diego (past President).

Solana Beach Presbyterian Church.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member, Lawyers for Bush/Cheney.

Volunteer, San Diego County Republican Party (volunteer assistance to Bush/Cheney campaign).

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

FIGURES APPROXIMATE

$1,000.00 George W. Bush.
$500.00 Republican Congressional Caucus.
$500.00 Congressman Duke Cunningham.
$500.00 Congressman Brian Bilbray.
$150.00 Mayor Susan Golding.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

College/Law School Scholarships.

Secretary's Gold Medal, U.S. Department of Energy, 1987.

Outstanding Young Women of America, 1984.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

ARTICLE	PUBLICATION	DATE
General Environmental		
Learning to Cope with State's Expanding Mound of Garbage	The Sacramento Bee Final	01/12/1990
We Need More Than Recycling to Solve Our Garbage Crisis	The NAPA Register	03/23/1990
The Threat to Our Shores	The Christian Science Monitor The San Diego Union Tribune Houston Chronicle	03/11/1991 01/29/1993 01/29/1993
Earth in the Balance; Gore Tips the Scales	San Diego Business Journal	1992
Underground Storage Tanks Doing It Right	New Car Dealer Magazine	08/1992
Environmental Law: The Third Decade	UCSD Real Estate Forum	Fall 1992
Gnatcatcher Land Use Debate Continues	San Diego Business Journal – Special Supplement	1993
Responding to Enforcement Actions Under the Clean Water Act	Journal of Environmental Regulation	Winter 1993/1994
TSCA: A Report Card After Nearly 20 Years	The San Diego Union Tribune	1994
Fear of Electromagnetism	The Oregonian St. Louis Post-Dispatch The San Diego Union Tribune	05/10/1994 06/27/1994 03/22/1995
The Cleanup Fund and the Hydraulic Reservoir: New Developments in Underground Storage Tank Regulation	New Car Dealer Magazine	02/1995
Environmental Audit Policies and Privileges	California Manufacturer	Winter 1996/1997
The Vest Pocket Guide to Environmental Law		Original Copyright 1993
The Vest Pocket Guide to Environmental Issues in Real Estate and Business Transactions		Original Copyright 1996

ARTICLE	PUBLICATION	DATE
Global Warming		
On Global Warming, No One Is Off The Hook	The Christian Science Monitor	03/24/1997
Using Nuclear Power to Counter Global Warming	The San Diego Union Tribune	09/16/1999
Balanced Energy Policy		
A Balanced Energy Policy Includes Burning Coal for Power	Wyoming Tribune-Eagle The Salt Lake Tribune	03/24/2000 04/09/2000
Start Making Smart Power Decisions	The San Diego Union Tribune	09/17/2000
America's Energy Policy, Based on a Few Sources, Needs Balance	The Salt Lake Tribune	12/03/2000
Nuclear Waste/Nuclear Weapons Sites/Nuclear Power		
The Nuclear Weapons Waste Dilemma	The Christian Science Monitor	10/18/1989
Challenge to Clean Up	Austin American-Statesman	12/01/1989
Nuclear Power	San Francisco Chronicle The Tribune San Jose Mercury News The Peninsula Times Tribune	02/24/1990 02/26/1990 03/06/1990 03/10/1990
Nuclear Power is Best Answer to Growing U.S. Energy Shortages	Press-Telegram	04/12/1990
Safer Reactors and a New Generation of Nuclear Plants	The Sacramento Bee Final	04/19/1990
Dumping Low-Level Nuclear Waste	The Sacramento Bee Final	07/30/1991
A New Approach to Plutonium Bomb Waste	The Christian Science Monitor	04/20/1992
The State Fiddles Over Radioactive Waste While Biotech Burns	The San Diego Union Tribune	07/22/1992
California's Low-Level Radioactive Waste Crisis	Hazardous Materials Control	11-12/1992
Nuclear Arms Sites: Cleanup or Setup	The Christian Science Monitor	12/13/1993
Senator Boxer Should Rethink Her Radioactive Follies	San Francisco Business Times San Diego Business Journal	01/28/1994 02/28/1994

ARTICLE	PUBLICATION	DATE
Take Nuclear Waste Off the States' Hands	The Christian Science Monitor The Monroe Evening News	10/27/1994 11/27/1994
Ward Valley: Economically, Environmentally Sound	California Manufacturer	Winter 1994
Nuclear Plants Need Waste Solutions	Tri-City Herald Sandusky Register Columbia Daily Tribune Telegram-Tribune Sun Post News Wisconsin State Journal	01/02/1995 01/02/1995 01/03/1995 01/09/1995 01/19/1995 02/01/1995
Converting Plutonium to Peaceful Use	The San Diego Union Tribune	01/12/1997
The US Should Cooperate With Russia on Plutonium	The Christian Science Monitor	01/16/1997
Return to Nuclear	The San Diego Union Tribune	03/02/2001
Other		
Price Controls for Drugs: Rx for Chaos	The San Diego Union Tribune The Journal of Commerce and Commercial	07/12/1993
A Dose of Government Would Be Bad Medicine (Letter to Editor)	The San Diego Union Tribune Business Week Section	03/21/1994
Competition Helps Power Market	The Idaho Statesman	04/04/1998

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have moderated panels on biotechnology environmental issues for the Industrial Environmental Association's annual conference for the past several years. I had no formal remarks. In addition, I have moderated other panels at environmental seminars. When I speak on environmental regulatory topics, such as the Clean Water Act, California's Proposition 65, emergency planning, environmental audits, Federal Environmental enforcement, the Federal and State hazardous waste laws, and an overview of Federal environmental laws, I typically speak from handwritten notes or overhead slides and have no prepared text. The only time I have worked from prepared texts was when I was in full time positions with the Federal Government (1982–1988).

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MARY WALKER.

This 28th day of September, 2001.

[The nomination of Mary L. Walker was reported to the Senate by Chairman Levin on November 8, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 8, 2001.]

NOMINATIONS OF JOSEPH E. SCHMITZ TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE; AND SANDRA L. PACK TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

TUESDAY, OCTOBER 23, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 3:32 p.m. in room SC–5, The Capitol, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Carnahan, Warner, Allard, and Sessions.

Committee staff members present: David L. Lyles, staff director; and Christine E. Cowart, chief clerk.

Majority staff members present: Peter K. Levine, General Counsel; and Michael J. McCord, Professional Staff Member.

Minority staff members present: Romie L. Brownlee, Republican staff director; Judith A. Ansley, deputy staff director for the minority; Ambrose R. Hock, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Gabriella Eisen and Thomas C. Moore.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; Erik Raven, assistant to Senator Byrd; Frederick M. Downey, assistant to Senator Lieberman; Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; William K. Sutey, assistant to Senator Bill Nelson; Eric Pierce, assistant to Senator Ben Nelson; Neal Orringer, assistant to Senator Carnahan; Margaret Hemenway, assistant to Senator Smith; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Douglas Flanders, assistant to Senator Allard; James P. Dohoney, Jr., assistant to Senator Hutchinson; Arch Galloway II, assistant to Senator Sessions; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. The committee meets today to consider the nominations of two individuals to senior positions in the Department of Defense, Joseph Schmitz to be Inspector General for the

Department, and Sandra Pack to be Assistant Secretary of the Army for Financial Management and Comptroller.

I would like to welcome you both and your families to the Armed Services Committee. In a moment, I am going to ask you to introduce those family members that might be with you. Before I do that, though, let me make a statement about our schedule for the rest of the week. On Thursday morning at 10 a.m. we hope to have a conference meeting with the House, and that meeting will involve the General Provisions Panel which Senator Warner and I chair. We do not have a room for that meeting yet, so keep in touch with your staffs about that.

Also on Thursday morning, the Emerging Threats and Capabilities Subcommittee is planning a hearing with Senator Sam Nunn and former Deputy Secretary of Defense John Hamre on the recent Dark Winter exercise involving a simulated bioterrorist event. That hearing is currently scheduled for 10 a.m. in Russell 222. That assumes, of course, that the Russell Building is open on Thursday afternoon.

At 2:30 p.m., the full committee will hold a hearing with DOD officials on the Department's role in homeland security. We are currently scheduled to hold this hearing in Hart 216, which we may have to change. In fact, I think we should get a backup just in case we do have to change.

On Friday morning at 10 a.m. we hope to have a meeting of the full conference with the House outside conferees. We do not have a room for that meeting yet, either. Scheduling is obviously a huge challenge under the current circumstances, and we will make every effort to keep all members of the committee informed about the committee schedule as promptly as we can.

Senator WARNER. Mr. Chairman, on that point would you instruct the staff to disseminate the facts you have just given to all members as soon as possible?

Chairman LEVIN. We will. Thank you for that suggestion.

Mr. Schmitz is a graduate of the U.S. Naval Academy, a 27-year Navy veteran of the Active and Reserve Force. He served as a Special Assistant for Attorney General Edwin Meese. A lawyer and a captain in the Naval Reserves, he most recently served as Deputy Senior Inspector for the Naval Reserve Intelligence Program. If confirmed as the Inspector General, Mr. Schmitz will be responsible for conducting independent and objective audits and investigations of defense programs and impartial investigations of the allegations of misconduct by senior officers and civilian Department employees.

Ms. Pack is a certified public accountant who has served as a financial consultant to several presidential campaigns. Her private sector experience includes serving as Director for Planning and Operations for the digital technology firm of Spectrum Holobyte, and 12 years with Ernst & Young, including Director of Microcomputer Consulting and Accounting Services. If confirmed as the Assistant Secretary of the Army for Financial Management and Comptroller, Ms. Pack will be responsible for assuring the effective management, integrity, and accuracy of the Army's financial management systems.

Let me turn now to Senator Warner, and then I will ask the standard questions of our nominees and ask them to introduce their family members.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman. I asked that you arrange this hearing this afternoon because I think it is very important for this committee to be as active as we have been, and we have been active during the course of these unpredictable and somewhat uncertain times here in the Senate. I thank you for making the arrangements to have the hearing this afternoon. These nominees are urgently needed by the Department. I have been contacted by a number of members of the Department on behalf of both of these distinguished nominees. You have covered their curriculum vitae.

I then would put in my statement for the record. My statement in every respect parallels the chairman's in endorsing these two candidates. I welcome you, and I thank you for your offer to serve the country, and that of your respective families, because families play a vital role in the lives of persons who undertake long hours and arduous challenges in the Department of Defense.

Thank you very much.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I also extend a warm welcome to the nominees and their families. These are vitally important positions to which Mr. Schmitz and Ms. Pack have been nominated. I compliment them both on their desire and willingness to serve in these extraordinarily challenging times.

Mr. Schmitz has an impressive record of accomplishment in military service, in the legal community, and in academia. After graduating from the U.S. Naval Academy in 1978, Mr. Schmitz forged a 27-year naval career in the Active and Reserve Forces, achieving the rank of captain. Since 1999, he served as Deputy Senior Inspector for the Naval Reserve Intelligence Program with responsibility for command inspections and audits, investigation, and intelligence oversight in this key area. He has also been a highly successful private practitioner in Washington, DC, specializing in administrative and constitutional law and international trade. In addition, he has served as an Adjunct Professor of Law at the Georgetown University Law Center.

Ms. Pack is a certified public accountant with a distinguished record of achievement in the private sector. She worked for the firm of Ernst & Young for 12 years providing consulting and accounting services to small businesses in a broad range of industries. In recent years, she has served in financial management capacities in connection with the election campaigns of President Bush and Senator Bob Dole.

I support the nominations of both individuals and look forward to their testimony this morning.

Chairman LEVIN. Thank you, Senator Warner.

Today's nominees have both responded to the committee's prehearing policy questions and to our standard questionnaire. Without objection, responses will be made a part of the record.

The committee has also received the required paperwork on each of the nominees, and we will be reviewing their paperwork to make sure it is in accordance with the committee's requirements. There are several standard questions that we ask every nominee who comes before this committee. In your response to advance policy questions, you agree to appear as a witness before congressional

committees when called, and to ensure that briefings, testimony, and other communications are provided to Congress. You have already done that. Now my questions: Have you adhered to applicable laws and regulations governing conflict of interest? Mr. Schmitz.

Mr. SCHMITZ. Yes, I have.

Chairman LEVIN. Ms. Pack.

Ms. PACK. Yes, sir, I have.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process? Ms. Pack.

Ms. PACK. No, sir.

Chairman LEVIN. Mr. Schmitz.

Mr. SCHMITZ. No, sir.

Chairman LEVIN. Will you ensure the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings? Mr. Schmitz.

Mr. SCHMITZ. Yes, I will.

Chairman LEVIN. Ms. Pack.

Ms. PACK. Yes, sir.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests? Ms. Pack.

Ms. PACK. Yes.

Mr. SCHMITZ. Yes, I will.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Mr. SCHMITZ. Yes, they will.

Ms. PACK. Yes, sir.

Chairman LEVIN. Let me now ask both of you for any opening remarks that you have, hopefully brief, but before you do that, would you introduce your families to us? Mr. Schmitz.

Mr. SCHMITZ. Thank you, Mr. Chairman. My wife, Mollie, is here with me today; my mother, Mary Schmitz, is here; and six of my eight children could make it here today, Patrick, Thomas, Corporal Nicholas Schmitz, USMC, Katherine, Miss Mollie, and Matthias; my sister, Elizabeth, is there with three of her children; and then my cousin, Jennifer, who works for the Judiciary Committee, is here.

Chairman LEVIN. We welcome them all. Are the two missing kids AWOL?

Mr. SCHMITZ. The oldest is a senior at Maryland, and he has a midterm at 3:30 p.m. today—he would have been here this morning—and the number two son is a year abroad in Europe.

Chairman LEVIN. Well, tell them we miss them.

Senator WARNER. Mr. Schmitz, don't you have a brother also in Government service who has had a distinguished career?

Mr. SCHMITZ. My older brother John was George Bush's Deputy Counsel at the White House for 7 years. He is also in Europe on business.

Senator WARNER. I have met him in years past, a very distinguished gentleman.

Chairman LEVIN. Ms. Pack, you are a little bit overwhelmed, probably, numerically.

Ms. PACK. That is quite all right. I would like to introduce my husband, Randall.

Chairman LEVIN. We very much welcome all of you, and thank you for your willingness to be supportive of the spouses who are called to public service. Those of us who serve on this committee understand the important role of spouses, and we very much appreciate and cherish that. It is absolutely essential to the well-being of this country that we have families, not just spouses but families as well as spouses, who will join their father or mother, brother, sister, what-have-you, to serve this country.

Now, we will have brief opening statements, and we will put your full statement, if you have a longer one, in the record.

Mr. Schmitz.

STATEMENT OF JOSEPH E. SCHMITZ, NOMINEE TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Mr. SCHMITZ. Thank you, Mr. Chairman. I have no statement for the record, but with your permission I would like to make a few brief remarks.

Chairman Levin, Senator Warner, members of the committee, it is an honor to appear this afternoon before you as President Bush's nominee to be the Inspector General of the Department of Defense. I would like to thank President Bush for nominating me, and I would like to thank Secretary Rumsfeld for his continuing confidence and support.

I would also like to thank this committee for all it has done over the years, especially over the last 6 weeks, for the men and women of the Armed Forces. If confirmed, I look forward to working very closely with this committee to meet the many and recently exacerbated challenges we face as a Nation.

As stated in my written responses to your advance policy questions, if I am confirmed, I hope to address the following three broad priorities within the Office of Inspector General, Department of Defense: first and foremost, integrity; second, efficiency; and third, an enthusiastic commitment to the core principles underlying our Constitution, including the rule of law, the various checks and balances, and the ultimate accountability of all public officials to the people of the United States.

Finally, I would like to thank Almighty God for the multitude of blessings he continues to bestow upon this Nation, and upon me personally. Speaking of which I would like to thank publicly my wife of 23 years, Mollie, who you just met, and my eight children for their enduring love and inspiration, and now for their willingness to support me as I undertake this new challenge. Of course I would like to thank my other many family members and friends who have supported me along the way.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you.

Ms. Pack.

STATEMENT OF SANDRA L. PACK, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR FINANCIAL MANAGEMENT AND COMPTROLLER

Ms. PACK. Thank you, Mr. Chairman, distinguished members of the committee. It is a great privilege to appear before this committee as the nominee for Assistant Secretary of the Army for Financial Management and Comptroller. I am profoundly grateful to the President, the Secretary of Defense, and the Secretary of the Army for the trust and confidence that they have placed in me.

I pledge that, should I be confirmed, I will dedicate myself to ensuring that their trust and your trust will not be misplaced. I pledge to be a faithful steward to the citizens of this great Nation, that I will discharge my duties to the best of my ability.

I am a certified public accountant. I have worked my entire professional career in the private sector, 12 of those years in public accounting. I believe strongly in the principles of sound financial management. I understand the need for the principles and practices espoused by my profession, such as strong internal controls, segregation of duties, planning, budgeting, and reliable accounting and financial reporting systems. These principles enable sound management and resource decisions.

While I will be serving in a new environment with the U.S. Army, I believe that my technical training and my previous work experience will provide the foundation needed for this challenge. I look forward to learning about the Army and determining how the principles with which I am familiar may be applied.

Mr. Chairman, should I be confirmed, I look forward to a strong working relationship with you and with this committee. I will be pleased to answer any questions at this time. Thank you.

Chairman LEVIN. Thank you very much, Ms. Pack. We will have a 6-minute round, and we will follow the early bird rule, alternating between sides.

Mr. Schmitz, I know that you are aware of the fact that the letter that you wrote to the *Washington Times* in 1992, during the presidential campaigns, has been something which has troubled me a great deal. That letter was captioned, "Security Risk in the White House?" This was printed in the *Times:* "Bill Clinton practically confessed to being a security risk during the Vietnam War in his December 3, 1969, letter to Colonel Eugene Holmes. Since then, he has never recanted, notwithstanding a direct invitation to do so in the final presidential debate. Colonel Holmes has released an affidavit stating, among other things, that the December 3, 1969 letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States military." Then you wrote: "Now the same Bill Clinton wants to be commander in chief, but he won't even talk about his organizing antiwar activities in England and then traveling to Moscow at the height of the Vietnam War. The KGB apparently knows more about the shady side of Bill Clinton than the American people ever will. The American people deserve better."

Now, that was signed with your rank in the Reserves, which is the issue here. It is not the views, whatever one thinks of those, but the fact that you signed it as a Lieutenant Commander in the U.S. Navy Reserve.

First of all, did you believe that he was a security risk when you wrote that?

Mr. SCHMITZ. No, sir.

Chairman LEVIN. Do you believe that it was appropriate to sign the letter as Lieutenant Commander in the Naval Reserve?

Mr. SCHMITZ. I just want to clarify one thing, the way that I signed it and the way that it was published are different, and the distinction is that the way I actually signed it followed the letter of the law. I certainly acknowledge that the way it looks raises issues, and I would like to address those to clarify why I did what I did, and how I did it.

First of all, that was 9 years ago, Mr. Chairman. I was a young associate in a law firm and a Lieutenant Commander in the Naval Reserves. I have done a lot of professional growing since then, and I would not write the same letter today.

Second, I would like to say the letter was merely a venting exercise. It was not a reflection of my judgment at the time, and it is certainly not a reflection of my judgment today.

I had watched the nationally televised debate during which Candidate Clinton had been asked about his activities in Moscow during the height of the Vietnam War. I was hoping that the candidate would have answered the questions, but he did not. I decided to vent my frustration in a letter to the editor, a writing activity which my law firm generally encouraged, so I wrote a letter on private stationery and faxed it to the newspaper editor from my law firm. It was clearly my own opinion, and it was not intended to be a reflection on the Naval Reserves.

Finally, one of the most important leadership lessons I have learned over the years has been that leaders need to be able to admit when they have made a mistake, especially when they are under public scrutiny. In the case of this one letter to the editor, Mr. Chairman, 9 years ago, I should not have used my Naval Reserve rank, even though I followed the rules to the T.

The way the newspaper published my letter and highlighted my military rank obviously raises issues. I regretted it at the time, and I regret it today. I learned a very good lesson, for which I am now a better man, and more importantly I will be a much better Inspector General for having learned that lesson, if I am confirmed.

Chairman LEVIN. Were you with the same law firm then as you are now?

Mr. SCHMITZ. No, sir.

Chairman LEVIN. Was it the firm you were with then that encouraged you to write the letter?

Mr. SCHMITZ. Paul, Hastings, Jonofsky, and Walker, and if you look at the cover sheet, it was the code that they give to associates to encourage them to spend time writing letters like this.

Chairman LEVIN. Was there anyone else that encouraged you to write this, other than the law firm?

Mr. SCHMITZ. The law firm did not encourage me to write this specific letter. Let me just clarify that. This was a weekend venting exercise. That is all it was.

Chairman LEVIN. But in general they encouraged people to write letters?

Mr. SCHMITZ. Yes, sir.

Chairman LEVIN. Was there anyone else who encouraged you to write either letters in general, or this letter, other than the law firm?

Mr. SCHMITZ. My mentor in the law firm, basically all of my supervisors.

Chairman LEVIN. I said, other than the law firm, was there anyone else that encouraged you to write letters, or this letter?

Mr. SCHMITZ. Not that I recall.

Chairman LEVIN. In your response to the committee's questionnaire, you indicated your desire to remain a member of the board of U.S. English, Inc., which is an advocacy group that seeks to ensure that the official business of the United States and the 50 States is conducted only in English. Even for positions that do not require the independence and objectivity of the Inspector General, the committee insists that nominees resign from outside positions. That I think you now understand, and you are going to resign from that board, but my question is a little different than that.

This is an organization that believes that no Government business should be done in any language other than English, which presumably means they do not believe that ballots should be in any other language, or referenda on ballots should be in Spanish, or that driver's license applications should be in Spanish. Many States have such applications and ballots.

Why would you think it would be appropriate for you, as Inspector General, to remain on the board of an advocacy group that obviously takes positions which would be very much anathema to at least some members of the military, who would very much support a ballot being in Spanish, for instance, or a driver's license application being in Spanish?

We have a lot of military members, for instance, who speak Spanish. I am not characterizing them, or generalizing. I am not saying that all people who speak Spanish believe that there ought to be driver's license applications or ballot referendum items that are bilingual. I am not suggesting that, but clearly there is a significant number of people that speak a foreign language that believe that. They are in the military, like anywhere else in this country, and yet you thought it would be appropriate for you to remain on that board.

Now, putting aside the fact that you cannot, under our rules, and that you are not going to be on that board, why would you think it would even be appropriate to stay on that board if we allowed you to do so?

Mr. SCHMITZ. That is a good question, Mr. Chairman. The first thing I would like to clarify is that the way you characterized the mission and purpose of the organization is a common misconception. There is a group that advocates English only. This is not the English-only group. This is the official English group. In fact, the founder of this group was a former U.S. Senator by the name of Sam Hayakawa, who himself was an immigrant. The current chairman of the group is an immigrant from South America whose native tongue is Spanish. There is nothing anti-Spanish or anti-immigrant about this group. It is often confused, however, with the English-only group, and that is what I would like to address right now.

In fact, when I went through the Army Inspector General's School I had the occasion of studying a lot of Army regulations, and I was not surprised, but I was pleased to find that in 1999 the U.S. Army promulgated its command policy in which it states that English is the operational language of the United States Army, and then it goes on and says that we all have to speak English to communicate, but commanders should not deny people the opportunity to speak their native tongues. That is essentially the position that U.S. English takes. It is the exact same position that the U.S. Army took in 1999 under its official command policy.

I have been working with U.S. English for 2 years. It is a tremendous challenge, frankly, to dispel the misconception and the misinformation that U.S. English is up against, and I requested to stay a member of that board, and I requested to stay a member of a couple of other boards that I thought would be appropriate. I am pleased to dispel the misperception about U.S. English here, and I have already agreed to withdraw from the board of U.S. English.

[The information referred to follows:]

ARMY COMMAND POLICY (PERSONNEL-GENERAL), ARMY REGULATION 600–20, 15 JULY 1999

SECTION 4—13. ARMY LANGUAGE POLICY

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and therefore, must normally be English. However, commanders may not require soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications which are unrelated to military functions.

Chairman LEVIN. I am going to put in the record here the web site material that U.S. English, Inc. has on its web site, which shows driver's license exam languages in the States. Presumably the only reason they would put that on their web site is that they have a problem with it.

[The information referred to follows:]

Welcome to U.S. English
U.S. ENGLISH consists of two separate organizations:
FOUNDATION, INC.
The U.S. ENGLISH Foundation is the educational and research organization, working to promote opportunities for everyone in the United States to learn English and to research issues related to language policy. Click here to find out more about language policy in general.
U.S. ENGLISH, Inc. is the legislative organization, working at the state and federal levels to pass legislation to make English the official language of government and to reform bilingual education. Click here to find out more about Official English legislation and related issues.

Tuesday, November 6, 2001

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Poll

Should English be the official language of the United States?

- Yes
- No
- Undecided

Vote

click for poll results

Welcome to U.S. ENGLISH, Inc.

Making English the official language

U.S.ENGLISH, Inc. is the nation's oldest, largest citizens' action group dedicated to preserving the unifying role of the English language in the United States. Founded in 1983 by the late Senator S.I Hayakawa, an immigrant himself, U.S. English now has 1.5 million members nationwide.

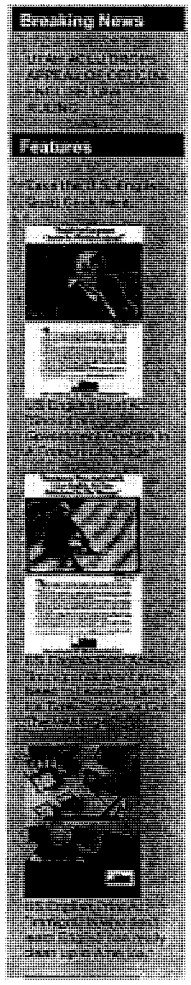
Mauro E. Mujica, an architect and international businessman as well as an immigrant from Chile, has been the Chairman/CEO of U.S.ENGLISH Inc. since 1993 and prior to that, served on the Board of Directors beginning in 1992. Because of his commitment to keeping this nation unified through a common language and his own experience as an immigrant, Mr. Mujica has succeeded in making U.S.ENGLISH Inc. one of the fastest-growing interest groups in the country.

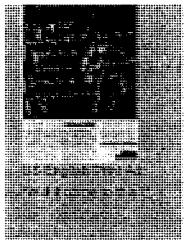
U.S.ENGLISH believes that the passage of English as the official language will help to expand opportunities for immigrants to learn and speak English, the single greatest empowering tool that immigrants must have to succeed.

Currently, U.S.ENGLISH is working with members of the House of Representatives and Senate to help pass official English legislation in the 107th Congress. In 1996 U.S.ENGLISH was instrumental in helping to pass "The Bill Emerson English Language Empowerment Act of 1996" in the House of Representatives. This bill passed the House of Representatives by a vote of 259-169, with 36 Democrats joining Republicans in this historic vote. Unfortunately, the Senate failed to act on the bill before the session was over.

On the state level, 26 states have English as their official language and several more are considering similar legislation. In the last four years, Alaska, Georgia, Montana, New Hampshire, South Dakota, Utah, Virginia, Wyoming and Missouri have enacted some form of official English legislation with the help of U.S.ENGLISH.

U.S.ENGLISH, Inc. is a separate organization from the U.S.ENGLISH Foundation, which promotes English education and public awareness of issues surrounding our common language.





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"The tie of language is perhaps the strongest and the most durable that can unite mankind."
--Alexis de Tocqueville

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"English is the 'language of liberty' for nations emerging from years of cultural oppression."
--Vaclav Havel

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Official English

About the Issue

Declaring English the official language means that official government business at all levels must be conducted solely in English. This includes all public documents, records, legislation and regulations, as well as hearings, official ceremonies and public meetings.

Official English legislation contains common-sense exceptions permitting the use of languages other than English for such things as public health and safety services, judicial proceedings (although actual trials would be conducted in English), foreign language instruction and the promotion of tourism.

In 1996, U.S.ENGLISH was instrumental in passing H.R. 123, "The Bill Emerson English Language Empowerment Act of 1996." That bill, making English the official language of the U.S. government, passed in the House of Representatives with a bipartisan vote of 259-169. Unfortunately, the Senate did not act on the bill before the end of the session. Currently, U.S.ENGLISH is working with Rep. Bob Barr of Georgia and Sen. Richard Shelby of Alabama to help pass official English bills in the 106th Congress.

Twenty-six states have some form of official English law. Most recently, Missouri and Alaska passed official English legislation in 1998. U.S.ENGLISH is currently working in several states to pass official English bills.

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"The mission of the United States is one of benevolent assimilation."
--William McKinley

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Official English

Why Is Official English Necessary?

Declaring English the official language is essential and beneficial for the U.S. government and its citizens. Official English unites Americans, who speak more than 329 languages (1990, U.S. Census), by providing a common means of communication; it encourages immigrants to learn English in order to use government services and participate in the democratic process; and it defines a much-needed common sense language policy.

Official English promotes unity. Our national motto is *E pluribus unum*—out of many, one. Immigrants of many nationalities built our nation, but the "melting pot" melded us into one people. This long tradition of assimilation has always included the adoption of English as the common means of communication. Unfortunately, the proliferation of multilingual government sends the opposite message to non-English speakers: it is not necessary to learn English because the government will accommodate them in other languages. A study published by the U.S. Department of Labor found that immigrants are slower to learn English when they receive a lot of native language support. (*Monthly Labor Review*, December 1992.) Thus, multilingual government services actually encourage the growth of linguistic enclaves. This division of the United States into separate language groups contributes to racial and ethnic conflicts. Designating English as the official language will help reverse this harmful process.

Official English empowers immigrants. Immigrants will benefit from the elevation of English to official status. Instead of the mixed message government sends by making it possible to file tax returns, vote, become U.S. citizens and receive a host of other services in a variety of languages, immigrants will understand that they must know English to fully participate in the process of government. Providing multi-lingual services creates dependence on "linguistic welfare." Life without English proficiency in the United States is a life of low-skilled, low-paying jobs. Studies of Census data show that an immigrant's income rises about 30% as a result of learning English. Knowledge of English leads to the realization of the American dream of increased economic opportunity and the ability to become a more productive member of society, which benefits everyone.

Official English is common sense government. The designation of official English will eliminate the needless duplication of government services in multiple languages. It is not the responsibility of the government to provide services in the 329 different languages spoken in the United States. It is the responsibility of each individual to either learn English or to find a friend or family member to translate. The money formerly spent on multi-lingual services can instead provide immigrants with the assistance they really need—classes to teach them English.

Official English legislation recognizes the need for common sense exceptions

permitting the use of other languages for emergency, safety and health services; judicial proceedings; foreign language instruction and tourism promotion. Of course, because official English is only a limitation on government, it does not affect the languages spoken in private businesses, religious services or private conversations.

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"Providence has been pleased to give this one connected country, to one united people; a people descended from the same ancestors, speaking the same language..."
--John Jay, The Federalist Papers No. 2

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Official English

Frequently Asked Questions

Isn't English already our official language?
No, despite the fact that most Americans speak English, it is not the official language of the United States. Contrary to popular myth, English did not win out over German by one vote to become our official language. The Founding Fathers never really discussed this issue because over 90 percent of the voting population was of British ancestry. It was not until the 1960s that the U.S. began its current multilingual policies and the need for English to be the official language became evident.

Why is it necessary to declare English our official language?
Official English promotes unity, and empowers immigrants by encouraging them to learn English, the language of opportunity in this country.

What happens when English is declared the official language?
All official documents, records, legislation and regulations, as well as hearings, ceremonies and public meetings are conducted solely in English, with some common sense exceptions.

When are languages other than English permitted in government under official English legislation?
Official English legislation allows a variety of common sense exceptions permitting the use of languages other than English: public health and safety, international relations and national security, judicial proceedings (although actual trials would be conducted in English), tourism, foreign language instruction, terms of art or phrases from other languages, etc.

How does official English affect private businesses and private citizens' daily lives?
Official English legislation only applies to government functions. Language policies in private business are not affected, and private citizens are still free to use any language they wish in their daily lives.

Is there official English on the state level?
Twenty-five states have official English laws and several more are considering similar legislation. Most recently, Alaska, Missouri, New Hampshire, Montana, South Dakota, and Wyoming have declared English their official language.

Is there an official English bill pending on the federal level?
With the support of U.S.ENGLISH, the House of Representatives passed H.R. 123 -- "The Bill Emerson English Language Empowerment Act of 1996," with a bipartisan vote of 259-169 in August 1996. Unfortunately, the Senate failed to act before the end of the session. Named in honor of the late Congressman Bill Emerson (R-MO), this bill would make English the official language of the U.S. government and has been reintroduced by Rep. Bob Barr (R-GA) in the 106th Congress. On the Senate side, Sen. Richard Shelby (R-AL) has a similar bill.

Does official English legislation affect bilingual education or bilingual ballots?
While bilingual education is not directly addressed by official English legislation, U.S.ENGLISH supports the reform of bilingual education to favor programs that are English-intensive, short-term and transitional.

Does official English legislation imply that English is better than other languages or that there is anything wrong with speaking other languages?
Official English legislation discourages multilingualism only at the government level. There is no question that being proficient in other languages in addition to English is extremely advantageous to an individual. Multilingualism in government, however, actually discourages immigrants from gaining proficiency English.

Does official English legislation violate "freedom of speech" and has this ever been brought up in the courts?
Because official English legislation is a limitation on government, not private individuals, it does not violate the principle of freedom of speech. The courts have usually held that the government is under no general obligation to provide services in a language other than English. The Arizona State Supreme Court did overturn Arizona's official English law on the basis that it was too broad. Other state official English laws are not affected because Arizona's law was unique.

Is official English legislation anti-immigrant?
Official English legislation is actually pro-immigrant. A study published by the U.S. Department of Labor found that immigrants learned English more quickly when there was less native language support around them. A "linguistic welfare" system that accommodates immigrants in their native languages lowers the incentive to learn English and restricts them to low-skilled, low-paying jobs. Official English legislation encourages immigrants to learn English so they can truly enjoy the economic opportunities available to them in this country.

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--William McKinley

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Official English

Misconceptions About Official English

Let's clear up some misconceptions about Official English...

Can other languages be used in our day-to-day private lives?
Of course!

Can other languages be used by government officials in emergency situations or in the investigation of crimes?
Absolutely!

Can other languages be taught and promoted in our society?
We encourage it!

Can other languages be used by elected officials to communicate with constituents?
You bet!

Can non-English terms of art, names, phrases or expressions be used?
Certainly!

Can other languages be used for international trade, tourism and diplomacy?
Definitely!

So what's the fuss all about?
We don't know.

Official English benefits every resident of this wonderful melting pot called America. The melting pot works—because we have a common language.

English is the key to opportunity in this country. It empowers immigrants and makes us truly united as a people. Common sense says that the government should teach people English rather than provide services in multiple languages. What would happen if our government had to provide services in all 329 languages spoken in the U.S.? Without a common language, how long would we remain the "United" States?

Follow these links to learn about whether German almost became our national language, how the Treaty of Guadalupe Hidalgo affects official English, and what our opponents say about official English.

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"The one absolute certain way of bringing this nation to ruin, or preventing all possibility of its continuing to be a nation at all, would be to permit it to become a tangle of squabbling nationalities. We have but one flag.

We must also learn one language and that language is English."
--Theodore Roosevelt

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TOWARDS A UNITED AMERICA

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Stories: Examples of Multilingual Government

- Letter from Social Security (received by someone who only speaks English)
- Firearms purchase form
- Benefits notice form
- Ballot
- HUD form
- Library card application
- Property tax notice
- Supplemental Security Income information
- Social Security information
- IRS information
- Postal Service form

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"The gift of a common tongue is a priceless inheritance and it may well someday become the foundation of a common citizenship."
--Winston Churchill

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Form Approval: OMB No. 1512-0219 (02/28/97)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

FIREARMS TRANSACTION RECORD PART I - INTRA-STATE OVER-THE-COUNTER (ENGLISH-SPANISH)

TRANSFEROR'S TRANSACTION NO

NOTA: Llene solo el original. Escriba a máquina o en letras de molde con tinta. Firme siempre con tinta.

SECCION A - EL COMPRADOR DEBERÁ LLENARLA PERSONALMENTE. SI ESTA TRANSACCIÓN ES UNA VENTA, ESTA SECCIÓN DEBERÁ LLENARLA EL COMPRADOR VERDADERO. (SÍRVASE LEER LOS AVISOS Y LAS INSTRUCCIONES AL DORSO, INCLUYENDO LA ADVERTENCIA SOBRE LAS COMPRAS ILEGALES "STRAW PURCHASES" EN EL PÁRRAFO 2).

1. NOMBRE DEL COMPRADOR *(Apellido(s), Nombre(s)) (Sr., Sra., Srta.)*
2. ESTATURA
3. PESO
4. RAZA

☐ HOMBRE
☐ MUJER

5. DIRECCIÓN DOMICILIAR *(Número, calle, ciudad, estado, zona postal)*
6. FECHA DE NACIMIENTO — MES / DÍA / AÑO
7. LUGAR DE NACIMIENTO — CIUDAD / ESTADO O PAÍS EXTRANJERO

8. CERTIFICACIÓN DEL COMPRADOR- Una respuesta falsa puede dar lugar a que se cometa el declarante a un procedimiento penal. Cada pregunta debe ser contestada "SÍ" o "No", en la casilla que se encuentra a la derecha de la pregunta.

a. ¿Hay pendiente ante algún tribunal una acusación formada de cuatro usted por el Gran Jurado o el Fiscal que contiene una pena de encarcelamiento que excede de un año?		c. ¿Es usted prófugo de la justicia?	
		d. ¿Es usted usuario ilegal de marihuana o de una droga deprimente, estimulante o narcótica, o está usted adicto a alguna de ellas?	
b. ¿Ha sido usted hallado culpable de algún delito punible con un período de encarcelamiento que exceda de un año? Nota: La sentencia misma dictada por el Juez no importa a los efectos de esta pregunta. Usted debe contestar "SÍ" si el juez le hubiere podido fijar una condena de más de un año de cárcel. No es necesario que responda afirmativamente si le han perdonado el delito, o si se ha cancelado o abrogado la condena, o se han reinstituido sus derechos civiles y, de conformidad con las leyes del lugar donde se impuso la condena, no tiene prohibición recibir o poseer cualquier arma de fuego.		e. ¿Le han declarado a usted alguna vez incapacitado mental, o le han internado en algún instituto para enfermedades mentales?	
		f. ¿Ha sido usted licenciado de las Fuerzas Armadas bajo condiciones deshonrosas?	
		g. ¿Es usted un extranjero que se encuentra indocumentado en los Estados Unidos?	
		h. ¿Es usted una persona que habiendo sido ciudadano de los Estados Unidos renunció a su ciudadanía?	
		i. ¿Está usted bajo una orden tribunal que le prohíbe acosar, espiar o amenazar a su compañero íntimo o alguno de los niños de ellos? Vea párrafo 4 y definición 4 al dorso.	

Por la presente certifico que las respuestas anteriores son verdaderas y exactas. Si la transacción es una venta, también certifico que soy el comprador verdadero. Tengo entendido que cualquiera que responda afirmativamente a alguna de las preguntas anteriores no podrá comprar o poseer un arma de fuego, salvo disposición al contrario de las leyes federales. Asimismo, tengo entendido que hacer una declaración falsa, ya sea oral o escrita, o presentar una identificación falsa con respecto a la transacción constituye un delito grave.

FIRMA DEL CESIONARIO (COMPRADOR) - DEBE COMPLETARSE EN EL MOMENTO DE RECIBIR EL ARMA(S): | FECHA

SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER) *(See Notice and instructions on reverse.)*

THIS PERSON DESCRIBED IN SECTION A:
☐ IS KNOWN TO ME
☐ HAS IDENTIFIED HIMSELF TO ME IN THE FOLLOWING MANNER

9. TYPE OF IDENTIFICATION *(Driver's License, etc. Positive identification is required. A Social Security card is not considered positive identification.)*
10. NUMBER ON IDENTIFICATION

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B, and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, or otherwise dispose of the firearm described below to the person identified in Section A.

11. TYPE *(Pistol, Revolver, Rifle, Shotgun, etc.)*	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER *(and importer, if any)*

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR *(Seller)*
17. FEDERAL FIREARMS LICENSE NO.

18. TRANSFEROR'S *(Seller's)* SIGNATURE
19. TRANSFEROR'S TITLE
20. TRANSACTION DATE

ATF F 4473 (5300.9) PART 1 (ENGLISH-SPANISH) (2-95)

REMEMBER . . . REPORT ALL CHANGES IMMEDIATELY!

- You are responsible to report all changes in writing.
- We could delay your benefits or give you the wrong type or amount of benefits if you do not report changes right away (within 10 days for food stamps). If you get more benefits than you should, you will have to pay back the extra. When you do not tell us all the facts or when you tell us things that are not true, you could be charged with a crime.
- When your address is changing, we need to know as soon as possible because the post office will not forward your benefits.
- When you need a Change of Circumstances form, contact your Community Services Office. They will give you a blank Change of Circumstances form and a return envelope, so you do not need to say postage to report a change.

CHANGES TO REPORT FOR EVERYONE IN YOUR HOUSEHOLD

For Money or Medical Assistance

- Income
- Moving or new mailing address
- Shelter Costs
- Marriage, Divorce, Separation
- Someone moves in or out of your household, even temporarily
- Getting ill or being unable to work
- Getting pregnant or having a baby
- Receipt of a Social Security Number
- Change in medical insurance coverage
- Gifts, loans, money, child support, cars, land, stocks, bonds
- Starting or stopping work or training
- Termination of a pregnancy
- Buying, selling or trading a resource
- Going back to or dropping out of school

For Food Stamps or Food Cash Assistance

- Income changes of $25 or more
- Changes in the source of your income
- Someone moves in or out of your household
- New shelter costs because you move
- Resources more than $2,000, or resources more than $3,000 if someone in your household is over 60
- Obtain a car or another vehicle
- Changes in medical expenses for elderly or disabled household members of more than $25

RECUERDE .... DEBE REPORTAR TODOS LOS CAMBIOS INMEDIATAMENTE

- Usted es responsable de reportar todos los cambios por escrito.
- Podemos demorar sus beneficios, o darle una cantidad o tipo de beneficios incorrectos, si usted no reporta los cambios inmediatamente (dentro de los 10 días para cupones para comida). Si recibe más beneficios de los que debería recibir, tendrá que devolver el exceso. Cuando no nos informa sobre todos los hechos, o cuando no nos dice la verdad, usted puede ser acusado de un delito.
- Si su dirección va a cambiar, avísenos que sucederá lo más pronto como sea posible, porque el correo no remitirá sus beneficios a la nueva dirección.
- Cuando necesite un formulario de Cambio de Circunstancias, comuníquese con la Oficina de Servicios a la Comunidad. Ellos le darán un formulario en blanco de Cambio de Circunstancias y un sobre de retorno, así no tendrá que pagar por el sello postal para reportar un cambio.

CAMBIOS QUE DEBE REPORTAR PARA TODOS LOS MIEMBROS DE LA FAMILIA

Dinero y asistencia médica

- Ingresos
- Mudanza o nueva dirección
- Costo de vivienda
- Matrimonio, divorcio, separación
- Alguien se mude a la casa o fuera de ella, aunque sea temporalmente.
- Enfermedad, o por razones de no poder trabajar
- Quedarse embarazada, o tener un bebé
- Recibo de Número de Seguro Social
- Cambio en beneficios de seguro médico
- Comenzar o terminar de trabajar, o entrenamiento
- Terminación de un embarazo
- Compra, venta, o cambio de un vehículo
- Volver a la escuela, o dejar la escuela
- Regalos, préstamos, dinero, pagos de manutención de niños, carros, tierras, acciones, bonos

Cupones para Comida o Asistencia para Comida en efectivo

- Cambio de ingresos de $25.00 o más
- Cambios en la fuente de sus ingresos
- Alguien se mude a su casa, o fuera de ella
- Nuevos costos de vivienda porque se mudó
- Recursos de más de 2,000 o 3,000, si alguien en su casa es mayor de 60 años.
- Obtener un carro u otro vehículo
- Cambios de más de 25.00 dólares en gastos médicos para los miembros ancianos o incapacitados del hogar.

SPANISH

សូមចងចាំ.....ត្រូវរាយការណ៍នូវការផ្លាស់ប្តូរទាំងអស់

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ការផ្លាស់ប្តូរដែលត្រូវរាយការណ៍ជារៀងរាល់ក្នុងគ្រួសារបស់អ្នក

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CAMBODIAN

211 SI 贊成

213 NO 反對

LIMITES SOBRE LAS CONTRIBUCIONES Y LOS GASTOS PARA LAS CAMPAÑAS ELECTORALES. DEROGA LOS LIMITES IMPUESTOS SOBRE LOS REGALOS Y LOS HONORARIOS. REORDENAR EL CALENDARIO. LEY POR INICIATIVA. Deroga los límites de los regalos y de los honorarios. Limita las contribuciones a $200 para los comités estatales y a $100 para los demás. Impone límite de gastos. Prohíbe las contribuciones de los cabilderos. Impacto Fiscal: La eliminación y el aplazamiento podrían costar hasta $4 millones anuales a los gobiernos estatal y locales; costos electorales estatales y locales relacionados pero probablemente no significativos. La eliminación de la deducción impositiva del cabildeo incrementaría las recaudaciones impositivas estatales en unos dos millones.

[illegible]

212

218 SI 贊成

220 NO 反對

LIMITACION SOBRE LA RECUPERACION DE DAÑOS QUE PUEDEN OBTENER LOS DELINCUENTES MAYORES, LOS AUTOMOVILISTAS NO ASEGURADOS Y LOS CONDUCTORES EBRIOS. LEY POR INICIATIVA. Deroga la recuperación de más los daños a los delincuentes mayores cometidos por hechos relacionados con el delito. Deroga la recuperación de los daños no económicos (por ejemplo, el dolor, el sufrimiento) a los conductores ebrios, si se los condena, y a la mayoría de los automovilistas no asegurados. Impacto Fiscal: Probable impacto fiscal neto menor sobre los gobiernos estatal y locales.

[illegible]

213

224 SI 贊成

226 NO 反對

ATENCION DE LA SALUD. PROTECCION DEL CONSUMIDOR. LEY POR INICIATIVA. Prohíbe las empresas de atención de salud. Prohíbe que se disuadan a los profesionales de la salud o que informen a los pacientes o a quienes cuidan los tratamientos. Requiere que las empresas de atención de la salud establezcan cálculos de pago y de cantidad de personal en sus instalaciones. Impacto Fiscal: Mayor costo de los programas y de las prestaciones de salud estatales de los gobiernos estatal y locales, probablemente del orden de los decenas a centenas de millones de dólares anuales.

[illegible]

214

230 SI 贊成

232 NO 反對

USO MEDICO DE LA MARIHUANA. LEY POR INICIATIVA. Exime de las leyes penales a los pacientes y a ciertas prestaciones de servicios que posean o cultiven marihuana para tratamientos médicos recomendados por un médico. Dispone que los médicos que recomiendan marihuana para tratamientos médicos no sean sancionados. Impacto Fiscal: Probablemente sin impacto fiscal significativo sobre los gobiernos estatal y locales.

[illegible]

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Notice of the Availibility of Translations of Forms HUD-9608 and 9609

U. S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0538

If you need a translation of this Notice of Intent, please contact the owner of the project.

Si necesita una traducción de este Aviso, sírvase solicitarla al propietario del edificio.

Если Вам нужен перевод текста данного Уведомления, пожалуйста, обратитесь к владельцу Вашего дома.

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ถ้าท่านต้องการคำแปลของประกาศนี้ กรุณาติดต่อเจ้าของตึก

اذا كنت بحاجة الى ترجمة هذا الاعلان فرجاء الاتصال بمالك العقار

اذا كنت بحاجة لترجمة هذا الاعلان، فرجاء الاتصال بمالك عقارك.

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Nếu quí vị cần bản dịch thông cáo này ra tiếng nước mình, xin liên lạc với chủ nhân nhung cư nơi mình cư ngụ.

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Escondido, CA 92025
(619) 741-4684

SOLICITUD PARA TARJETA DE LA BIBLIOTECA DE ESCONDIDO

English translation is on the back

FAVOR DE IMPRIMIR CLARAMENTE

Apellido Paterno	Primer nombre	Inicial de segundo nombre	Seguro Social	Fecha de nacimiento (mes / día / año)

Domicilio o apartado postal	Número de apartamento	Dirección (en caso que sea diferente domicilio)

Ciudad	Estado	Código postal	Ciudad	Estado	Código postal

Teléfono	Nombre del padre o tutor (para solicitantes menores de 18 años) (Favor de imprimir claramente)	Número de seguro social de padre o tutor
De casa		
De trabajo		

¿Vive usted dentro de los límites de la ciudad de Escondido? ❑ Sí ❑ No

ACEPTACION DE RESPONSABILIDAD

- Por propia voluntad sigo las reglas y regulaciones puestas por esta biblioteca.
- Yo acepto responsabilidad por todos los materiales prestados con mi tarjeta de biblioteca.
- Pagaré por todos los materiales perdidos o destruidos, ó multas en libros retrasados.
- Yo notificare inmediatamente cualquier cambio en mi nombre, dirección o cuando se pierda la tarjeta de biblioteca.

Firma de solicitante
(Niños deben imprimir el apellido paterno y el primer nombre.)

Firma del padre o tutor

¿Desean usted tener su nombre en la lista de correo de la biblioteca en el futuro? ❑ Sí ❑ No

INFORMACION ESTADISTICA

La siguiente información es opcional y nos ayudará a obtener fondos y a colocar los fondos efectivamente.
Por favor ayúdanos marcando abajo:

Edad: ❑ 12 y menos ❑ 13-17 ❑ 18-64 ❑ mas de 65

Favor de marcar uno.

❑ Americano africano
❑ Indio americano
❑ Filipino
❑ Latino, mexicano
❑ Otro asiatico y pacifico
❑ Vietnamita
❑ Anglo

PLEASE READ THIS NOTICE. SIRVASE LEER ESTE AVISO. 請讀此通知 XIN ĐỌC THÔNG CÁO NÀY
この通知をお読みになってください。

The preceding documents pertain to your property taxes and the time frame in which a property owner can appeal an incorrect assessed value. Only homeowners that are likely to receive a reduction in their property tax are mailed this form. The appeals period is the last opportunity for property owners to appeal their 1995-1996 assessed value. This is the final notice this office will mail to homeowners this year. Please be sure to either, act on your own, or return the enclosed Agency Authorization not later than August 30, 1995.

Los documentos precedentes se refieren a sus impuestos sobre los bienes y al plazo durante el cual el propietario de una vivienda puede presentar un recurso de apelación respecto a una tasación incorrecta. Se envía esta forma solamente a los propietarios de vivienda que tienen la posibilidad de recibir una reducción en sus impuestos sobre los bienes. El período estipulado para la apelación es la última oportunidad para que los propietarios de vivienda presenten un recurso de apelación con respecto a la tasación de 1995-1996. Este es el último aviso que esta oficina enviará a los propietarios de vivienda este año. Asegúrese de actuar por cuenta propia, o envíe la Autorización de la Agencia adjunta antes del 30 de agosto de 1995.

以上是有關您產業稅之文件以及業主對估價錯誤之房地產可上訴的期限。我們只將此表寄給有可能獲得減稅的屋主。所列出之上訴期限是房地產業主對他們1995至1996年的房地產估價最後上訴的機會。這是本局今年寄給屋主的最後一次通知。請務必自行採取行動或者在1995年8月30日以前將經手人授權書寄回。

Những văn kiện trước đây nói về thuế bất động sản và thời hạn mà sở hữu chủ bất động sản có thể khiếu nại về kết quả lượng giá sai. Chỉ những sở hữu chủ nhà có thể được giảm thuế bất động sản mới nhận được mẫu này qua bưu điện. Giai đoạn khiếu nại là cơ hội cuối cùng để các sở hữu chủ bất động sản khiếu nại về kết quả lượng giá sai của năm 1995-1996. Đây là thông cáo cuối cùng trong năm nay mà văn phòng sẽ gửi đến các sở hữu chủ nhà. Xin nhớ, hoặc tự qui vị khiếu nại, hoặc gửi trả lại Giấy Phép Cơ Quan đính kèm chậm nhất là ngày 30 tháng 8 năm 1995.

先行する文書は、不動産税と不動産所有者が不正確な評価額に対して訴えを起こすための期限に関連したものです。この書式は、不動産税の減額を受ける可能性のある家屋所有者の方のみに郵送されます。その提訴期間が、不動産所有者が1995～1996年度の評価額について訴えることのできる最後のチャンスです。これは、弊事務所が家屋所有者に郵送する本年度最後の通知となります。1995年8月30日までに必ず、ご自分で訴えを起こされるか、あるいは同封の代理機関への許可書を返送してください。

Representatives are available to answer questions by telephone in English and Spanish only.
Los representantes están disponibles para contestar preguntas por teléfono en inglés y español únicamente.
我們的代表只能以英語及西語從電話中回答您的問題。

Chỉ có các đại diện trả lời qua điện thoại các câu hỏi bằng tiếng Anh hay tiếng Tây Ban Nha.
電話でのご質問に対する御返事は、英語とスペイン語のみに限られます。

Incapacidad Debido a la Adicción a Drogas o al Alcoholismo

Una nueva ley afecta la manera en que pagamos beneficios de Seguro Social y Seguridad de Ingreso Suplementario (SSI) a personas con una incapacidad causada por la adicción a drogas o al alcoholismo. La nueva ley entra en vigor en marzo 1995 para individuos que actualmente reciben beneficios o que se hicieron elegibles recientemente a beneficios porque la adicción a drogas o al alcoholismo les impide trabajar.

Lo Que Requiere La Ley

Pagamos beneficios de incapacidad bajo dos programas: Seguro Social por Incapacidad, y Seguridad de Ingreso Suplementario (SSI). Ambos programas pagan beneficios mensuales a personas cuya incapacidad es tan severa que les impide hacer cualquier trabajo. Bajo la nueva ley, si su incapacidad es debido a una adicción a drogas o al alcoholismo:

- sus beneficios deben ser pagados a un "representante de beneficiario"; y
- usted debe recibir y progresar en un tratamiento apropriado para su adicción a drogas o al alcoholismo cuando esté disponible; y
- usted puede recibir beneficios por incapacidad basado en la adicción a drogas o al alcoholismo por no más de 36 meses.

Requisito del Representante de Beneficiario

Le enviaremos sus beneficios a un representante de beneficiario, quien administrará el dinero por usted. Su representante puede ser una agencia no lucrativa de servicio social, una agencia gubernamental de servicio social o guardián público, otra organización o un familiar que aprobamos para actuar por su bienestar.

Las organizaciones que actúan como representante de beneficiario para cinco beneficiarios o más que son drogadictos o alcohólicos están permitidas por la ley para cobrar un honorario a cada individuo por sus servicios como representante. El honorario mensual permitido es el 10 por ciento del beneficio mensual o $50, lo que sea menos.

Tratamiento Requerido

Si recibe beneficios de Seguro Social o SSI por incapacidad por causa de una adicción a drogas o al alcoholismo, usted debe recibir tratamiento por su incapacidad. Le referiremos a una agencia que decidirá sobre el tratamiento apropriado para su adicción a drogas o al alcoholismo y determinará si el tratamiento está disponible. Esa agencia también nos informará si asiste al tratamiento disponible y si progresa.

Suspenderemos los beneficios si usted no participa y progresa en su tratamiento. Si eso ocurre, usted tendrá que regresar al tratamiento por un período determinado antes que podamos volver a pagarle otra vez.

Cada vez que usted deje de asistir al tratamiento y después regrese, sus beneficios serán suspendidos por un período más largo. Por ejemplo, la primera vez que deje el tratamiento y regrese, suspenderemos sus beneficios por dos meses adicionales. La segunda vez, se los suspenderemos por tres meses adicionales. La tercera vez y demás veces en que deje el tratamiento, le suspenderemos los beneficios por seis meses adicionales. Cada vez que usted deje el tratamiento, le avisaremos el mes antes de que decidamos suspender sus beneficios.

ES SEGURO, CONVENIENTE Y NO NECESITA NINGUNA CUENTA BANCARIA, Y:

- Después de los primeros 2 meses le cuesta apenas $3 al mes.
- Usted tiene derecho a usar gratis la caja de pagos automáticos ATM por una vez y al uso ilimitado de su tarjeta en las tiendas participantes para pagar por sus compras y obtener dinero en efectivo.
- En lugar de tener que cobrar un cheque, su dinero queda automáticamente disponible en la fecha del pago.

Tarjeta de Pago Directo ¡Fácil! ¡No hay ningún costo para inscribirse y es GRATIS por los primeros 2 meses!
(La Oferta vence el 6/30/95)

¡PRUÉBELA! Llame (gratis) al 1-800-CARD US 1 (1-800-227-3871) ahora mismo para recibir su Tarjeta de Pago Directo.

(Si tiene una cuenta bancaria, pruebe el método de Depósito Directo! Por más información o para inscribirse para Depósitos Directos, visite a su banco, su institución de préstamos y ahorros (savings and loan), o su unión de crédito.

Official English

Driver's License Exam Languages

Alabama: (1) English.

Alaska: (1) English.

Arizona: (5) Chinese, English, Korean, Spanish, Vietnamese.

Arkansas: (2) English, Spanish.

California: (33) English, Arabic, Eastern Armenian, Assyrian, Cambodian, Chinese, Ethiopian (Amneric), Filipino (Tagalog), French, German, Greek, Hebrew, Hindi, Hmong, Hungarian, Indonesian, Italian, Japanese, Korean, Laotian, Persian (Farsi), Polish, Portuguese, Punjabi, Romanian, Russian, Samoan, Spanish, Thai, Tongan, Vietnamese, Western Armenian, Serbo-Croatian.

Colorado: (7) English, Spanish, Vietnamese, Chinese, Laotian, German, Korean.
Connecticut: (15) English, Italian, Russian, Hebrew, Portuguese, French, Spanish, Lithuanian, German, Greek, Polish, Vietnamese, Korean, Chinese, Bosnian.

Delaware: (2) English, Spanish.

Florida: (3) English, Spanish, Haitian Creole.

Georgia: (9) English, Arabic, Cambodian, Korean, Chinese, Spanish, Vietnamese, Russian, Laotian.

Hawaii: (1) English. (However, individual counties may offer more languages.)

Idaho: (6) English, Spanish, Serbo-Croatian, Arabic, Russian, Vietnamese.

Illinois: (4) English, Spanish, Korean, Polish.

Indiana: (3) English, Japanese, Spanish.

Iowa: (6) English, Spanish, Vietnamese, Laotian, Korean, Serbo-Croatian.

Kansas: (1) English.

Kentucky: (17) English, Chinese, German, Japanese, Korean, Spanish, Laotian, Vietnamese, Arabic, Bosnian, Cambodian, Croatian, French, Persian,

Polish, Rumanian, Russian.

Louisiana: (3) English, French, Spanish.

Maine: (1) English.

Maryland: (5) English, Korean, Russian, Spanish, Polish.

Massachusetts: (23) English, Albanian, Arabic, Armenian, Cambodian, Chinese, Czech, Farsi, Finnish, French, German, Greek, Hebrew, Hungarian, Italian, Japanese, Korean, Laotian, Polish, Portuguese, Rumanian, Russian, Spanish, Turkish, Vietnamese.

Michigan: (20) Arabic, Castellan Spanish, Chinese, English, Finnish, French, German, Greek, Hispanic Spanish, Italian, Japanese, Korean, Laotian, Persian, Polish, Portuguese, Serbo-Croatian, Ukranian, Vietnamese, Yiddish.

Minnesota: (2) English, Spanish.

Mississippi: (1) English.

Missouri: (11) English, French, Italian, German, Vietnamese, Korean, Chinese, Japanese, Spanish, Greek, Russian.

Montana: (3) English, Russian, Spanish.

Nebraska: (6) English, Spanish, Vietnamese, Cambodian, Laotian, Russian.

Nevada: (2) English, Spanish.

New Hampshire: (1) English.

New Jersey: (15) Arabic, English, French, German, Greek, Italian, Japanese, Korean, Polish, Portuguese, Rumanian, Russian, Spanish, Turkish, Vietnamese.

New Mexico: (2) English, Spanish.

New York: (23) English, Albanian, Arabic, Cambodian, Chinese, Czech, Farsi, French, German, Greek, Hebrew, Hungarian, Italian, Japanese, Korean, Laotian, Polish, Romanian, Russian, Serbo-Croatian, Spanish, Turkish, Vietnamese.

North Carolina: (2) English, Spanish.

North Dakota: (1) English.

Ohio: (17) English, German, Greek, Italian, Japanese, Polish, Spanish, Vietnamese, Korean, Romanian, Laotian, Russian, Arabic, Hebrew, Chinese, French, Cambodian.

Oklahoma: (6) English, Spanish, Vietnamese, Cambodian, Chinese, Laotian.

Oregon: (4) English, Spanish, Korean, Russian.

Pennsylvania: (2) English, Spanish.

Rhode Island: (19) English, Albanian, Arabic, Cambodian, Chinese, French, Korean, Greek, Hmong, Hebrew, Italian, Japanese, Laotian, Polish, Portuguese, Russian, Vietnamese, German, Spanish.

South Carolina: (12) English, Laotian, French, Cambodian, Spanish, Chinese,

Japanese, German, Korean, Greek, Polish, Vietnamese.

South Dakota: (1) English.

Tennessee: (1) English.

Texas: (8) English, Spanish, Chinese, Cambodian, Russian, German, Vietnamese, Korean.

Utah: (2) English, Spanish.

Vermont: (2) English, Vietnamese.

Virginia: (2) English, Spanish.

Washington: (8) English, Russian, Spanish, Cambodian, Laotian, Vietnamese, Chinese, Korean.

West Virginia: (1) English.

Wisconsin: (11) English, Spanish, Hmong, Polish, Chinese, Korean, Arabic, Russian, Vietnamese, Laotian, Cambodian.

Wyoming: (1) English.

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"A melting pot, yes. A tower of Babel, no."
--Saul Bellow

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- Op-Ed: Puerto Rico Status Bill Passes in House
- Issue Briefing: Avoiding an American Quebec: The Future of Puerto Rico and the United States
- Poll Results: Most Puerto Rico residents do not consider themselves Americans
- Press Release: U.S.ENGLISH Chairman Calls Puerto Rico Statehood Vote "A Recipe for Disaster"
- H.R. 856 — The United States-Puerto Rico Political Status Act

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"We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans."
--Theodore Roosevelt

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News

FOR IMMEDIATE RELEASE
March 5, 1998

Contact: Tim Schultz
800/787-8216
202/833-0100

U.S.ENGLISH CHAIRMAN CALLS PUERTO RICAN STATEHOOD VOTE "A RECIPE FOR DISASTER"

Mauro E. Mujica, Chairman/CEO of U.S.ENGLISH, Inc., called on Congress to act swiftly to correct a major deficiency in the controversial bill on Puerto Rican status that passed yesterday. By a margin of 209-208, the House passed a bill mandating that a plebiscite be held in Puerto Rico to force them to choose between the current commonwealth status and a permanent status-either statehood or independence.

"With very little debate, without consulting the American people, and at 10 o'clock at night, Congress took the first step toward forcing Puerto Rico to become our 51st state," Mujica said. "Swallowing up a Latin American nation is a recipe for disaster. Less than 25 percent of Puerto Rico's population speak English, and only 16 percent consider themselves American. This is after 100 years of association with the United States. In the rush to grant statehood, we could be creating our own Quebec.

Mujica also made a direct appeal to House Speaker Newt Gingrich. "I realize the Speaker has presidential ambitions, and is trying to reach out to Hispanics. But the only polls that suggest that this vote will appeal to Hispanics are those conducted by Frank Luntz. Let's not forget that he's a paid employee of the Puerto Rican statehood party." Luntz's questionable methods recently brought him an unprecedented censure from the American Association for Public Opinion Research.

Mujica also urged Gingrich to immediately schedule a vote to make English the nation's official language. "Will the federal government have to become completely bilingual to accommodate Puerto Rico? If so, how long will it be before every other language group demands equal treatment? With 329 languages spoken in the U.S., we must make English official. If Speaker Gingrich doesn't schedule this vote, he will be guilty of the worst kind of political opportunism."

U.S.ENGLISH is the nation's oldest, largest citizens' action group dedicated to making English the nation's official language. Founded in 1983 by the late Sen. S.I. Hayakawa, U.S.ENGLISH now has over 1.3 million members nationwide.

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"We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans."

--Theodore Roosevelt

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News

U.S.ENGLISH Op-Ed
By Mauro E. Mujica
Chairman of the Board/CEO

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Unblocking the Door to Opportunity

In 1997 President Clinton went to Little Rock, Arkansas, to honor the "Little Rock Nine"—nine black students who, forty years before, entered Central High School under the protection of the 101st Airborne Division of the U.S. Army. That incident marked the end for a system of public education that enforced the segregation of schoolchildren based on the color of their skin, condemning some of them to an inferior education and reducing their ability to compete for good jobs.

It took a thousand soldiers and a Supreme Court decision to strike down the policy of "separate but equal" (which in practice was always separate and never equal), but thanks to that effort, educational bureaucrats in this day and age do not have the power to separate students by race and ethnic origin.

Or do they?

Children who come from homes where a language other than English is spoken are often segregated from the rest of the student body into "bilingual" programs, which teach most subjects in a student's native language. *In theory*, such programs allow students to keep up with their English-speaking peers in subjects like math and history, while rapidly teaching them English so they could integrate into regular classes. *In practice*, bilingual education programs have not been achieving that objective.

With a fervor that would do the old-style Southern segregationists proud, the bilingual education lobby seems to shout, "Bilingual education now, bilingual education forever!" Many students do seem to be trapped in bilingual classes forever. In 1997 in California (where about forty percent of the nation's children with limited English proficiency live), only one out of every fifteen students in bilingual education learned enough English to transfer out. And while parents technically have the right to request that their children be moved into English-speaking classes, the bureaucrats block the doorway—seventy immigrant families were forced to boycott a Los Angeles school for two weeks before their children were allowed to take classes in English.

Parents know that the English language is the most important thing their child needs to learn in school. By blocking reform of bilingual education, the educational establishment is denying many children the key to future success: as the foreman on a ranch in Texas so eloquently put it, "My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers."

Because politicians in California were unwilling to reform bilingual education, the people of California took matters into their own hands. The "English for the

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Contact Congress

Dear Official English Supporter:

Legislation was introduced in the U.S. House of Representatives on May 24, 2001 which would declare English as the official language of the United States government. The legislation - "The English Language Unity Act of 2001" (H.R. 1984) - was introduced by a bipartisan group of Congressmen.

In order to make this legislation a reality, we need your help. U.S.ENGLISH is asking you to either write or call your Congressional representative and ask that he/she sign on as a cosponsor of H.R. 1984. If you would like to call, please dial the Capitol switchboard at 202/224-3121 and ask for your representative's office. If you would like to write your congressional representative, a sample letter is provided below for your use. (If you do not know who your Representative is, please visit our legislator lookup page and type in your address information.

Thank you in advance!

Sincerely,
Mauro E. Mujica
Chairman of the Board/CEO

SAMPLE LETTER SUPPORTING H.R. 1984

The Honorable (insert name)
U.S. House of Representatives
Washington, DC 20515

Re: H.R. 1984 - "The English Language Unity Act of 2001"

Dear Representative (insert name):

I am writing to ask that you join with several of your colleagues as a cosponsor of H.R. 1984 - "The English Language Unity Act of 2001."

As you know, H.R. 1984 would require nearly all Federal official government business to be conducted in English, and all documents to be printed in English, while protecting individual Constitutional rights. Of course, exceptions would include documents to protect public health and safety, law enforcement, court translations, and tourism.

Most importantly, H.R. 1984 would encourage immigrants and give them the incentive to learn English. It will help them participate fully in our economy, to use government services, and to understand our political process. It will also define a much-needed, common sense, properly focused language policy.

As one of your constituents, I strongly encourage you to sign on as a cosponsor of H.R. 1984 and to pass this important piece of legislation.

Thank you for your time.

Sincerely,
(Your name)

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"...Defend our liberties and fashion into one united people the multitudes brought hither out of many kindred and tongues."
--Thomas Jefferson's Prayer

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Chairman LEVIN. Why else would they put driver's license exams on their web site unless they had a problem with them? For instance, California has many different languages for license exams. My home State of Michigan has 20 different languages for applications for driver's licenses, starting with Arabic and Spanish, Chinese and English, Finnish, and French. Why are all of those facts put on the web site if it is only what you say it is?

Mr. SCHMITZ. You could also find on the web site the fact that there are 350-plus references in the United States Code and in the Code of Federal Regulations requiring English language. It is just a practical issue. If you want to succeed in the United States, you ought to learn English. It does not say you should not keep your mother tongue.

The driver's license exam came up in a U.S. English trial in January, and it is often raised as an issue, as why shouldn't people be able to drive, and U.S. English's position is just a practical issue: we want to encourage people to learn English. That is the simple point. It is the same reason the U.S. Army has the policy, sir.

Chairman LEVIN. Thank you.

Senator Warner.

Senator WARNER. Ms. Pack, traditionally financial managers have focused on looking at waste, fraud, and Government abuse operations. Recently greater emphasis has been placed on overseeing the financial aspects of regular operations of the military departments.

If confirmed, where do you anticipate you will focus your attention in overseeing the financial operations of the Department of the Army? What do you envision will be your greatest challenge in combatting the waste, fraud, and abuse that exists to some degree in all military departments, as it does throughout government and indeed the private sector? Every new administration, to their credit, initiates their own means to try and limit it. I think our distin-

guished President and Secretary of Defense and his team are doing their very best, and you are going to join that team. I hope you will apply your efforts on this, because every dollar that is lost is a dollar that is deprived of the men and women in uniform in our Armed Forces.

Ms. PACK. Senator, I share your concern on that. I am not certain at this point where the challenges will lie, exactly, or what systems or approaches I might devise to correct this, but I am eager to do my part in this, and I will make this a priority, should I be confirmed.

Senator WARNER. In your previous distinguished record of achievements in the private sector I expect you have had some experience in trying to do that, have you not?

Ms. PACK. Absolutely, sir.

Senator WARNER. Based on that experience, hopefully you can bring it to bear on the problems that are extant in the Department of the Army.

Ms. PACK. I commit to bringing all of my experience to bear where needed, sir.

Senator WARNER. Thank you very much.

Mr. Schmitz, in the answers you provided to the committee to the advance policy questions you acknowledge confidence in the integrity of the Office of Inspector General. That office was shaken earlier this year by findings that falsified information had been included by DODIG employees in an agency peer review process of previously completed investigations. Are you familiar with that?

Mr. SCHMITZ. I am familiar with the allegations, yes, sir.

Senator WARNER. What steps will you take, if confirmed, to restore the integrity of the Office of Inspector General?

Mr. SCHMITZ. Senator Warner, I am not familiar with all of the facts underlying those allegations.

Senator WARNER. I would not expect you to be.

Mr. SCHMITZ. The first thing I would want to do, if confirmed, is to review exactly what has been done to ascertain what the facts are. I have read in the paper, and I understand that at least three of those individuals against whom the allegations were made have since resigned. I understand that there are another dozen or so that might have been implicated, so I would want to really do a thorough internal review to find out what the facts were, and then I would have to gauge how to move forward from there. I have indicated in my advance policy questions that would be a top priority, if I am confirmed, to get to the bottom of it.

Senator WARNER. I find that response very satisfactory, and I commend you for that approach, because I am concerned about it, and we on this committee are also.

Now, back to you, Ms. Pack. This is surprising, but it was brought out by a distinguished member of our committee in a hearing with the Secretary of Defense when he appeared before us sometime ago with regard to his qualifications to be Secretary of Defense, and his objectives. Our distinguished senior colleague, the President Pro Tempore of the Senate, Robert C. Byrd, asked a question about unaccounted funds that still have not been accounted for in the Department of Defense. Now, the Department of the Army, like various other DOD organizations, has been unable

to adequately account for financial expenditures and transactions in several key areas.

This is very troublesome to Congress as well as the public, and it is my hope that you will do your best to bring your expertise to address this issue. I wonder if you have had an opportunity to determine whether or not the problem of unaccounted funds expenditures can be attributed to obsolete or nonexistent financial accounting systems in the Department of the Army?

Ms. PACK. Senator, I have been receiving briefings from the Army, and my information is limited at this point, but it is my understanding that the underlying systems are a big factor in this problem. I am not prepared to express an opinion on this at this point, but this is something that definitely would be a priority, and something that definitely needs to be corrected. In addition, I would say that Secretary White has expressed to me his concern about this, and that this is a priority for him as well.

Senator WARNER. It is extremely important that you direct your immediate attention to trying to resolve that problem. My time is up. I will return for a second round.

Senator REED [presiding]. Thank you, Senator Warner.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman. Ms. Pack, Mr. Schmitz, thank you for your willingness to serve.

Let us pick up, Ms. Pack, on what Senator Warner was talking about. I was struck by the questions that Senator Byrd asked the Secretary as well, and it seems to me one of the main reasons that the Department has been unable to account for all funds. In fact, since the enactment of the Chief Financial Officer's Act which comes out of the Senate Governmental Affairs Committee, which I serve on and am privileged to chair, the Department has not produced a clean financial statement. As you would know from your prior experience, part of the problem is that the systems are antiquated and they do not talk to each other, and that problem is further compounded by the hundreds of so-called feeder systems within the Department which provide critical inputs. I appreciate your intention to focus in on this, and I hope you will feel free to return to us if you find that you do not have the necessary authority, particularly to address problems within those feeder systems that will affect your capacity to financially manage the Army so that it is up to the standards that I am sure you achieved in private practice.

I do have one question about a very different point. As you probably know, Congress and the administrations have always insisted on full funding of Department of Defense weapons systems, which means we put the full cost of a system in the budget at the time we decide to buy it, even though the costs are going to be incurred over a period of several years.

I wonder if you have had enough time to look at a matter like this to offer an opinion as to whether you think it might be feasible to go over to some sort of incremental system of funding procurement of new weapons systems.

Ms. PACK. Senator, there are various methods of budgeting, and there are tradeoffs with each of these, and I would say that this is something that is important, and that needs to be explored. How

it will be applied within this context I really could not say without more information, but it is something that I would certainly want to review, and I would definitely feel comfortable in reappearing or reporting back if I find that the resources are not adequate to do the job, should I be confirmed.

Senator LIEBERMAN. Fine. I hope you will feel that the lines of communication are open.

Interestingly the Inspectors General also come under my other committee, Mr. Schmitz, and so I have a real interest in them. I am proud of the work that they do, and I wanted to ask you generally for this Department, which is so large, what kinds of priorities would you bring to the position of Inspector General of the Department of Defense?

Mr. SCHMITZ. Senator Lieberman, I addressed the priorities in my response. I would be glad to elaborate.

Senator LIEBERMAN. Why don't you talk about it a little bit.

Mr. SCHMITZ. I would summarize real quickly. First and foremost, I believe we need to address generally the issue of integrity. In the scandal that Senator Warner mentioned, I sense there is a cloud over the office, and it goes to basic integrity. We need to address that, and we need to find out what caused this lapse, and we need to figure out how to avoid these types of lapses in the future.

The second is efficiency. The Inspector Generals are all about waste, fraud, and abuse. We want to try to avoid those inefficiencies.

Third is a priority that I have used in a leadership capacity over the years; it is reinforcing the facts that we take oaths to support the Constitution, we are officers of the Government, we are ultimately accountable to the people of the United States, and it is both a privilege and an obligation. I think it is useful to continuously remind our officials of that sacred obligation.

Senator LIEBERMAN. I appreciate your answer, obviously. I hope you will be relentless in pursuing your work. We are going to be faced with some real pressure to meet the needs of our military in the years ahead. To the extent you are able to advise us about efficiencies of achieving savings that we can apply more productively, we would welcome them.

My time is up, but I do want to note for the record my pleasure at seeing in your background that you once clerked for Hon. James L. Buckley, a distinguished citizen of the State of Connecticut, and a member of a great Connecticut family that had some small part to play in the fact that I am sitting in this seat. A brother of the judge's whose name I will not mention here formed a group called Buck PAC in my first election, which was composed by his own description. This was Bill Buckley, open for membership to anyone in Connecticut named Buckley. [Laughter.]

Thanks, Mr. Schmitz.

Senator REED. Thank you, Senator Lieberman.

Senator Allard.

Senator ALLARD. Mr. Chairman, thank you. First of all I want to compliment you and the chairman of the Armed Services Committee for moving ahead with both of these confirmations, because these are important positions. These are positions that will put together facts and information that we need to know if we are going

to be able to do our job, and so I am pleased you decided to move ahead.

It is these kinds of fundamental positions that I think we need to fill just as quickly as we possibly can, because it means we are going to have more accountability, and I would like to thank you, Mr. Schmitz and Ms. Pack, for being willing to serve in these positions. Because of their importance, I think to Congress at times they do get controversial, and I would ask you, Mr. Schmitz, have you ever heard of the Government Performance and Results Act?

Mr. SCHMITZ. Senator, I have not.

Senator ALLARD. This is one of the things that Congress has implemented and begun to apply to the agencies, and I would ask that you become familiar with it, because what we do is, we encourage the agencies to set measurable goals and objectives and to then report back to Congress. It seems to me that perhaps some of the issues you talked about in answering the questions here would help you in managing the Inspector General's Office. You are the eyes and ears of Congress, the U.S. House of Representatives as well as the Senate. We do depend a lot on information that you provide us, and many of us here feel that is an important management tool.

Then I would also ask Ms. Pack if she would share with us if she is familiar with the Government Performance and Results Act, and how she might apply that in her responsibilities.

Ms. PACK. Senator, I have been briefed on this a little bit, and it strikes me that this could be characterized as sound business practices, which is one of the priorities that Secretary White testified that he would be interested in achieving. I am not sure exactly how I would apply it here, but I can tell you that I do believe in establishing performance standards and then measuring performance against those standards.

Senator ALLARD. I would speak to both of you. What we are trying to do in the Government Performance and Results Act is put in measurable ways and your being an accountant, you know how to do that. There is the financial side and then there is the management side of how you do an audit and how you have accountability on that. The agencies have been rather reluctant to comply with this law, and there are very few that actually do. I think it is important as a Member of Congress, and I continue to push this. So you will probably hear from me from time to time to push these provisions because I think they are good common sense things.

Lots of business managers utilize them. Companies and the agencies just simply have been reluctant to try and apply it, and like you mentioned in your comment, just good, common business sense, and again I would hope that both of you take a good look at those provisions and do what you can to get it to apply to your agencies and encourage more widespread use of that throughout the military.

Again, there are really some special problems with that and how it applies. The military is going to require a lot of beyond-the-box thinking to get it to apply, but I think it can be made to apply, and I think for those of us who are strong supporters of the Defense Department and what your goals and objectives are, I would think it is one of the things that helps keep you out of trouble and makes

it easier for us to do our job on your behalf. I see my time has expired. Thank you.

Senator REED. Thank you very much, Senator Allard.

Senator Carnahan.

Senator CARNAHAN. Thank you, Mr. Chairman. I want to welcome our distinguished panel here today, and apologize somewhat for our temporary meeting space here, although there may be some benefit because the discomfort of the metal chairs may shorten the length of the questions.

The next Inspector General will assume this post at a very pivotal time in our history. He will have to assess the Pentagon during a time when we will be promoting a war on terrorism. What do you believe will be the most challenging issues that face the next Inspector General?

Mr. SCHMITZ. Senator, the Inspector General will have to face many of these same huge challenges the entire Department is facing in terms of transforming the United States Armed Forces into an organization that can combat enemies like terrorism, and that is a big transformation. That is not business as usual, and it requires thinking out-of-the-box, and it requires thoughtfulness and working together with this committee and with the leadership in the Pentagon to make sure we do it right.

Senator CARNAHAN. As the next Inspector General, you would be responsible for promoting economy and efficiency within the Department as far as programs and operations go. The Under Secretary of Defense for Acquisition, Technology, and Logistics greatly relies on the Inspector General's reports to make important acquisition decisions. Would you please describe your commitment to promoting acquisition reform, and what do you envision the Inspector General's role to be in supporting such initiatives?

Mr. SCHMITZ. Senator, I am aware of acquisition reform that is ongoing, and I have met with the Under Secretary. I frankly have not had a chance to get into the details of exactly what reform involves, but I certainly understand and am committed to the mission of the Inspector General's Office to promote efficiency in the Department, so I just have not had a chance to get into the interstices of the reform yet.

Senator CARNAHAN. One final question. In the event of an Inspector General investigation into alleged impropriety, I certainly believe that impartiality is very important. Would you discuss your commitment to such objectivity, especially in the cases that involve conflicting testimonies between victims and those that are accused of specific abuses?

Mr. SCHMITZ. I have been practicing law for 15 years, and I am used to dealing with conflicting testimony. I often have to gather facts, and I have to make my own judgments. That is part of what a practicing attorney does on a day-to-day basis. I have a lot of experience in that, and frankly the good attorneys are the ones that are best at making the judgments, of weighing the conflicting evidence and coming up with the best strategy and moving forward with a case.

I would anticipate utilizing my experience in that regard, and I am certainly committed to objectivity, and to what the Army likes to call the dogged pursuit of the truth.

Senator CARNAHAN. Very good. Thank you very much.

Senator REED. Thank you, Senator Carnahan.

Mr. Schmitz, when I was listening to your response to Senator Levin about the letter to the *Washington Times,* a question occurred to me. How did the *Washington Times* determine that you were a Lieutenant in the Navy Reserve?

Mr. SCHMITZ. Senator, I was a lieutenant commander at the time, and when I signed the letter I indicated underneath my typed name LCDR, USNR–R, and the R is what is required under the letter of the law to indicate that you are not on active duty. That is why I mentioned I was following the letter of the law. You are allowed to use your Reserve title. You just have to make it clear that you are not representing the opinion of the Naval Reserve.

Senator REED. You deliberately chose to identify yourself as a naval officer. You could have easily identified yourself as a lawyer, as a member of the firm, in a number of ways.

Mr. SCHMITZ. That is the lesson I learned, Senator.

Senator REED. What lesson?

Mr. SCHMITZ. Mea culpa. That is the lesson I learned. I would not use my title like that again. Even though I am permitted under the ethics regulations, I would not do it again.

Senator REED. So we can assume that if a lieutenant commander in the Naval Reserve wrote a letter disparaging President Bush, or an elected official of the United States, your conclusion would be that was inappropriate conduct for a naval officer, Reserve or active?

Mr. SCHMITZ. I would advise such a lieutenant commander not to do it, based on my own personal experience.

Senator REED. One of the difficult tasks of your proposed job, is, you have to do contradictory things. You have to have a rapport with the Secretary of Defense so that he trusts you as an advisor, but you also have to seek out information and investigate conditions which might be very embarrassing to the Department of Defense. I think you understand that, because you have experience. You have been trained.

You also have to have, as you suggested in your opening testimony, an image of integrity, commitment to the service not deflected by partisanship or personal motives, one that everyone in the Department of Defense, from the Secretary down to E–1, would feel confident to come and confide in you, and one of the aspects that Senator Levin talked about was your participation in this English only movement.

Now, I do not think we have to go over parsing what it does and what it does not represent, but it might suggest to many members in the military who are legitimately concerned about their status because their first language is not English, that you are not as sensitive to their concerns, or more sensitive to other concerns. That is something you are going to have to deal with as you go forward.

But once again, I think—and I am eliciting an affirmative response—that you see this tension of having the ear of the Secretary but also seeking out information is one that will challenge you a great deal. Can you comment on that?

Mr. SCHMITZ. Yes, Senator. I have been serving in the functional equivalent of an inspector general position for the last 2 years. Ac-

tually, my term just ended at the end of September. It is called the Deputy Senior Inspector only because in the Navy we do not have inspectors general going down that low, but on a number of occasions I have had to look into issues and report to the commander bad news. That comes with the territory. I am used to doing that. It is a difficult job to do sometimes, but that comes with the territory and I am prepared to do that.

Senator REED. Fine. Ms. Pack, you have an excellent financial and accounting management record extending over many years, but by your own admission, you know very little about the United States Army, which is an interesting world unto itself sometimes. What are you doing to rapidly get you up to speed to understand not only the jargon but the systems there?

Ms. PACK. Senator, thank you for asking that question. The Army has plans for getting me up to speed, and I have already been receiving briefings, and will continue to, should I be confirmed. That also includes taking trips to installations and visiting soldiers, and I assure you I will do everything I can to get myself educated as quickly as possible. It is important to me in doing any job to understand what the people are facing in performing their jobs and their duties, so this obviously will be a priority, and it will be something that I will continue throughout the job, should I be confirmed.

Senator REED. Thank you. Again, another point, I think, and it is obvious but I will make it anyway and that is, your experience of the last several years has been somewhat partisan in nature, with your involvement in active electoral politics, which is your right—in fact, one would argue, duty of a citizen.

You are going into a different world in which, particularly at this time where we are engaged in an all-out war against terrorists, where nonpartisan operation is the key, and I think you understand that.

Ms. PACK. Absolutely, Senator.

Senator REED. Thank you very much.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

Mr. Schmitz, a question on the technicalities of this Reserve situation. Were you in a drill status, drawing pay at the time you wrote the letter, or an inactive status?

Mr. SCHMITZ. Inactive status.

Senator WARNER. I am quite familiar with that. I think that technical standpoint clarifies any question as to the legality of what you did.

Mr. SCHMITZ. It was not my drill weekend. I was on my free time.

Senator WARNER. You were not then, drawing drill pay intermittently, were you?

Mr. SCHMITZ. No. I was assigned to a unit at the time.

Senator WARNER. So you were drawing drill pay?

Mr. SCHMITZ. Yes, but I was not on my drill weekend.

Senator WARNER. But you were not in an inactive status. In other words, I served 12 years in the Reserves, many years ago. I was largely in an inactive status, subject to recall.

Mr. SCHMITZ. I was what they call Selected Reserves.

Senator WARNER. An interesting question by our colleague, Senator Lieberman. He is the chairman of the committee that has overall jurisdiction and oversight on the Inspectors General, and it is interesting, the statute establishing the Department of Defense Inspector General is unique in that it provides somewhat less independence to the Department of Defense Inspector General as compared to the statutory independence of other executive department Inspectors General.

I remember when this committee wrote the statute, some of the reasons for it, but in any event, in your opinion does the Department of Defense Inspector General possess the necessary statutory authority to carry out what is expected of an Inspector General, and would you like to take that question for the record? I would accept that response, because it is rather complicated.

Mr. SCHMITZ. It is a very complicated question, Senator, and I have been shown a binder about 4 inches thick about the debate over the distinction that you just mentioned.

Senator WARNER. I would ask that you commit to this committee that in the course of your duties, if you feel that the current statute is inadequate to fulfill the responsibilities of an Inspector General, that you would be forthcoming to the committee with a recommendation.

Mr. SCHMITZ. I can so commit.

[The information referred to follows:]

It would be premature for me to offer at this time any recommendations on statutory changes to the authorities of the Office of the Inspector General that might be necessary. If confirmed, I will commit to a thorough review of current statutes and will be forthcoming with this committee on any changes that I may recommend.

Senator WARNER. Now lastly, Mr. Schmitz, and I say this with a sense of humility, but I have been on this committee 23 years, and I spent 5 years in the Department, so that begins to add up to a little bit of experience, and I have been involved in hundreds of nomination proceedings while in the Department.

I have heard testimony from a great many nominees and have known the quality of each of them to serve in the Navy Department. I full well recognize, having lived the life myself for nearly three-quarters of a century, that as you go through life you have friends, enemies, family, and other persons with whom you have some degree of association whose conduct does not meet the standards that we in our society expect of people. There is in the public domain some information about persons with whom you have had some association.

I have examined that, and it is my conclusion that those particular cases have no relevance, in my judgment, to the nomination that comes before us in our advise and consent role. But we have a fiduciary duty not only to the members of the committee who may not be present here, but all 100 Senators. I would simply say that I am available to discuss with any Member of the United States Senate such questions as they may have about the material that is in the public domain, and that I will again express my opinion to them that it has no relevance to your nomination.

Mr. SCHMITZ. Thank you, Senator.

Senator WARNER. I just wanted to make that statement for the record.

By the way, I intend to support this nomination.

Senator REED. Thank you, Senator Warner.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

Thank you for proceeding with this hearing, and I am sorry that unavoidable matters have kept me in another area of the Capitol. I would make a few remarks, and I suspect you are ready to conclude the hearing, to express my appreciation for both of these individuals, who are giving of themselves to serve their country.

I think it is exceedingly important, one of the hardest things we have to do around here is getting good information, good, honest data from which to make decisions. You would think it would be easy. I find it very difficult. People can misinterpret even good data, so it is a double problem there.

As a Federal prosecutor for a number of years, Mr. Schmitz, I would say to you that I hope you will remember and teach your agents that they serve the public, that they should feel no pressure or thought that they might embarrass the Department of Defense. If there is a problem it really ought to be aired. If somebody has done something illegal, it should be referred for prosecution, and I think sometimes that is not always done.

Most Inspectors General are really aggressive and try to do a good job, but sometimes matters that are criminal ought to be referred for criminal prosecution and not kept in-house. I know that is a delicate decision that you will have to make many times, whether the cases are worthy of prosecution, as opposed to just disciplinary action, or closing the books on them.

Mr. Chairman, I would say how much I appreciate your moving this. I believe it will be important to have these nominees confirmed and on board, and get the Defense Department humming, and I look forward to working with both of them.

Thank you.

Senator REED. Thank you, Senator Sessions.

There are no further questions. Thank you very much, Mr. Schmitz and Ms. Pack. The hearing is adjourned.

[Whereupon, at 4:28 p.m., the committee adjourned.]

[Prepared questions submitted to Joseph E. Schmitz by Chairman Levin prior to the hearing with answers supplied follow:]

July 19, 2001.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

JOSEPH E. SCHMITZ.

cc:
The Hon. John W. Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I support the implementation of these reforms. It is my understanding that the focus on "jointness" outlined in the Defense Reorganization Act of 1986 has significantly enhanced the readiness and warfighting capabilities of the U.S. armed forces.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. It is my understanding that these reforms have fundamentally changed the way the Department of Defense works by strengthening civilian control of DOD, improving military advice given to the President and Secretary of Defense, and advancing the ability of the Department to carry out its fundamental mission—protecting America's security and furthering its vital interests.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most important aspects of these defense reforms, as I understand them, are the clear responsibility and authority given the Combatant Commanders for mission accomplishment, and the increased attention to formulation of strategy and contingency planning.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility in the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support the goals of Congress in enacting the Goldwater-Nichols legislation.

Question. Recently, there have been articles, which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I have not had the opportunity to review any proposed amendments to Goldwater-Nichols. I anticipate that the Department would consult closely with Congress, especially with this committee, before any modifications are suggested.

DUTIES

Question. What is your understanding of the duties and functions of the Inspector General of the Department of Defense?

Answer. The duties and functions of the Inspector General of the Department of Defense are specified in the Inspector General Act of 1978, as amended. It is my understanding that the Inspector General conducts and supervises audits and investigations of all aspects of Defense operations, and provides leadership, coordination, and policy for activities designed to promote sound management and combat fraud and abuse. I believe that the DOD Inspector General bears an obligation to keep both the Secretary of Defense and Congress fully and currently informed on significant problems in Defense programs, the need for corrective action, and the status of such action.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. If I am confirmed, I expect that the Secretary of Defense will prescribe for me the full extent of the duties set forth in Section 8 of the Inspector General Act. In this regard, I look forward to the opportunity to serve as "the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of waste, fraud, and abuse within the programs and operations of the Department."

Question. Section 2 of the Inspector General Act states that the purpose of that Act is to create "independent and objective units" to conduct and supervise audits and investigations, and for other purposes.

Are you committed to maintaining the independence of the Inspector General as set forth in the Inspector General statute?

Answer. I am fully committed to maintaining, if confirmed, the independence of the Inspector General as set forth in the Inspector General Act. I believe that individuals who conduct audits and investigations bear a heavy responsibility to maintain the highest standards of integrity, credibility, and fairness. To meet those standards, every audit and investigation must be independent, unbiased, and free from outside interference. Having relied on those principles throughout my careers as a naval officer and as an attorney, I am confident that, if confirmed, I will maintain the kind of independence called for by the statute.

Question. Section 3 of the Inspector General Act provides that the head of the agency (e.g., the Secretary of Defense) may not "prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation," subject to limited exceptions.

What is your view of the relationship between the Inspector General and the Secretary with regard to audits and investigations, in view of the independence provided by Section 3?

Answer. If confirmed, I would attempt to establish a strong and constructive working relationship with the Secretary and other senior officials without in any way compromising the independence and integrity of audits and investigations conducted by the Office of the Inspector General.

Question. Sections 4 and 8 of the Inspector General Act set forth a number of duties for the Inspector General, beyond the conduct of audits and investigations.

What is your view of the relationship between the Inspector General and the Secretary with regard to these issues?

Answer. If confirmed, I will strive to provide sound advice and assistance to management in improving departmental efficiency and performance and preventing fraud, waste, and abuse.

To be effective and productive, I believe that the relationship between the Inspector General and the Secretary must be based on respect, confidence, and trust. Obviously, those must be earned—in the case of the Inspector General, by a consistent track record of credibility, professionalism, and fairness in audits, inspections, and investigations. If confirmed, I would strive to maintain those standards in the Office of the Inspector General and to develop the kind of solid working relationship with the Department's senior management that the statute envisions.

Question. Section 3 of the Inspector General Act provides for the Inspector General to have a demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

What background and experience do you possess that you believe qualifies you to perform the duties of the Inspector General?

Answer. The following information documents my qualifications and experience for this position:

(1) *Experience relevant to the position of Inspector General of the Department of Defense:*

(a) 27 years of naval service (4 years at Naval Academy, 5 years active duty as surface warfare officer, and 18 years as a reservist), most recently as Deputy Senior Inspector, a.k.a. "Inspector General," for the Naval Reserve Intelligence Program (since October 1999), responsible for Command Inspections/Audits, Investigations, and Intelligence Oversight of more than 4,000 naval reservists nationwide:

- Acknowledged as one of only two Intelligence Oversight internet experts within the Department of Defense at the Secretary's first-ever National Intelligence Oversight Conference in October 2000;
- Prepared a pocket edition of the Declaration of Independence and Constitution for the Naval Inspector General, with an introduction and excerpts from laws underlying the various constraints on governmental abuses of power within the Navy, especially those within the responsibility of the Inspector General: the laws against waste, fraud, abuse, Posse Comitatus Act, and Intelligence Oversight;
- Executive Officer of the Naval Criminal Investigative Service (NCIS) Headquarters Reserve Unit (October 1997–September 1999); Unit awarded the prestigious "O'Connell Award" for being the best overall large unit in the entire Naval Reserve Intelligence Program for fiscal year 1998;
- Executive Officer of Office of Naval Intelligence Counter-narcotic Reserve Unit (October 1995–September 1997); author of ONI's first-ever comprehen-

sive analysis of legal and practical restrictions imposed by the Constitution, the Posse Comitatus Act, and Intelligence Oversight laws, on the utilization of naval reservist in support of local law enforcement efforts under the auspices of the High Intensity Drug Trafficking Area (HIDTA) program (work product still utilized as training "bible" for Department of Defense counter-narcotic reservists mobilizing to support local law enforcement efforts);

• Project supervisor and co-author of the Defense HUMINT Service's "Intelligence Law Handbook" (DIA Doc. # CC–0000–181–95, September 1995), prepared by team of five reservist during annual active duty in DIA's Office of the General Counsel (still cited as DIA's authority on Intelligence Law);

• Joint Service Commendation Medal; Navy and Marine Corps Commendation Medal (twice); Joint Service Achievement Medal; Navy and Marine Corps Achievement Medal; Navy Expeditionary Medal; National Service Medal (twice); Military Outstanding Volunteer Service Medal; Naval Reserve Medal; Navy Expert Rifle Medal; Navy Expert Pistol Medal; Bundeswehrleistungsabzeichen (German Armed Forces Achievement Award); Deutsches Sportabzeichen (German Sport Award).

(b) Partner in major international law firm, with 14 years experience in complex litigation, including constitutional appellate litigation, whistleblower representation, and challenges to illegal actions by high-level government officials.

(c) Adjunct Professor of Law, Georgetown University Law Center (since 1995); developed and taught advanced Constitutional Law seminar—focusing on constraints on governmental abuses of power.

(d) Special Assistant to the Attorney General of United States, the Honorable Edwin Meese III (1987).

(e) Law Clerk to the Honorable James L. Buckley, Circuit Judge, United States Court of Appeals for the District of Columbia Circuit (1986–1987); analyzed and briefed complex cases for Federal judge.

(2) *Testimony/Publications Relevant to Duties of Inspector General of Department of Defense:*

(a) Testified as a constitutional expert before the:

• U.S. Senate Judiciary Committee at its Constitutional Subcommittee Hearing on a Proposed Constitutional Amendment to Prohibit Retroactive Taxation (August 4, 1994);

• U.S. Senate Governmental Affairs Committee at its Hearing on a Proposed Statutory Ban on Retroactive Taxation (December 7, 1995); and

• U.S. Senate Judiciary Committee at its Constitutional Subcommittee Hearing on a Proposed Constitutional Amendment to Prohibit Retroactive Taxation (April 15, 1996).

(b) Various published articles addressing issues of national security and accountability, including "Selling to Moscow Without Selling Out America," *The Wall Street Journal* (Dec. 1989); and "Coping With the New Russian Nuclear Threat: A Legal Alternative to Environmental Extortion," *Georgetown International Environmental Law Review* (1993).

Question. Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

Answer. I believe that I have the requisite expertise to perform the duties of the Inspector General. If confirmed, I will of course undertake extensive briefings and reviews of ongoing Inspector General projects and activities.

Question. Based on your background and experience, are there any changes that you would recommend with respect to the organization or responsibilities of the Inspector General?

Answer. At this point it would be premature for me to recommend organizational changes without first having had the opportunity to become thoroughly familiar with the activities and operations of the Office of the Inspector General.

Question. Please describe your understanding of both the formal and informal relationships between the Inspector General and each of the following: the Comptroller General; the General Counsel for the Department of Defense; the Defense Contract Audit Agency; the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Defense Acquisition Regulatory Council; the Director of Operational Test and Evaluation; the Inspectors General of the Military Departments; the Inspectors General of the Defense Agencies; the Criminal Investigative Organizations of the Military Departments; the General Counsels and Judge Advocates General of the Military Services; the Audit Agencies of the Military Departments; the General Counsels, and Judge Advocates General of the Military Services.

Answer. It is my belief that the Inspector General must work closely with the Comptroller General to ensure that Department of Defense audit activities are co-

ordinated with those of the General Accounting Office (GAO) to avoid unnecessary duplication of effort. Towards that end, the Inspector General and the Comptroller General exchange work plans, coordinate each new audit between the two organizations, provide audit results to each other, and share audit follow-up status information. It is my understanding that, under long-standing DOD procedures, the Inspector General is the central DOD focal point for processing all GAO project announcements and reports requiring DOD comments.

In addition, I understand that it is incumbent upon the DODIG, as specified in the Inspector General Act of 1978, to comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions; that the DODIG must take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General; and that the DODIG must develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States.

It is my understanding that the Inspector General and General Counsel work closely together on matters related to proposed legislation and regulations, audit findings that raise legal issues, and departmental policies on subjects ranging from ethics to contracting procedures. I also understand that the Inspector General receives direct legal support from a Deputy General Counsel in the Office of the DOD General Counsel under the terms of a memorandum of understanding that is intended to safeguard the independence of the Deputy General Counsel. If confirmed, I will have an opportunity to observe whether any impediments to the Inspector General's independence actually exist and whether any changes to the current arrangement might be necessary.

It is my understanding that the Inspector General has the responsibility to provide policy direction and to conduct, supervise, and coordinate audits regarding departmental programs and operations. Given the scope of that authority, there is apparently frequent interaction between the Office of the Inspector General and the Defense Contract Audit Agency (DCAA), which is the largest DOD audit organization.

I also understand that, while DCAA reports to the Under Secretary of Defense (Comptroller), it operates under audit policies established by the Inspector General. As such, the Director of the DCAA, along with other Department Audit Chiefs, meets regularly with the Inspector General to discuss and coordinate audit activities. I understand that a significant portion of the Inspector General's audit oversight efforts is focused on the DCAA, and DCAA provides a significant amount of audit support to DODInspector General procurement fraud investigations.

It is my understanding that the Under Secretary of Defense for Acquisition, Technology, and Logistics is responsible for a very large segment of departmental operations and, as such, is a major recipient and user of services and reports provided by the Office of the Inspector General.

The Under Secretary's involvement would appear to be especially valuable to the Inspector General in audit planning efforts, particularly in the acquisition area. If confirmed, I will ensure that the Inspector General's audit and investigative coverage supports DOD acquisition and logistics reform efforts.

It is my understanding that the Defense Acquisition Regulatory Council formally requests comments from the Inspector General on all proposed rules. I also understand that the Inspector General has traditionally put considerable emphasis on review of those proposals. If confirmed, I would anticipate continuing that emphasis.

It is my understanding that the Director of Operational Test and Evaluation frequently requests audit coverage and is a principal user of many reports issued by the Office of the Inspector General. If confirmed, I would continue to support these cooperative efforts.

Pursuant to the Inspector General Act of 1978, as amended, the Inspector General of the Department of Defense has a duty to "give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and insuring effective coordination and cooperation," (§ 8(c)(9)), but the service secretaries retain operational control over all departmental audit and criminal investigative elements. Although it may seem that there would be extensively overlapping responsibilities between the Department of Defense Inspector General and the Military Department Inspectors General, I believe that there are distinct differences in their roles. The Military Department Inspectors General reportedly focus much more on force morale, welfare, and readiness issues. Their inspection programs are shaped by the priorities of their Services. It is my understanding that the Department of Defense Inspector General ex-

changes audit and inspection plans with the other Inspectors General to avoid duplication, and that the Department of Defense Inspector General occasionally leads joint reviews.

I also understand that Department of Defense directives governing other activities in which the Military Department Inspectors General participate also confer upon the DOD Inspector General both policy and oversight roles with respect to those activities. These include the Department of Defense Hotline, whistleblower reprisal investigations, and investigations against senior officials.

If confirmed, I plan to meet personally with the Military Department Inspectors General regularly to ensure that cooperation is optimized.

It is my understanding that the Inspectors General of the Defense Agencies report to their respective agency heads. However, in areas such as inspections, audits, and the operations of hotlines, they come under the policymaking authority of the Department of Defense Inspector General. I believe that their audit activities are more analogous to Defense Inspector General audits than to Military Department Inspector General inspections. Therefore there are more formal arrangements for joint audit planning, especially for the intelligence agencies. If confirmed, I will seek to provide leadership within this portion of the oversight community, too.

Statutorily, the Inspector General has the authority to initiate, conduct, and supervise criminal investigations relating to any and all programs and operations of the Department of Defense. Moreover, the Inspector General is statutorily authorized to develop policy, monitor and evaluate program performance, and provide guidance regarding all criminal investigative programs within the Department. In short, it is my understanding that the Inspector General directly interacts with the military criminal investigative organizations (MCIOs) in two broad areas: the conduct of criminal investigations in which there may be joint interest and the exercise of the Inspector General's policy and oversight role with regard to operations of the MCIOs. There appear to be many criminal investigations that impact primarily on the jurisdiction of a local commander and that are conducted by the appropriate MCIO or post military or security policy agency, while the Inspector General would be more heavily involved in investigations that affect major departmental programs or affect more than one military service. However, I believe that there are many criminal investigations, particularly in the fraud area, where there is joint interest and/or activity by both the Inspector General and the MCIOs and where close coordination of effort is required. If confirmed, I would work to maximize such cooperation.

Statutorily, the Inspector General has the responsibility to provide policy direction and to conduct, supervise, and coordinate audits relating to DOD programs and operations. Obviously, under that authority, the Inspector General would have occasion to work closely with the military audit agencies.

It is my understanding that the heads of the military audit organizations have been meeting at least quarterly with the DOD Deputy Inspector General to discuss ongoing issues, plans, and ways to better assist Department management. There are also several joint audit-planning groups that have been created to improve and coordinate planning. I believe that the auditors from the Office of the Inspector General and the military organizations frequently assist each other on specific projects, particularly those involving audits required by the Chief Financial Officers Act. If confirmed, I would continue the emphasis on close coordination and joint efforts. In addition, I would ensure that Defense audit policies provide a good foundation for top quality audit support to the Department.

It is my understanding that while there is no formal relationship between the Inspector General and the Military Department General Counsels and Judge Advocates General, on an informal level good working relationships have evolved on a case-by-case basis where there is some mutual interest. Moreover, I understand that attorneys assigned to the Office of the Inspector General occasionally seek assistance from these offices when an audit or investigation raises issues with which they may have some particular expertise.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Inspector General of the Department of Defense?

Answer. I believe that the new Inspector General of the Department of Defense will need to confront immediately a number of challenges. First and foremost, I am aware of the serious allegations that more than a dozen employees in the office of the Inspector General of the Department of Defense participated in or were aware of the destruction of internal work papers related to an audit and the preparation and backdating of a new set of work papers in an effort to improve the office's per-

formance in an external peer review. If confirmed, I will ensure that these allegations were fully investigated and will do whatever it takes as expeditiously as possible to restore full confidence in the integrity, reliability, and credibility of the Office of the Inspector General of the Department of Defense.

In addition, the Inspector General of the Department of Defense will need to confront the same major challenges facing both the Secretary of Defense and congressional leadership vis-a-vis transforming our Armed Forces to meet emerging 21st century threats, including recruitment and retention of the most qualified personnel, sound management of existing technical assets, and intelligent utilization of new technology. The entire Department of Defense is still transitioning into the post-Cold War era, where national security demands are different, information technology is driving management processes, and both the force structure and infrastructure need further adjustments. With hundreds of reform initiatives already under way and others likely, there is a compelling need for objective feedback to senior management on how well reforms are working and whether performance reporting is reliable. In addition, high risk areas like information system acquisition have received relatively little audit coverage during the 1990s, and there is a compelling need to strengthen protections against computer crime, health care fraud, and similar threats. I believe that the Inspector General must make very thoughtful allocations of limited resources among the many conflicting priorities, requirements, and requests that confront the office during this challenging period of transformation.

Finally, I feel that the Inspector General must be seen as both a guardian of enduring core values and an agent of reform, not a defender of overly complex and outmoded rules and processes.

Above all, I strongly believe that the Inspector General must be perceived as being completely independent, candid, and fair.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. Assuming I am confirmed, I would first endeavor to assess the extent and scope of the aforementioned allegations involving the external peer review. In this regard, I understand that another outside peer review has already been commissioned to identify deficiencies. I hope that this ongoing process will assist in the overall damage assessment. If confirmed, once I feel confident that any and all lingering problems have been accurately assessed, I will take whatever action is necessary to promptly remedy the deficiencies.

Regarding the broader challenges mentioned above, if confirmed, I anticipate working closely with both the Secretary of Defense and with the congressional leadership to ensure that the various policy recommendations that result from the ongoing Department of Defense reviews are implemented in a manner that is consistent with the letter and spirit of the policies and proscriptions underlying the Inspector General Act of 1978, as amended, including effective coordination and cooperation among the military departments.

Question. What do you consider to be the most serious problems in the performance of the functions of the Inspector General of the Department of Defense?

Answer. If confirmed, I will need carefully to review the functions and past performances of the Inspector General and the Office of the Inspector General in the Department of Defense. As noted above, I am aware of serious allegations regarding an external peer review. As mentioned above, if confirmed, I will ensure that these allegations were fully investigated.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. See my answer to question 3B above. Until I am able thoroughly to assess the problems, of course, I cannot establish a plan of action and time lines to address the problems. As mentioned above, if confirmed, once I feel confident that the problems have been thoroughly and accurately assessed, I will take whatever action is necessary promptly to remedy the deficiencies.

Question. What broad priorities will you establish in terms of issues, which must be addressed by the Inspector General?

Answer. If confirmed, I will endeavor to establish and address the following three broad priorities: (1) integrity; (2) efficiency; and (3) enthusiastic commitment to the core principles underlying our Constitution, foremost of which are the Rule of Law, various constraints on governmental abuses of power, including effective checks and balances, and ultimate accountability of public officials to "the People of the United States."

SENIOR OFFICER INVESTIGATIONS

Question. The Office of Inspector General plays a key role in the investigation of allegations of misconduct by senior officers and civilian employees of the Department of Defense. The Senate Armed Services Committee has a particular interest in investigations concerning officers who are subject to Senate confirmation, and relies upon the Office of Inspector General to ensure that these investigations are accurate and complete.

If confirmed, what steps will you take to ensure that these investigations are conducted in a fair and impartial manner, and that complete and accurate information is provided to this committee in a timely manner?

Answer. If confirmed, I will continue to emphasize the Inspector General role of ensuring that allegations of misconduct involving senior DOD officials are properly addressed. Senior DOD officials are understandably held to the highest standards of conduct. Alleged violations of law or regulation must be investigated aggressively, competently, and impartially.

I believe that vigilant oversight of senior official investigations conducted by the Service Inspectors General, coupled with continual improvement in our own investigative capability, are the keys to maintaining excellence and credibility in this area. If confirmed, I will reemphasize the requirement that all allegations involving senior officials be reported to the DODIG within 5 days as required, and that a review of the nature of the allegations is conducted to ensure that the Service Inspector General possess the necessary independence to conduct an impartial inquiry. I will not hesitate to assume investigative jurisdiction where appropriate—particularly in cases where the subject of the allegations is a political appointee, where the subject outranks the Service Inspector General, or where allegations cross Service lines.

Question. If confirmed, what standard would you apply to allegations of misconduct against nominees for senior civilian and military positions requiring the advice and consent of the Senate in deciding whether and when to inform the committee of any such allegations?

Answer. If confirmed, I would anticipate continuing what I understand to be the current policy of reporting allegations of misconduct involving senior officials if those allegations are being addressed by an open investigation or inquiry. I would not anticipate reporting every allegation that the Office of the Inspector General of the Department of Defense might receive. I believe that the integrity of the nomination process and fairness to all concerned demands that we conduct a preliminary review of any incoming complaint against a nominated official to determine whether that complaint warrants investigation. Such a preliminary review would determine whether the allegation is credible, whether the alleged conduct violated an established standard, and whether the complaint provides sufficient information to enable a focused inquiry.

If confirmed, I will insist that such a preliminary review be completed expeditiously. If the preliminary review cannot be rapidly concluded, an investigation would be opened and the allegations would be reported to the committee.

My understanding is that the DODIG receives numerous allegations and complaints through a variety of sources, but that only a small percent of those allegations warrant investigation. I also understand that last year nearly 12,000 contacts were made with the DOD Hotline, but that only 2,000 of those contacts resulted in any type of investigative work.

Question. Do you believe that the current allocation of responsibilities between the Department of Defense Inspector General and the military departments is appropriate to ensure fair and impartial investigations?

Answer. I am unaware of any problems with the current allocation of responsibilities.

AUTHORITIES OF THE INSPECTOR GENERAL'S OFFICE

Question. In recent years, the Office of Inspector General has sought increased authority to issue subpoenas, carry weapons, and make arrests.

Do you believe that the authorities of the Office of Inspector General are adequate in these areas, or would you recommend further changes in law?

Answer. It is my understanding that the current staff of the Office of the Inspector General considers the recently augmented authority to be adequate. I am not aware of any need for further changes in the law at this time. If confirmed, I will notify the Department and Congress if anything comes to my attention that would warrant legislative action.

ACTIVITIES OF THE INSPECTOR GENERAL'S OFFICE

Question. In recent years, representatives of the Inspector General's Office have participated on integrated process teams and other cross-cutting groups established to address deficiencies and problem areas in the Department.

What role do you believe the Office of Inspector General should play in advising the Secretary and other officials in the Department on management issues such as acquisition policy and financial management policy?

Answer. I believe it makes good sense for the Department to avail itself of advice from the Office of the Inspector General throughout the cycle of devising policy, planning for implementation of that policy, deciding what performance measures will be used, analyzing feedback on implementation status, addressing impediments to implementation, evaluating results, and adjusting policies if necessary.

Question. Are you concerned that the participation of representatives of the Office of Inspector General in efforts of this kind could undermine the independence of the office?

Answer. It is my understanding that the Office of the Inspector General has participated in numerous task forces, IPTs, and similar groups without a significant question ever being raised concerning its role and independence. If confirmed, I would make sure that I was informed of these activities and that appropriate controls were in place.

Question. Do you believe that it would be appropriate for the Inspector General to conduct an audit or evaluation of a program which representatives of the Inspector General's office helped to design?

Answer. It is my understanding that the advice provided by representatives of the Inspector General generally relates to management controls and performance measures, both of which should be subject to periodic audit verification. As long as the Inspector General personnel do not have a vested interest in specific program outcomes, I see little reason for concern in their testing controls and validating performance reporting. As a practical matter, I further understand that it would be extremely rare for the same individuals to be involved in formulating controls and reporting procedures and then subsequently auditing them. If there were ever any appearance of a conflict of interest, however, I would ensure that different personnel were assigned to the audits.

Question. The performance of mandatory statutory duties, such as the performance of financial audits, has consumed a growing share of the resources of the Inspector General's office, crowding out other important audit priorities.

What is your view of the relative priority of financial audits, and the resources that should be devoted to such audits?

Answer. Under the Chief Financial Officers Act of 1990, the Inspector General of the Department of Defense has statutory responsibilities to audit the financial statements of the Department of Defense "in accordance with applicable generally accepted government auditing standards." 31 U.S.C. § 3521(e). It is my understanding that, throughout the last decade, this requirement has resulted in about 30 percent of the Inspector General audit effort and a very large military department audit effort being devoted to a rather frustrating attempt to validate the Department's badly flawed year end statements. If confirmed, I will continuously review the priorities and resource allocation within the Defense audit program to maintain the best possible balance between the various competing requirements.

Question. Do you believe that resources currently directed to the audit of financial statements that are often described as unreliable would better be directed to other objectives?

Answer. It is my understanding that the Office of the Inspector General has been shifting resources from audits of financial statements to audits of the projects to improve the automated systems that compile financial reports. If confirmed, I would ensure that this trend continues.

Question. Do you see any need for legislative changes to give the Inspector General greater flexibility to target audit resources?

Answer. No. At the present time, I am unaware of any need for legislative changes on audit flexibility.

Question. Over the last 10 years, the Inspector General has gone from having one auditor for every $500 million on contract by the Department of Defense to one auditor for every billion dollars on contract.

Do you believe that the Inspector General has resources it needs to conduct effective oversight over the Department's acquisition programs?

Answer. It is my understanding that the Office of the Inspector General has characterized internal audit coverage in the acquisition area as inadequate. If confirmed,

I would review the adequacy of auditing in acquisition and other management areas.

INTEGRITY OF THE INSPECTOR GENERAL'S OFFICE

Question. In the mid–1990s, the Office of Inspector General found it necessary to require the taping and transcribing of all interviews conducted during internal investigations by the Defense Criminal Investigative Service (DCIS) after a former DCIS official was shown to have falsified interviews in two separate investigations. Earlier this year, an internal review by the Office of Inspector General verified that more than a dozen employees in the office participated in or were aware of the destruction of internal work papers related to an audit and the preparation and backdating of a new set of work papers in an effort to improve the office's performance in an external peer review.

Do you believe that these events have undermined confidence in the integrity of the Office of Inspector General?

Answer. See my answer to question #3 above.

Question. What steps would you take, if confirmed, to restore confidence in the integrity of the Office of Inspector General?

Answer. See my answer to question #3 above.

LEGAL ADVICE FOR THE DOD INSPECTOR GENERAL

Question. Under the DOD Inspector General's Organization and Functions Guide (Inspector General Guide 5105.1), the Deputy General Counsel (Inspector General) is a subordinate of the DOD General Counsel, but provides "independent and objective legal advice and counsel to the DOD Inspector General on all matters that relate to the programs, duties, functions, or responsibilities of the Inspector General."

What is your opinion about the DODIG's reliance on the DOD General Counsel for legal advice and counsel? Do you believe that it adversely affects independence of the Inspector General?

Answer. Please see my answer to question 2I regarding the relationships between the Inspector General and the DOD General Counsel.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Inspector General of the Department of Defense?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Joseph E. Schmitz follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
September 4, 2001.

Ordered, that the following nomination be referred sequentially to the Committee on Armed Services, and if and when reported, be further referred to the Committee on Governmental Affairs for not to exceed 20 days pursuant to an order of the Senate of January 5, 2001:

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense, vice Eleanor Hill.

[The biographical sketch of Joseph E. Schmitz, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF JOSEPH E. SCHMITZ

Joseph E. Schmitz is currently a partner with the firm of Patton Boggs LLP. Since 1987, he has been engaged in an aviation regulatory, international trade, legislative, administrative law, and constitutional appellate litigation practice. He has represented a wide array of clients located throughout the world, including commercial airlines and leasing companies, aircraft and automobile manufacturers and trade associations, shippers, and government entities.

Mr. Schmitz' law practice encompasses regulatory and enforcement matters in the Department of Transportation, the Federal Aviation Administration, and other federal regulatory arenas. He has also represented a variety of foreign and domestic entities involved in the emerging economies of Central and Eastern Europe, and individual claimants in federal agency personnel proceedings.

His 1989 article in the *Wall Street Journal,* "Selling to Moscow Without Selling Out America," reviewed regulatory hurdles associated with the first-ever licensing of commercially leased Boeing aircraft to a Warsaw Pact country. Mr. Schmitz has also published numerous articles, presented lectures, and testified as a constitutional expert before the U.S. Senate Judiciary Subcommittee on the Constitution, the U.S. Senate Governmental Affairs Committee, and the full U.S. Senate Judiciary Committee. He is an Adjunct Professor of Law at the Georgetown University Law Center, where he developed and has taught a seminar in advanced Constitutional Law.

Mr. Schmitz has had a long and distinguished 27-year career as both an active duty and reserve naval officer. During his active naval career, he served as an engineering division officer on board a gas turbine powered U.S. destroyer, as the Navigator of a German destroyer (as a participant in the Personnel Exchange Program), and as a Ship Superintendent in the Long Beach Naval Shipyard. Mr. Schmitz has also participated in exchange programs with the British Royal Navy and with the Japanese Maritime Self-Defense Force; and served as Liaison Officer with the Colombian and Mexican Navies during extended port calls. He still maintains German and limited Spanish language proficiency. Currently a Captain in the Naval Reserves, he is the Deputy Senior Inspector for the Naval Reserve Intelligence Program, responsible for Command Inspections/Audits, Investigations, and Intelligence Oversight of more than 4,000 Naval Reservists nationwide (a position he has held since October 1999).

He graduated with distinction from the U.S. Naval Academy in 1978, and received his J.D. degree from Stanford University in 1986. Mr. Schmitz serves on the Steering Committee of the Washington Lawyers Chapter of the Federalist Society for Law and Public Policy Studies, and is a Young Leader Alumnus of the American Council on Germany. In 1999, he was invested into the Sovereign Military Order of Malta.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Joseph E. Schmitz in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Joseph E. Schmitz.

2. **Position to which nominated:**
Inspector General of the Department of Defense.

3. **Date of nomination:**
September 4, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
August 28, 1956; Milwaukee, Wisconsin.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Mollie Esther Davis of Tustin, California.

7. **Names and ages of children:**
Philip, 22; Joseph, 20; Nicholas, 18; Thomas, 17; Mollie, 13; Patrick, 11; Katherine, 9; and Matthias, 4.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
High School Diploma, Georgetown Preparatory School (1974); Bachelor of Science, with Distinction, United States Naval Academy (1978); Doctor of Jurisprudence, Stanford Law School (1986).

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
Partner, PATTON BOGGS LLP (1996–present); Partner, BESOZZI, GAVIN, CRAVEN & SCHMITZ (1995–1996); Associate of Counsel, PAUL, HASTINGS, JANOFSKY & WALKER (1987–1995); Adjunct Professor of Law at Georgetown University Law Center (since 1995).

10. **Government experience:** List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.
Special Assistant to the Attorney General of the United States, the Honorable Edwin Meese III (1987); Law Clerk to the Honorable James L. Buckley, Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit (1986–1987).

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
PATTON BOGGS LLP, partner; U.S. English, Inc., director; Global Security Net, Inc., director; Metrodream.com, Inc., director; Angelic Foundation, director and officer; Millennium Technology Group LLC, director.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

Member of the Bars of the District of Columbia (since 1989), Maryland (since 1995), and Pennsylvania (since 1988; currently inactive) (also admitted to practice law before: the Supreme Court of the United States; the United States Courts of Appeal for the District of Columbia, First, Third, Fifth, Sixth, Tenth, and Eleventh Circuits; the United States District Courts for the District of Columbia and Maryland; and the United States Court of International Trade); U.S. Naval Academy Alumni Association (1976–present); Federalist Society for Law and Public Policy Studies (1984 to present); Steering Committee of the Washington Lawyers Chapter (1987 to present); Knights of Columbus (1988–present); Church of the Little Flower Parish Council (1989–1994), Chairman (1993–1994); Kenwood Golf and Country Club (1993–present); Sovereign Military Order of the Temple of Jerusalem (1996–present); Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes, and of Malta (1999 to present); Reserve Officers Association (2000–present).

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Orrin Hatch Campaign ($500; 2000); David McIntosh ($500 est.); 1996 & 2000 (est.)).

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Joint Service Commendation Medal; Navy and Marine Corps Commendation Medal (twice); Joint Service Achievement Medal; Navy and Marine Corps Achievement Medal; Navy Expeditionary Medal; National Service Medal (twice); Military Outstanding Volunteer Service Medal; Naval Reserve Medal; Navy Expert Rifle Medal; Navy Expert Pistol Medal; Bundeswehrleistungsabzeichen (German Armed Forces Achievement Award); Deutsches Sportabzeichen (German Sport Award).

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Legal Backgrounder, "Are Federal Consumption Tax Proposals Constitutional?" Washington Legal Foundation ("WLF") (April 2, 1999); Article, "When the Commander in Chief Misleads, Who Follows? Or What Do We Tell the Troops Now, Commander?" *Congressional Record—Extension of Remarks* (October 9, 1998); Article, "The Forgotten Preamble: Introduction to the Bill of Rights Gives More Meaning to the Tenth Amendment," FYI (American Legislative Exchange Council: April 1996); "Intelligence Law Handbook" (Defense HUMINT Service, September 1995); Presentation for Washington Legal Foundation Media Briefing—1994–1995 Supreme Court Term (June 27, 1995); Legal Opinion Letter, "States' Power to Regulate Health Care Should Not Be Overlooked," 4 WLF 5 (March 11, 1994); Op-Ed, "If Taxes Can Be Retroactive to 1993, Why Not to 1990?" *Los Angeles Times* (Feb. 28, 1994); Legal Backgrounder, "Quo Vadis (Wither Goest Thou) Taxation: In Futuro or Ex Post Facto?" 8 WLF 32 (Sept. 10, 1993); Article, "Coping With the New Russian Nuclear Threat: A Legal Alternative to Environmental Extortion," *Georgetown International Environmental Law Review* (1993); Article, "Are Retroactive Tax Increases Constitutional?" 139 Cong. Rec. E1985 (daily ed. Aug. 4, 1993); Legal Backgrounder, "Federal Sin Tax Proposals: What's the Federal Government Doing Regulating Health Care Anyway?" 8 WLF 25 (July 23, 1993); OP–ED, "Way to End Abortion Dilemma?: 10th Amendment Is Abortion Sleeper," *National Law Journal* (March 15, 1993); Article, "East Meets West," *Naval Institute Proceedings* (1992); Article, "Damn the Congressional Torpedoes: 1977 and 1978 Recapture the GI Bill," *Shipmate* (October 1991); "Drive to Repeal Abortion Law Will Say Much About Our Societal Conscience," *Catholic Standard* (April 25, 1991); Op-Ed, "Selling to Moscow Without Selling Out America," *The Wall Street Journal* (December 1989); Special Supplement, "Federalism: Reconciling a 'Human Life' and 'States' Rights' Approach to the Legal Protection of the Unborn," *Human Life Review* (Spring 1989); *Mandate for Leadership* (Heritage Foundation 1988).

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Testified as a constitutional expert before: the U.S. Senate Judiciary Committee at its Constitutional Subcommittee Hearing on a Proposed Constitutional Amendment to Prohibit Retroactive Taxation (August 4, 1994); the U.S. Senate Governmental Affairs Committee at its Hearing on a Proposed Statutory Ban on Retroactive Taxation (December 7, 1995); and the U.S. Senate Judiciary Committee at its Constitutional Subcommittee Hearing on a Proposed Constitutional Amendment to Prohibit Retroactive Taxation (April 15, 1996).

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

JOSEPH E. SCHMITZ.

This 20th day of June, 2001.

[The nomination of Joseph E. Schmitz was reported to the Senate by Chairman Levin on December 20, 2001, with the recommendation that the nomination be confirmed. The nomination was then referred to the Committee on Governmental Affairs. The Committee on Governmental Affairs was discharged from further consideration of this nomination on February 11, 2002, and the nomination was placed on the Executive Calendar. The nomination was confirmed by the Senate on March 21, 2002.]

[Prepared questions submitted to Sandra L. Pack by Chairman Levin prior to the hearing with answers supplied follow:]

October 18, 2001.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I enclose the answers to the advance questions asked of me by the Senate Armed Services Committee.

Sincerely,

SANDRA L. PACK.

cc:
The Hon. John W. Warner,
Ranking Minority Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the enactment and objectives of the Goldwater-Nichols Act and Special Operations reforms.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. It appears that these reforms have resulted in significant improvements by defining the roles and responsibilities of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Service Secretaries. As a result, operational effectiveness has been improved. I do believe it is important to continue to evaluate and improve as we transform the Army.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I believe that the key result was the strengthening of the effectiveness of military operations, which was accomplished by strengthening civilian control and better defining responsibilities.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles, which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not aware of any current proposals to amend Goldwater-Nichols. It is too early for me to comment about any proposals without additional evaluation and insight.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Financial Management?

Answer. If confirmed, I will be responsible for advising the Secretary of the Army on financial matters and directing all Comptroller and Financial Management functions and activities of the Department of the Army.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I believe my background qualifies me to serve as Assistant Secretary of the Army (Financial Management and Comptroller). I have significant experience in financial management, to include certification as a public accountant, experience in private industry, and service as the Treasury Director of multiple presidential campaigns. If confirmed, I believe I would bring a solid foundation of experience and leadership and that I will be able to advise the Secretary of the Army and other Army leaders effectively on financial management matters.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Financial Management?

Answer. Absolutely. Although I have a depth of knowledge in financial management and I am an experienced manager and leader, I am always looking to improve my skills and understanding. Once confirmed, I will need to gain a better understanding of many of the internal issues, structures, and processes of the Army and the Department of Defense. I look forward to learning about soldiers and how to acquire and manage resources to support them.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If confirmed, I will be responsible to the Secretary of the Army for all financial management issues of the Department of the Army, in accordance with 10 U.S.C. §§ 3014(c) and 3016(b)(4).

Question. In carrying out your duties, how will you work with the Secretary of the Army, the Under Secretary of the Army, the Under Secretary of Defense (Comp-

troller), and the Assistant Secretaries of the Navy and the Air Force for Financial Management?

Answer. If confirmed, I would be part of a senior leadership and management team that works with a common direction and unity of purpose within the Army as well as across the Services and the Department of Defense.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant Secretary of the Army for Financial Management?

Answer. I am not fully aware of all the challenges. However, any Assistant Secretary of the Army for Financial Management will be challenged to improve financial management systems and processes, to include finance, accounting, budget, and feeder systems, to provide accurate, reliable, and timely financial information. We must develop consistent and executable budgets that support the priorities of the Secretary of Defense and the Secretary of the Army, under the guidance and direction of the President.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with the Under Secretary of Defense (Comptroller) and our sister services, and the Army leadership team to achieve a unified approach to addressing challenges. I will make every effort to ensure that sufficient resources and financial management information are available to successfully address issues.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Financial Management?

Answer. I am not aware of specific problems. However, I believe we need to provide reliable, accurate, and timely financial information to the Secretary of the Army and the Chief of Staff of the Army to enable them to allocate resources to properly train, man, and equip the Army.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will evaluate the specific issues and work with the Army Staff and Secretariat as well as DOD to establish timelines as appropriate.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues, which must be addressed by the Assistant Secretary of the Army for Financial Management?

Answer. If confirmed, I will work closely with Secretary White to define priorities, which I am sure will include improving the planning, programming, budgeting, and execution process. Another priority will be to modernize financial management systems and processes.

CIVILIAN AND MILITARY ROLES IN THE ARMY BUDGET PROCESS

Question. What is your understanding of the division of responsibility between the Assistant Secretary of the Army for Financial Management and the senior military officer responsible for budget matters in the Army's Financial Management and Comptroller office (the Deputy Assistant Secretary of the Army for Army Budget) in making program and budget decisions including the preparation of the Army Program Objective Memorandum, the annual budget submission, and the Future Years Defense Program?

Answer. My understanding stems from 10 U.S.C. § 3014(c). As written, the Secretary of the Army has overall responsibility for financial management and comptroller functions. If confirmed as the Assistant Secretary of the Army (Financial Management and Comptroller), I will have responsibility for all budget matters within the Department of the Army. The senior military officer who serves as the Deputy Assistant Secretary of the Army for Army Budget will serve under my direct supervision and will be responsible to me for the formulation, justification, and execution of the Army budget. Additionally, if confirmed, I will have formal oversight responsibility for the Secretary for all financial aspects of the Program Objective Memorandum preparation and the Army portions of the annual President's budget submission, along with all the entries in the Future Years Defense Program (FYDP).

FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Question. DOD's financial management deficiencies have been the subject of many audit reports over the past 10 or more years. Despite numerous strategies and initiatives the Department and its components are undertaking to correct these deficiencies, problems with financial data continue.

What do you consider to be the top financial management issues to be addressed by the Department of the Army over the next 5 years?

Answer. I believe that the Department of the Army must improve financial management systems—budgetary and accounting—and processes so that the Army leadership has timely and reliable data on which to make business decisions regarding the allocation of resources near term and in the program years. This includes ensuring that the functional proponents' systems (e.g., property, logistics, real estate, personnel, environmental) are fully interfaced, and their data integrated, to present a complete resource picture for decision-makers.

Question. If confirmed, how do you plan to provide the needed leadership and commitment necessary to ensure results and improve financial management in the Army?

Answer. If confirmed, I intend to make the improvement of financial management in the Department of the Army, particularly in terms of the quality and timeliness of financial information, one of my priorities. I will work closely with Army leaders for their involvement and commitment to improve our financial management practices.

Question. What are the most important performance measurements you would use, if confirmed, to evaluate changes in the Army's financial operations to determine if its plans and initiatives are being implemented as intended and the anticipated results are being achieved?

Answer. If confirmed, I will enlist the support of the leadership of Department of the Army to establish logical, useful, and relevant performance measures. Efforts should be designed to achieve necessary auditing conditions, as well as provide accurate, reliable, and timely information for decision makers.

COMPLIANCE WITH CHIEF FINANCIAL OFFICERS ACT

Question. The Chief Financial Officers Act requires the annual preparation and audit of financial statements for federal agencies. However, the DOD Inspector General and GAO's financial audit results have continually pointed out serious internal control weaknesses concerning hundreds of billions of dollars of material and equipment, as well as billions of dollars of errors in the Department's financial records.

In your view, is the Army capable of meeting the requirements imposed by the Chief Financial Officers Act? If not, please describe the actions you think are necessary to bring the Army into compliance and the extent to which such actions are the responsibility of the Assistant Secretary of the Army for Financial Management or other officials in the Department of the Army or the Department of Defense.

Answer. I understand the Army is not currently able to meet the requirements of the Chief Financial Officers Act. If confirmed, I will work with the Under Secretary of Defense (Comptroller) to ensure adequate funding and the right leadership emphasis and involvement.

STANDARDIZATION WITHIN THE DEPARTMENT OF DEFENSE

Question. Many of the financial management initiatives currently underway within the Department of Defense are centrally controlled by the Office of the Secretary of Defense, and most observers believe that financial management and comptroller practices should be standardized throughout the Department of Defense to the maximum extent possible.

What role do you feel the military departments should have in the decision-making process when DOD-wide financial management decisions are made? What are your views on standardizing financial management systems (including hardware and software) and financial management practices across the Department of Defense?

Answer. I believe standardization promotes efficiencies. It is my understanding that the Under Secretary of Defense (Comptroller) has the lead with extensive Service involvement for achieving Department-wide solutions to financial management challenges. If confirmed, I will actively participate in and fully support this process.

Question. Are there areas where you believe the Army needs to maintain unique financial management systems?

Answer. I am not sufficiently acquainted with the Army's current systems, however, if confirmed, this is an area I will evaluate.

RESPONSIBILITY FOR ACCURACY OF FINANCIAL DATA

Question. When the Department of Defense, through the Under Secretary of Defense (Comptroller) or the Defense Finance and Accounting Service, prepares financial or budget information for submission to the Office of Management and Budget or Congress, who is ultimately responsible for the accuracy of information concerning the Army?

Answer. If confirmed, I will be ultimately responsible for the accuracy of the data, with considerable support from the Defense Finance and Accounting Service, as well as the Army's functional proponents, who often initiate and develop the Army's financial data.

FINANCIAL MANAGEMENT TRAINING

Question. In response to the Defense Acquisition Workforce Improvement Act of 1991, DOD has taken action directed at improving the professionalism of its acquisition workforce. This was brought about as a result of the need to better ensure that DOD's acquisition workforce was well versed in the rapidly changing technical skills needed to keep abreast of acquisition trends. A key part of the effort to upgrade the professionalism (technical currency) of DOD's acquisition workforce was the requirement that each acquisition official receive a minimum of 80 hours of continuous learning every 2 years. While DOD has stated that there should be a comparable goal for financial management personnel, DOD has not made such training a requirement because of uncertainties over whether necessary funding would be available.

What are your views on the merits of establishing a requirement that all Army financial management personnel receive a minimum of 80 hours of training every 2 years?

Answer. I am a strong supporter of continuing education and maintaining a high level of technical and professional proficiency and currency.

Question. If confirmed, what actions would you take to ensure that the Army's financial management personnel keep abreast of emerging technologies and developments in financial management?

Answer. If confirmed, I will make part of my strategic plan hiring, training, mentoring, and retaining a professional and skilled financial management workforce that is encouraged and rewarded for the pursuit of excellence and currency in financial management technologies and practices. I will work closely with the Under Secretary of Defense (Comptroller) and the Secretary of the Army to accomplish this goal.

PLANNING, PROGRAMMING, AND BUDGETING SYSTEM (PPBS)

Question. Recently, a commission which included a number of former Defense officials and former Comptroller General Charles Bowsher stated that the Department's Planning, Programming, and Budgeting System (PPBS) is no longer functioning effectively. The Quadrennial Defense Review stated that the Department of Defense plans to study a redesign of the PPBS process.

What are your views on the PPBS process? Are there any changes that you would recommend?

Answer. As specified by Army General Order, the Assistant Secretary for Financial Management and Comptroller is responsible for overall management of the PPBS system. If confirmed, I will personally participate in any PPBS reviews, to achieve the desired outcomes that include streamlining the process, improving the quality of PPBS products, and strengthening analytical reviews so that we budget in the same manner that we execute.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

Question. If confirmed as the Assistant Secretary of the Army for Financial Management, what would your responsibilities be with respect to the requirements of the GPRA to set specific performance goals and measure progress toward meeting them?

Answer. Both the Secretary of the Army and the Secretary of Defense have stated they believe the Department should operate more like a business. To do so requires the establishment of performance-based measures and metrics. If confirmed, I will support this effort.

Question. What additional steps can the Army take to fulfill the goals of the GPRA to link budget inputs to measurable performance outputs?

Answer. If confirmed, it is my intent to support the development of meaningful performance metrics and integrate them into the budgeting and decision making process.

INCREMENTAL FUNDING

Question. In your view, what are the likely benefits or advantages of incremental funding of major weapons systems?

What are the likely costs or disadvantages of such funding?

How do you weigh these competing costs and benefits, and what approach do you believe the Army should take toward incremental funding of major weapons systems?

Answer. It is my understanding there are several approaches for funding major weapons systems. There is incremental funding and full funding. There is the use of single-year and multi-year contracts. If confirmed, I will evaluate the advantages and disadvantages of each and make the appropriate recommendations to the Secretary of the Army.

SAVINGS FROM COMPETITION

Question. The Army and the other military departments have substantially increased the number of public-private competitions in recent years in order to achieve greater efficiency and effectiveness while reducing costs. Studies have shown that the military departments save money regardless of which side wins the competition.

Do you believe that decisions on whether to outsource work currently performed by government civilians should be made through public-private competition?

Answer. I understand that the public-private competitions have been successful in generating savings and efficiencies. If confirmed, I will work with the Department of Defense and the Department of the Army staff to evaluate the effectiveness of public-private competitions.

Question. What steps should the Army undertake to measure the actual savings achieved after such competitions?

Answer. I believe independent cost evaluations are important both prior and subsequent to the competition. The Army should measure savings and also cost estimates for future competitions.

Question. What are your views on the practice of including "funding wedges" in the budget that anticipate savings from public-private competition or other efficiencies prior to those savings actually being achieved?

Answer. Funding wedges can be harmful if decisions are delayed, not implemented, or the predicted savings do not materialize. That is why it is important to establish sound policy controls and accurate cost estimates to predict outcomes.

WORKING CAPITAL FUNDS

Question. Are there any changes you would recommend in the policies governing working capital funds in the Department of the Army?

Answer. I am not currently familiar enough with the Army Working Capital Fund to recommend any policy changes. Based on my understanding of revolving or working capital funds, the Army Working Capital Fund would be an integral part of the Army financial management systems, and important in providing accurate, timely, and reliable financial information.

Question. Do you believe the scope of activities funded through working capital funds should be increased or decreased?

Answer. If confirmed, I will review the scope of activities and propose any changes to the scope of activities if warranted.

OVERSIGHT OF SPECIAL ACCESS PROGRAMS

Question. If confirmed as the Assistant Secretary of the Army for Financial Management, will you be responsible for the financial management of special access programs in the Army?

Answer. If confirmed, I understand I will have responsibility for the financial management of all special access programs in the Army.

Question. Are you satisfied with the oversight standards for the financial management of special access programs? Are these standards as stringent as those for other programs?

Answer. I understand the oversight standards for the financial management of special access programs are as stringent as those for other programs, but I am not

yet fully aware of these standards and how they are enforced. If confirmed, I will ensure such standards are carefully and fully applied to these important programs.

Question. Does the Office of the Assistant Secretary of the Army for Financial Management have sufficient cleared personnel and authority to review special access programs?

Answer. I have seen that the Office of the Assistant Secretary of the Army (Financial Management and Comptroller) has an office dedicated to the financial management of Army special access programs. However, I am not currently aware of the numbers or sufficiency of the cleared personnel. If confirmed, I will ensure that there are a sufficient number of trained personnel with appropriate clearances to guarantee appropriate financial oversight.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of the Army for Financial Management?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[The nomination reference of Sandra L. Pack follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 10, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army, vice Helen Thomas McCoy.

[The biographical sketch of Sandra L. Pack, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF SANDRA L. PACK

Sandra Pack, nominated by the President to be Assistant Secretary of the Army for Financial Management, is a certified public accountant. Since 1996, she has been a financial consultant to a number of political committees. In March 1999, Ms. Pack became Director of Treasury for the President's campaign and devised and managed the budgeting, accounting, and financial planning systems for the primary and general campaigns, including ensuring that the campaigns complied with federal election laws. Since the election, Ms. Pack has managed the campaign's post-election FEC audit. Ms. Pack also served as Director of Treasury for Senator Phil Gramm's presidential campaign from 1995 to 1997, and Deputy Director of Treasury for Senator Bob Dole's presidential campaign in 1996.

In the private sector, Ms. Pack was Director for Planning and Operations for the MicroProse Division of Spectrum Holobyte, Inc., in Hunt Valley, Maryland, from 1994 to 1995, where she restructured functions affecting finance, planning, accounting, operations, information systems, and facilities maintenance. She was employed for 12 years by Ernst & Young, where she provided innovative and value-added consulting and accounting services to owner-managed businesses in a broad range of industries. While employed at Ernst & Young, she served as Director for Microcomputer Consulting and Accounting Services in Atlanta, Georgia, from 1982 to

1987, and Director for Small Business Consulting and Accounting Services in Baltimore, Maryland, from 1987 to 1994.

Ms. Pack was awarded the degree of Bachelor of Arts in Business from the Notre Dame College of Maryland in Baltimore, where she graduated *Summa Cum Laude,* and received the Nancy Schloss Award for being the outstanding business student in her class. The Atlanta Chamber of Commerce has also recognized Ms. Pack by naming her to its Women of Achievement.

Ms. Pack's husband, Randall, received a naval commission in 1961, served on a destroyer in the Cuban Missile Blockade, and as head of the Engineering Department on two nuclear submarines. He has advanced degrees in Nuclear Engineering and Computer Science, and recently retired as Chief Engineer, Information Technologies, from RWD Technologies, Inc. of Columbia, Maryland.

Ms. Pack's daughter, Amelia Humphries, 34, resides in Atlanta, GA, and is employed by J. Walter Thompson, an advertising and communications company.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Sandra L. Pack in connection with her nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Sandra L. Pack.

2. **Position to which nominated:**
Assistant Secretary of the Army for Financial Management and Comptroller.

3. **Date of nomination:**
October 10, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
September 22, 1948; Denver, CO.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Randall Pack.

7. **Names and ages of children:**
Amelia Anne Humphries; 34.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

Notre Dame College of Maryland—BA Business, August 1990.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

Please refer to enclosed resume.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Major clients of Sandra L. Pack, CPA, LLC over the past 5 years: Bush for President, Inc.—Chairman: Donald Evans (1999); Dole for President, Inc. (1996–1997); Gramm for President, Inc. (1996–1997); American Dream Political Action Committee—Chairman: Henry Bonilla (1997–present); Cardinal Health, Inc. Political Action Committee (1998–1999); Republican Leadership Council, Inc.—Chairman: Lewis M. Eisenberg (1997–present); Foundation for Responsible Government, Inc.—Chairman: Lewis M. Eisenberg (1997–present); Kasich 2000—Kasich Presidential Exploratory Committee (1999); Pioneer PAC—Kasich Leadership PAC (1998–1999).

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

The Maryland State Board of Accountancy since 1991; the American Institute of Certified Public Accountants since 1991; the Summit County Historical Society since 1997; Bill's Ranch Neighborhood Association, Frisco, CO, since 1997; Frisco Historical Society since 1997.

Volunteer work: Defenders of Miner's Creek, Frisco, CO—501(c)(3) organization—since 1997.

13. **Political affiliations and activities:** Republican.

14. List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

15. List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Bush-Cheney 2000, Inc.—Director of Treasury; Bush for President, Inc.—Director of Treasury; Kasich 2000, Inc—Consultant; Dole for President, Inc.—Deputy Director of Treasury; Gramm for President, Inc.—Director of Treasury.

16. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

Bush for President, Inc.—$1,000; Friends of Phil Gramm—$1,000; National Republican Senatorial Committee—$110.

17. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Graduated Summa cum Laude and received the Nancy Schloss Award for Outstanding Business Student Notre Dame College.

18. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

19. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

20. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth

in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

SANDRA L. PARK.

This 12th day of October, 2001.

[The nomination of Sandra L. Pack was reported to the Senate by Chairman Levin on November 8, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 8, 2001.]

NOMINATIONS OF R.L. BROWNLEE TO BE UNDER SECRETARY OF THE ARMY; DR. DALE KLEIN TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS; AND PETER B. TEETS TO BE UNDER SECRETARY OF THE AIR FORCE

THURSDAY, NOVEMBER 8, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SR–222, Russell Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Akaka, Bill Nelson, Bingaman, Warner, Thurmond, Inhofe, Allard, Sessions, and Bunning.

Committee staff member present: David S. Lyles, staff director.

Majority staff members present: Daniel J. Cox, Jr., professional staff member; Madelyn R. Creedon, counsel; Richard D. DeBobes, counsel; Evelyn N. Farkas, professional staff member; Creighton Greene, professional staff member; and Peter K. Levine, general counsel.

Minority staff members present: Charles W. Alsup, professional staff member; Judith A. Ansley, deputy staff director for the minority; L. David Cherington, minority counsel; Edward H. Edens IV, professional staff member; William C. Greenwalt, professional staff member; Gary M. Hall, professional staff member; Mary Alice A. Hayward, professional staff member; George W. Lauffer, professional staff member; Patricia L. Lewis, professional staff member; Thomas L. MacKenzie, professional staff member; Ann M. Mittermeyer, minority counsel; Suzanne K.L. Ross, research assistant; Joseph T. Sixeas, professional staff member; Cord A. Sterling, professional staff member; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Dara R. Alpert, Gabriella Eisen, and Daniel K. Goldsmith.

Committee members' assistants present: Menda S. Fife, assistant to Senator Kennedy; William Bonvillian, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Davelyn Noelani Kalipi, assistant to Senator Akaka; William K. Sutey, assistant to Senator Bill Nelson; Neal Orringer, assistant to Senator

Carnahan; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; James P. Dohoney, Jr., assistant to Senator Hutchinson; and Derek Maurer, assistant to Senator Bunning.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody. The committee meets today to consider the nominations of three individuals for senior positions in the Department of Defense: our own Les Brownlee to be Under Secretary of the Army; Dr. Dale Klein to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and Peter Teets to be Under Secretary of the Air Force. On behalf of the entire committee, I want to welcome each of you and your families. We have a tradition of asking nominees to introduce family members who are present, and we will ask each of them, as they open with their opening statement, to do that for all of us.

We want to thank the family members who are here today for the sacrifices that they will be asked to make. These nominees simply cannot serve in their positions without the support of family and friends, so we want to thank families for their service to this Nation as well.

This is a special day for this committee. One of our own staff members has been nominated to a senior position in the executive branch. Les Brownlee has been nominated by the President to serve as Under Secretary of the Army, and it is no surprise to any member of this committee. He has served with distinction on Senator Warner's staff, on the staff of the committee for the past 18 years. He has been Staff Director under two chairmen for 4 years, including Senator Thurmond, who is now joining us and who was distinguished chairman of this committee, and then Senator Warner.

Prior to joining the committee staff, Les Brownlee had a distinguished career in the Army. He served two terms in Vietnam. He won the Silver Star with Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, and the Purple Heart.

From the first day that Les served on this committee's staff until this moment, Les has always been guided by what he thought was in the best interests of the Nation's security, the best interest of the men and women of the Armed Forces, and in the best interests of this committee. Every member of this committee has benefitted from Les' judgment and advice over the years. We are all proud of what he has done for this committee and what he will do in his new position for the Army that he loves so much.

You may have noted that I am presuming the outcome of this nomination process. Les is not allowed to do that, and I know he follows the rules and will not so presume, but I think it is safe to say that each member of this committee is very proud of what you have done, of the fact that you have now been given this nomination. We are delighted that the President has seen fit to nominate you.

Dr. Klein, the second of our nominees, is the vice chancellor for special engineering programs and professor of mechanical engineer-

ing at the University of Texas. He has served at the University of Texas for 25 years. He is chairman and executive director of the Amarillo National Research Center, and has served on several Department of Energy committees, including the Nuclear Energy Research Advisory Committee. If confirmed as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, Dr. Klein would be the principal advisor to the Secretary of Defense for all matters concerning the formulation of policy and plans for nuclear, chemical, and biological weapons.

I am going to take the liberty of the chair, however, to interrupt this procedure, because I want Senator Warner to have a very special moment here in introducing Les, and then perhaps to rejoin me while I comment on the other two nominees. I also know that Senator Thurmond is only able to stay with us for just a moment.

Senator WARNER. May I suggest Senator Thurmond follow you?

Chairman LEVIN. I would call first on Senator Thurmond to make comments, then I would like to call on Senator Warner to make his special introduction. Then perhaps Senator Warner can come and rejoin me as we make the other introductions.

Senator Thurmond.

STATEMENT OF SENATOR STROM THURMOND

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Chairman, today is a special day for the Armed Services Committee. We are considering the nomination of Les Brownlee, the committee's Republican Staff Director, to be the Under Secretary of the Army.

In his more than 14 years on the Armed Services Committee staff he has become an institution. I am especially pleased with his nomination, since Les served as the Staff Director during my tenure as the chairman of the Armed Services Committee. I know that he is a professional in every aspect, and that he will have a lasting impact on the Army, as he has had on this committee. The committee will miss his expertise, and I understand the committee staff will miss the candy dish he kept in his office.

Les, the committee's loss will be our soldiers' gain. We wish you success, and hope you will never forget your roots here on the Armed Services Committee.

Dr. Klein and Mr. Teets, the fact that I spoke at length on Mr. Brownlee's nomination does not in any way diminish the importance of your nominations to the important positions for which you are being considered. In my judgment, President Bush has selected two highly qualified and professional individuals to fill the positions as assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, and Under Secretary of the Air Force. I support your nominations, and wish you success as you become members of the Department of Defense's team that does such a superb job in providing for the security of our Nation.

Mr. Chairman, I would also like to extend my congratulations to the nominees' family members who are here today. They deserve credit for the success of their loved ones and will have an important supporting role as each nominee takes on the challenges of their new positions.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Thurmond. I know how significant your words and your presence are to each of our nominees, and particularly to Les Brownlee.

Now I am going to call upon Senator Warner for his special introduction.

Senator Warner.

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman and members of the committee. I very much appreciate this opportunity. I must tell you that today is a very moving day for me. Mr. Chairman, you and I have been privileged to serve on this committee for 23 years. There are days we shall never forget, and this is one for me.

Thirty two years ago I sat right where I am sitting now before this committee to take on a job which by title is the same that you will take. However, I came up through a political system. Colonel Brownlee came up purely on the basis of merit and achievement, his record of service in uniform far more distinguished than mine, his record of knowledge about the Department of the Army more distinguished. Little did I know that I would stay 5 years, 4 months in those positions, and I hope you can do the same, if you can live that long. [Laughter.]

It is a tough job, but I look back on it, Mr. Chairman, with all due respect to the United States Senate, as perhaps the most exciting and challenging chapter of my life. A war was raging in Vietnam, where you, Colonel Brownlee, were a young soldier. I was a civilian at that time. We had a mission to fulfill, and history will record how well each of us did. A war is now raging, perhaps not of proportions to that in Vietnam, but no less serious as it regards the credibility of the United States of America and the cause of freedom. I know of no more qualified individual that our President could find to take on this job than Les Brownlee.

Those of us who are privileged to serve here in the Senate have the opportunity to recommend to Presidents individuals to take these positions. I was privileged to recommend Les, and I think several other members of this committee joined—I know you did, Mr. Chairman—in making that recommendation. I think each one of us in our hearts knows that this man is more than eminently qualified, and that he will leave this room to be confirmed by the Senate and take on these awesome responsibilities.

I reflect on other staff members on both sides of the aisle now in this room and those who have gone before, who likewise have served this committee and served it admirably, and have gone on to presidential appointments and fulfill those positions with great distinction. It is a credit to the system that we have here in the Senate that we are fortunate to get the services of eminently qualified people to serve on our staffs, people who could earn more, have a better lifestyle beyond the halls of the Senate, but who, like ourselves, share the heavy responsibilities and other burdens of the Senate to do a job in public service.

That is Les Brownlee. He and I have had a very close, personal relationship. We have traveled the world together on behalf of this committee. There are times when we have vigorously disagreed on subjects, at which time we would go into my office. We have a little

ritual, he takes off his colonel's insignia and I take off the U.S. Senate insignia, and we have at it. Oftentimes Judy Ansley, who will succeed him, has to arbitrate. Nevertheless, we have had a marvelous relationship in which he has given me the unvarnished truth and advice, and that he will give the Secretary of the Army, the Secretary of Defense, and indeed, the President.

So we wish him well, and guess what, Colonel Brownlee, you are on your own.

I should say a word about his family, who is here, but I will leave that to Les.

Chairman LEVIN. Thank you, Senator Warner, for that extraordinarily moving introduction. I know how meaningful those words are to Les Brownlee, as they are to each one of us—a very emotional moment, I know for you, Les. In recommending you, Senator Warner is making a major contribution again to this Nation, because we will lose you. His words again have rung true for all of us.

There is only one condition. I usually do not condition my support for nominees, because I do not like to link things that are unrelated. There is one condition, however, that my support really depends on, and that is that you leave that candy jar here. [Laughter.]

I will introduce the third nominee, then I am going to call on Senator Hutchison for her introduction. This is a little disjointed, Senator Hutchison. You will forgive us for this.

Peter Teets served as president and chief operating officer of Lockheed Martin Corporation from 1997 to 1999. He previously served as president and chief operating officer of the Lockheed Martin's Information and Services Sector, and prior to their merger, as president of Martin Marietta Space Group, where he had served for more than two decades. If confirmed as the Under Secretary of the Air Force Mr. Teets would, in effect, be the chief operating officer for the Air Force.

Let me see if Senator Warner has any further opening statement and then I will ask that Senator Kennedy's statement be inserted for the record after his remarks.

Senator WARNER. I will put my statement in the record along with the statements of Senator Smith and Senator Santorum. We have a number of things to get done here in a relatively short period of time.

[The prepared statements of Senators Kennedy, Warner, Smith, and Santorum follow:]

PREPARED STATEMENT BY SENATOR EDWARD M. KENNEDY

Thank you, Mr. Chairman. It is a privilege to join in welcoming Les Brownlee, Dale Klein, and Peter Teets to the committee as we consider their nominations to key positions within the Department of Defense.

I commend each of the nominees before us today, but I want to add a special word about Les Brownlee, the nominee for Under Secretary of the Army. The committee knows him very well, and he has been invaluable to all of us during his long service on the committee staff and as Committee Staff Director. His dedication to our men and women in uniform is well-known to members of the committee. In fact, it was Les who worked so effectively to establish the Soldier/Marine Enhancement Program, which helped to equip our servicemen and women with the most modern and versatile clothing available. We know he'll do an equally outstanding job as Under Secretary of the Army.

All of these nominees will have important duties and responsibilities in the Department of Defense. They will be in charge of many policies affecting the men and women of the Armed Forces, and play key parts in strengthening our national defense to meet current and future threats at home and abroad.

In addition to the ongoing war on terrorism, there are many other important issues facing today's service men and women, including pay, benefits, housing and retention. Especially at this difficult time, we need to do all we can to see that these needs are fully and fairly met. Our personnel continue to be our number one defense resource. I'm sure that these nominees will work effectively to meet their needs, and to carry out their operational responsibilities as part of the Nation's defense.

Again, I welcome our nominees, and I look forward to their testimony.

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in extending a warm welcome to our distinguished nominees and their families. I thank you all for your willingness to serve at this challenging and demanding time in our Nation's history.

Mr. Chairman, this is a very special occasion for me as I am privileged to finally "introduce" my adviser and friend of many years, Les Brownlee, to this committee.

Les Brownlee can only be described as a tower of strength, dedication, and expertise within the Committee on Armed Services. After a highly distinguished career in the Army from 1962 to 1984, including two combat tours in Vietnam, Les joined my staff on December 30, 1983, as my National Security Advisor. He moved to the staff of the committee in January 1987, and, since that time has rendered extraordinary service to the committee, to the Senators who have had the privilege to serve on the committee, and to the United States Senate.

It is indeed a privilege for this committee to have such a valued member of our staff recognized with this high honor. I have worked with this fine man for 18 years now. His dedication to country is surpassed by none. We will miss his wise counsel, but wish him all the best as he returns to the Army—his first home.

Mr. Teets is a highly accomplished former president and chief operating officer of Lockheed Martin Corporation. He began his career in 1963 with Martin Marietta as an engineer in flight control analysis. In 1985, he was named President of Martin Marietta Denver Aerospace, which became Martin Marietta Astronautics Group in 1987. He was appointed president and chief operating officer of Lockheed Martin in July 1997. Thank you for your willingness to serve in this new capacity.

Dr. Klein has had a distinguished career in academia and government. Since 1977, he has been a professor of Mechanical Engineering for Nuclear Programs at the University of Texas at Austin. He has served in a variety of leadership capacities at the University, including Vice Chancellor for Special Engineering Programs and Associate Dean for Research and Administration in the College of Engineering. Dr. Klein has also been an active member of several Department of Energy national committees including the Nuclear Energy Research Advisory Committee and has received numerous honors for his scholarly and public service pursuits.

I welcome all of you.

PREPARED STATEMENT BY SENATOR BOB SMITH

Mr. Chairman, I am happy to take part in the confirmation hearing of these three fine nominees. I am especially pleased that one of our own is among the nominees.

I have had the pleasure of working with Les since my arrival in the Senate—the better part of 11 years. I have seen Les progress from a SASC professional staff member to Staff Director for Senator Warner. I am glad to see years of hard work and dedication rewarded in this way.

As a former Army officer and Vietnam veteran, Les brings a world of experience to the Office of the Secretary of the Army. Such experience and leadership is crucial to our Armed Forces and our country in the war against terrorism. Mr. Chairman, let me say that I have no doubt that Les will be an asset to the Army, and I will not need to ask him any questions as I have the utmost confidence in his capabilities, his loyalty, and his integrity.

I also wanted to comment on the Space Commission, which Mr. Teets and I have had the chance to discuss during his courtesy call in my office. I started the Space Commission because I believe space is critical to our future national security. We need to transform our military by leveraging the capabilities that space offers. The events of September 11 reinforce my perceptions.

Global coverage from satellites will help us track down the terrorists. I wish we could augment that coverage by reactivating an unparalleled and magnificent platform, the SR71 "Blackbird"—we have UAV's falling out of the sky in Afghanistan and an obvious problem with reconnaissance asset shortages.

An aerospace plane (if we had one) could have deployed sensors in the theater in hours not weeks, pinning down the terrorists and their Taliban hosts.

I firmly believe the country that controls space will prevail in times of war. DOD must have management and organization committed to space. I supported the findings of the Space Commission, and I was optimistic the findings would be implemented quickly given (1) the support of the administration and (2) the Commission Chairman Mr. Rumsfeld being confirmed as Secretary of Defense.

I am disappointed the changes are taking so long and that the recommendations are not being fully implemented. Most of all, I am disappointed that despite all the talk about military transformation, the Air Force is not a good steward of space, rather it continues to favor old legacy aircraft programs.

The Air Force is not delivering our current capabilities, they are not looking ahead to new opportunities, and they are not being visionary.

(1) Our warfighters are demanding advanced protected satellite communications sooner, but the Air Force is slipping the schedule.

(2) We have an opportunity to deploy a space-based radar that looks deep inside our enemies borders to track their movements, but the Air Force is foregoing that capability in favor of a limited airborne solution.

(3) We have invested millions in reusable launch X-vehicles, but the Air Force decided to drop the programs even though it didn't have a better way to develop the capability.

Mr. Teets, I see a lot of problems in the Air Force regarding space management and stewardship of space—I see you as part of the solution!

If confirmed, I will support your efforts to deliver the first-rate national security space capabilities this Nation needs.

I hope the Secretary of Defense quickly delegates you the broad space-leadership authorities you need to do the job.

PREPARED STATEMENT BY SENATOR RICK SANTORUM

Chairman Levin and Senator Warner, thank you for scheduling this hearing. President Bush and Secretary of Defense Rumsfeld have indicated that our Nation's military needs to transform to meet 21st century threats. This means the President and the Secretary will need top-quality individuals in the Pentagon to realize this goal. I think that today's nominees are well qualified to assist in this important transformation process and to make an immediate contribution to our National defense.

Mr. Chairman and Senator Warner, let me first single out Les Brownlee, the President's nominee to be the next Under Secretary of the Army, for the fine work he has performed for this committee and for his tireless efforts to support our soldiers, sailors, airmen, and marines. Les has been a consummate professional in the performance of his responsibilities for this committee. Les has shepherded the difficult annual defense authorization process for many years and has never forgotten the true beneficiaries of the committee's work—our great Nation and the men and women who defend our freedoms. The work of this committee has traditionally been a bipartisan effort. It is staff like Les Brownlee who hold the committee to this tradition.

Many of the challenges facing today's nominees cannot be solved overnight or, I suspect, in the near future. Many of the problems facing the military will require hard choices, choices that have either been deferred or poorly handled. As Les knows from his service on this committee, I have serious reservations about how the Department of the Army is budgeting to support this transformation effort. For example, the latest reports on the Army's 2003–2007 program objective memorandum (POM) indicate significant funding shortfalls. It has been reported that the Army will terminate 19 programs—and restructure another 12—due to this funding shortfall.

Reports are that the Department of the Army—despite receiving nearly $60 billion more in funding through 2007 than previously expected—will have approximately $115 billion more in unpaid bills through the POM. These unpaid bills will impact the service's attempt to modernize its Legacy Force, meet near-term requirements, and aggressively support the science and technology investment needed to field an Objective Force. As Les knows, I have serious reservations about the Army's expensive Interim Force acquisition strategy and how this force will relate to the

Objective Force. That being said, I am glad to see that the President has nominated Les for this important position as the Department of the Army will need to make critical decisions in the near future. I am hopeful that Les Brownlee will play a strong role in the efforts to grapple with these problems.

With respect to Mr. Teets, I am glad that the President has nominated a candidate who brings a wealth of experience from the private sector to this important position. I am also concerned with the costs of our tactical aviation programs and the overall affordability of simultaneously purchasing the Navy's F/A–18E/F, the Air Force's F–22, and the multi-service F–35 Joint Strike Fighter. These expensive, short-range aircraft don't address one of the biggest problems facing our military, the denial of access to a theater of conflict or war. I hope that Mr. Teets will keep an open mind to exploring the capabilities that unmanned platforms may offer our combatant commanders. I also hope that Mr. Teets will look long and hard at the issue of Low-Density/High-Demand assets. Too many times we have heard that our forces today lack the proper levels of platforms or assets to effectively prosecute a military campaign. As is true with the Army, it is unlikely that these problems or issues facing the Air Force can be solved immediately. However, your ability to focus on these issues will be immensely important.

Dr. Klein, as the Executive Director of the Amarillo National Research Center, brings a knowledge of policy issues that will greatly help him address many of the emerging threats that are facing the United States. Dr. Klein's expertise in nuclear activities—particularly radioactive waste disposal, thermal analysis of nuclear shipping containers, and nuclear weapon dismantlement—will be a tremendous benefit to the Bush administration. In addition, his knowledge of ongoing United States-Russian efforts to safeguard and secure weapons-grade nuclear material will be a tremendous asset to the position for which he has been nominated.

Again, thank you for scheduling this hearing and I look forward to supporting these nominees.

Chairman LEVIN. Senator Hutchison, please proceed.

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman. I want to say that this is, I know, a moving time for the Armed Services Committee, and as a former member of this committee who served personally with Les, I can understand what a great loss it is. I sympathize with all of the people who have mixed emotions about whether he can do more here or more there, but he has made a decision, and we are going to stick with it.

I want to talk a moment about Les, because he is a native Texan. I want to add to what has been said about his later career by Senator Warner and Senator Levin. He is an Odessa boy. His father was actually a legend in West Texas, because he was known as the one person who could handle the most dangerous explosives in the oilfields. If you had a real problem you called Les' father. So Les decided to take the safer job in the infantry in Vietnam. [Laughter.]

Of course his record in Vietnam is known to all, and what a hero he really was, a highly decorated veteran.

I want to say that this is a man who has given his life to public service. We have a Texas saying for his nomination, and that is, it's a done deal. I cannot imagine anyone not supporting him. It will be a great comfort to all of us to know that he is over in the Pentagon, working in the Department of the Army as the number two there, under the Secretary, bringing his expertise in the field at a very important time in our country, and so I certainly support Les.

I also am here to introduce Dr. Klein. Dr. Dale Klein has been a friend of mine for a long time. He is one of the great intellectuals

and original thinkers in our country, and on nuclear issues especially. His nomination to be Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs is most appropriate, as we are facing the issues of this war on terrorism.

As reports of Al Qaeda's attempts to obtain weapons of mass destruction proliferate, the need to fill this key position grows exponentially with each passing day. Dr. Klein's wealth of knowledge and experience more than qualify him for this position.

The University of Texas has had a long association with the United States Army, doing some major innovative research for the U.S. Army. Dale Klein has been very much a part of that. Not only is he a renowned expert in nuclear issues, he has been elevated at UT as vice chancellor for special engineering programs in the UT system, as well as serving as a professor in the Department of Mechanical Engineering's nuclear program since 1977. He has all of the background to be the advisor to tell us how we can deal with the potential of nuclear, biological, or chemical warfare by these terrorist networks, which we are now exploring.

He is a distinguished fellow of the American Society of Mechanical Engineers and the American Nuclear Society, so I cannot think of a better person who could bring expertise and creative thinking than Dr. Dale Klein. I worked with him very closely in his position with the Amarillo National Research Center, which does the research on plutonium and nuclear weapons dismantlement, so I know that he has the range of experience needed to stop proliferation. He can advise us on what we can do to strengthen our own nuclear arsenal and make sure that what we keep is viable and efficient, so that if we ever got in a worst case scenario, that we would have that weapon ready to go.

So it is with great pleasure that I support the nomination of my friend. I know from personal experience that he will do a great job, and I thank him for taking this job and adding another phase in his public service.

Thank you, Mr. Chairman.

Senator WARNER. Senator, we thank you. That was an excellent statement and, having interviewed Dr. Klein in some depth, I certainly wish to associate myself with your remarks.

Senator HUTCHISON. The President has certainly upgraded the expertise with Les Brownlee and Dr. Dale Klein, who are the two I know, and I am very pleased that you are holding this hearing so that we can expedite their nomination. Thank you, Mr. Chairman.

Chairman LEVIN. Senator Hutchison, thank you so much for coming by. I know how much it means to our nominees to hear those words. Thank you.

Senator WARNER. Mr. Chairman, could I say a word on behalf of Mr. Teets? I had an opportunity to visit with him, and I would like to say a few words. He came up through what I regard as the old aristocracy that there was at one time in the aerospace defense business. He served under some of the toughest taskmasters, Tom Pownell, with whom I was associated for 40 years, and Norm Augustine. If you can survive their tests and be seated here today before us, you have some real mettle, mister, and your qualifications earn you the position of Under Secretary.

As I commented a few minutes ago, after Senate confirmation of your nomination, I think you will find this position one of the most challenging chapters of your career.

Senator ALLARD. Mr. Chairman, may I add just a few comments to the Ranking Republican, Senator Warner?

Chairman LEVIN. Senator Allard.

STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Mr. Teets is a graduate of the University of Colorado and a Colorado native. As Senator Warner mentioned, he does bring to his responsibilities a great deal of experience on the private side and in the industrial sector he is intimately familiar with those systems. With his responsibilities towards the NRO I think we could not have come up with a better nominee, and so I just wanted to throw my two bits in and talk a little bit about Mr. Teets and the expertise he is bringing to this position. Mr. Chairman, I offer my prepared statement for the record.

[The prepared statement of Senator Allard follows:]

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Thank you Mr. Chairman,

I want to thank each of you for coming here today and for your willingness to accept a tremendous amount of responsibility at one of the most important and challenging periods in our country's history. I am confident that all of you are up to the task and will serve this Nation well. I want to thank you in advance for the work you are about to embark on, as I am sure that you will all be successful.

Dr. Klein, Nuclear, Chemical, and Biological Defense Programs have been of great interest to me and this committee for some time. So much so, Senator Warner and Senator Levin formed the Emerging Threats and Capabilities Subcommittee to address issues related to these programs. The recent events have proven that to be a wise decision. You are taking on this responsibility at a time of renewed interest in the American public. While this may provide you some challenges, it will provide you some opportunities as well.

Also, I am very interested in the Chemical Demilitarization Program, specifically at the Pueblo Depot. I am very concerned about the pace and safety of the destruction and cleanup of the chemical weapons stored at the site. DOD has yet to select a technology to destroy the weapons and I would encourage you to use your new position to move the process forward in selecting the safest and most effective technology. I wish you luck in your efforts.

Mr. Teets, it will certainly be beneficial to the Pentagon to have another Colorado native and Colorado University graduate serving. Your knowledge and background in running a successful business will serve you and this Nation well. Additionally, your expertise in the capabilities of the space industry will become more and more important in the years ahead. I am very pleased to have someone with your credentials as the Under Secretary of the Air Force. Good luck.

Mr. Brownlee, it has been a great pleasure working with you on this committee. The work that you have done here has been absolutely outstanding. You are a proven performer, not only on this committee, but for many years as a soldier and as an Army leader. I have no doubt that, once again, you will serve the Army and this Nation proud and with great distinction in your new role. Your leadership and steady hand will be missed by every member on this committee and I wish you great success and I look forward to working with you.

Chairman LEVIN. Senator Allard, thank you very much. The record will be kept open for any other opening statements that anyone might want to place in the record.

Senator Nelson.

STATEMENT OF SENATOR BILL NELSON

Senator NELSON. Mr. Chairman, I want to say that as a new member of this committee I have been so impressed with the pro-

fessionalism of this committee. Clearly that reflects the leadership which is the two of you, but it also reflects the leadership of the staff directors, so it is a pleasure for me to be here to help this process along.

I also want to say that I second, Senator Warner, your comments about Mr. Teets. In my former life I was involved with those two individuals you talked about, Tom Pownell and Norm Augustine, and they were good, hard-driving taskmasters, and anyone that can survive that has done a good job.

Chairman LEVIN. Senator Sessions.

STATEMENT OF SENATOR JEFF SESSIONS

Senator SESSIONS. Mr. Chairman, I would like to express my appreciation for these three nominees and their willingness to serve our country. They have great backgrounds and integrity, and I think will do an outstanding job for our country.

I think particularly I have to note, Colonel Brownlee, how much I have enjoyed working with you on this committee. It has been a pleasure. As a new member, your wisdom and insight were very helpful to me. I know you have a comprehensive understanding of America's defense structure both as a combat-decorated veteran, as a person who served in defense before and now, with so many years on this committee. I cannot think of a person who could bring more to the job than you.

The main thing that you have brought to this committee is a sense of integrity and confidence among all the staff and all the Senators. It has been a unifying and beneficial atmosphere that you helped create, and I appreciate that. I think all of us do, and I am honored, pleased, and thrilled that the President has given you this great honor, and I know you will do a great job.

Mr. Chairman, I would offer a statement and some questions for the record.

[The statement of Senator Sessions follows:]

PREPARED STATEMENT BY SENATOR JEFF SESSIONS

Mr. Chairman I want to thank you for calling this hearing to consider these nominations for the positions of Under Secretaries of the Army and Air Force, and Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs. Senator Warner, this must be a bitter-sweet moment for you. You may be losing an outstanding staff director, but the Army will gain an outstanding Under Secretary.

These are indeed important positions. Mr. Teets, I look forward to hearing from you your vision for the Air Force and the aircraft it needs, especially in light of our combat operations over Afghanistan where forward basing rights seem to be at a premium.

Mr. Klein, the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs has taken on an importance that few could have imagined prior to the cowardly use of anthrax as a weapon of terror. We have seen these terrorists would not hesitate from using these weapons of mass destruction. I look forward to hearing from you what the course ahead is to protect our service members and our Nation as a whole from these despicable acts.

Finally, Colonel Brownlee, as it has already been said by others, the President could not have picked a finer person to be the next Under Secretary of the Army. From your heroism on the fields of combat in Vietnam, through your outstanding experience as Military Executive to the former Under Secretary of the Army, James Ambrose, and your superb leadership of the Armed Services Committee staff, to your education in Alabama with a Masters Degree of Business Administration from the Auburn University you have the record to prove you will superbly fill the role of Under Secretary of the Army.

I also want to take this moment to thank you for 3 years of superb support you and your staff has provided to me since I have become a member of the Armed Services Committee. While we may not have always agreed, I always appreciated your well thought-out advice. I know Secretary White, the Army and the United States will also benefit from your advice and superb work.

Mr. Chairman, thank you.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Akaka.

STATEMENT OF SENATOR DANIEL K. AKAKA

Senator AKAKA. Mr. Chairman, thank you for this opportunity to add my welcome to the nominees this morning, and in particular Mr. Les Brownlee along with other members of this committee. I really enjoyed working with him as staff director here for this committee over the years, and I look forward to continuing to work with you, Les, upon your confirmation as Under Secretary of the Army. I want to also welcome Dr. Klein and Mr. Teets this morning. I have reviewed your questions and biographies, and I want to associate my remarks with my colleagues here this morning. You are all well-qualified to serve in the important positions which you have been nominated for, and I want to wish all of you well.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Akaka.

Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Mr. Chairman, since everyone has spoken I did not want my silence to be misinterpreted as a lack of support. [Laughter.]

Let me say, Mr. Teets, I also went to the University of Colorado 10 years before you did, and we could probably share a few stories about that. I think it is sometimes not emphasized how significant it is to get people in positions like you are going to be in and have this tremendous background in the private sector. You would bring a different perspective, and I am sure that will serve very well. Dr. Klein, I enjoyed our visit very much, and I am looking forward to working with you.

Les, I am not articulate enough to say anything different than has already been said about you, so let me just echo every wonderful thing that has been said on your behalf.

Thank you, Mr. Chairman.

Chairman LEVIN. Senator Bunning.

STATEMENT OF SENATOR JIM BUNNING

Senator BUNNING. Since everyone is getting to say something in their opening statement, as the junior member of the committee I am going to use just about a minute or 2.

Senator WARNER. You take all the time you want, Senator.

Senator BUNNING. Thank you very much. I want to welcome you and your families to this hearing, because I know how important this day is to each and every one of you. Les, I would like to also thank you for your long and meritorious service to this committee and the country. Things will be a little harder here because of your leaving, but maybe you can take them across the river and make them easier.

You all have great challenges ahead of you in normal times. These positions are nominations that entail significant responsibility. During war they hold even more significance. I have confidence you will all carry these burdens out as no one else can do. We are counting on you to do that, because, Dr. Klein, I know that we have some problems in Kentucky in relationship to the job that you are assuming.

I wish each and every one of you Godspeed. You are going to need it.

Thank you.

Chairman LEVIN. There seems to be a strong consensus to want to see you leave, Les. [Laughter.]

We will now ask each of the nominees a series of questions. You have already responded to our prehearing policy questions, our standard questionnaire. These responses will be made a part of the record. The paperwork on each of the nominees has also been received. That paperwork will be reviewed to make sure it is in accordance with the committee's requirements.

There are several standard questions we ask every nominee who comes before this committee. Before I ask you those questions, I will simply note that in your response to the advance policy questions you agreed to appear as a witness before congressional committees when called, and you have agreed to ensure that briefings, testimony, and other communications are provided to Congress.

Now I will ask you the following questions. Have you adhered to applicable laws and regulations governing conflict of interest? Dr. Klein.

Dr. KLEIN. Yes.

Mr. BROWNLEE. Yes, sir.

Mr. TEETS. Yes, sir.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process? Dr. Klein.

Dr. KLEIN. No, sir.

Mr. BROWNLEE. No, sir.

Mr. TEETS. No, sir.

Chairman LEVIN. Will you ensure the Department complies with deadlines established for requested communications, including prepared testimony and questions for the record in hearings? Dr. Klein.

Dr. KLEIN. Yes, sir.

Mr. BROWNLEE. Yes, sir, I will.

Mr. TEETS. Yes, sir.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests? Dr. Klein.

Dr. KLEIN. Yes, sir.

Mr. BROWNLEE. Yes, sir, I will.

Mr. TEETS. Yes, sir.

Chairman LEVIN. Will those witnesses be protected from reprisal for their testimony?

Dr. KLEIN. Yes, sir.

Mr. BROWNLEE. Yes, sir, they will.

Mr. TEETS. Yes, sir.

Chairman LEVIN. Let me now ask each of you to give us any opening statements you might have, and to also introduce any family members or friends you might have here.

Dr. Klein.

STATEMENT OF DR. DALE KLEIN, NOMINEE TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS

Dr. KLEIN. Thank you, Mr. Chairman. Good morning. My name is Dale Klein. I have no statement for the record, but with your permission I would like to make a few opening remarks.

Mr. Chairman, Senator Warner, members of the committee, it is an honor to appear before you today as President Bush's nominee to the Office of Assistant to the Secretary for Defense for Nuclear and Chemical and Biological Programs. I would like to thank the President and Secretary Rumsfeld for their confidence and support. Further, I would like to thank Senator Hutchison for her kind words of introduction. Last, I would like to thank Mr. Peter Aldrich for his support of my nomination.

I especially thank this committee for their support of the men and women in all of the Armed Services. If confirmed, I will work with this committee to address the many challenges that together we will overcome.

I grew up on a small farm near Tipton, Missouri. I attended the University of Missouri-Columbia, where I studied mechanical engineering. I earned a Ph.D. with a specialization in nuclear engineering. For my professional life I have been associated with the University of Texas at Austin as professor of mechanical engineering in our nuclear and radiation and engineering program. I have worked extensively with the Pantex plant near Amarillo, Texas, where hands-on nuclear assembly and disassembly take place.

As associate dean for research, I have supervised a variety of research units, including those in chemical and biological research areas. I have traveled to Russia a number of times, and have worked with Russian nuclear engineers to secure their nuclear materials. Currently, as Senator Hutchison indicated, I served as vice chancellor of special engineering programs for the University of Texas systems.

If confirmed, I will have a number of key responsibilities. If confirmed, I will work closely with the National Nuclear Security Administration to ensure that our nuclear weapons stockpile is safe, secure, and reliable. I will oversee effective chemical and biological defense programs. I will work to counter the proliferation of weapons of mass destruction, and I will oversee the safe and secure demilitarization of our aging chemical weapons stockpile.

I will not be able to do this alone. My wife, Becky, is one of three commissioners of the Texas Public Utility Commission, and is a Major in the Air Force Reserves. Unfortunately, due to her responsibilities she is not able to be with us today. Along with her support, I am certain I will need the support of many other dedicated public servants and the support of this committee. I pledge to you to do my best efforts to address the many challenges we face in winning the war on terrorism and assuring homeland security.

Thank you very much.

Chairman LEVIN. Thank you, Dr. Klein.

Mr. Brownlee.

STATEMENT OF R.L. BROWNLEE, NOMINEE TO BE UNDER SECRETARY OF THE ARMY

Mr. BROWNLEE. Sir, with your permission I will introduce the members of my family here. My son John, who came up from Roanoke, my daughter, Tracy and her husband, Clay, and their daughter Kyla, who is 2½ going on 10. [Laughter.]

Chairman LEVIN. Is she the one you have a picture of in your office?

Mr. BROWNLEE. Yes, sir. There are actually two of them, John's wife Lee Ann, and his daughter, Thompson, who is 1½, could not be here this morning. Lee Ann is the anchor for the evening news in Roanoke for Channel 10, and they are in a ratings period and so she could not get away. [Laughter.]

Chairman LEVIN. That is why Senator Warner carries Roanoke. [Laughter.]

Mr. BROWNLEE. When we get the 2½ year old together with the 1½ year old, it is sort of like mixing nitric acid with glycerine.

Senator WARNER. Mr. Chairman, Les is too modest, and his son likewise. His son has just been appointed by President Bush as United States Attorney for the Western District of Virginia. He had a distinguished career in the Army himself and earned his position through merit.

Chairman LEVIN. Thank you. Les.

Mr. BROWNLEE. Mr. Chairman, I do not have a written statement. I have a few remarks I would like to make, if I can get through them before this committee.

Mr. Chairman, Senator Warner, Senator Thurmond and other members of the committee and Senator Hutchison, I cannot thank you enough for the kind words you have said about me. I feel very undeserving, but I just cannot thank you enough for what you have said. It is indeed an honor for me to appear before this committee for the purpose of this hearing. I have to say that as I reviewed the qualifications of these two very distinguished gentlemen sitting on each side of me, I was reminded of something John Hamre once said. He said he felt like a mule who had been entered in the Kentucky Derby. [Laughter.]

I am deeply honored, Mr. Chairman, to have been nominated by President Bush for this important position at this crucial period in our history. I would also like to thank Secretary Rumsfeld, Secretary White, and other members of this committee who recommended my nomination to the President. I pledge that if I am confirmed I will do my utmost to be worthy of their and your confidence.

I would like to express my sincere appreciation to Senator Warner for giving me my first opportunity to work in the United States Senate as his military legislative assistant almost 18 years ago, and later for appointment me to this committee's staff, and to Senator Thurmond, who made me staff director for this committee, and to Senator Warner for allowing me to continue in that capacity when he became chairman. I will be eternally grateful for the op-

portunities you have so graciously provided me and mainly for your trust and confidence.

I would also like to take this opportunity to thank all the members of this committee for your understanding, your kindness, your patience, and your trust. It is through the conscientious and diligent manner that you carry on the critically important work of this committee in the bipartisan manner you do that will ensure its continuing relevance and effectiveness.

I want to thank also my colleagues on the staff, both past and present, who serve here on this wonderful committee. Mr. Chairman, I know that you and the members of the committee are well aware of their professionalism, their dedication, and their standards of excellence. Over the years, they have become a second family to me. I want to thank them for their tireless efforts and their loyalty and support of the vital work of this committee. Time does not permit me to thank each of them personally by name. I will do that before I leave, individually.

Mr. Chairman, I would also like to thank the members of my family, my daughter Tracy, who has excelled in everything she has ever done and continues to do so after putting her own professional career on hold to be a full-time mom to Kyla, and to my son John, who all the members of our family were thrilled to watch last Friday as he took the oath of office as the United States Attorney for the Western District of the Commonwealth of Virginia.

Mr. Chairman, if I am confirmed I will be returning to the Army I have loved and in which I proudly served for 22 years. In fact, since my last assignment in the Army was as the military executive officer to the Under Secretary of the Army, Hon. James Ambrose, if confirmed, I would be returning possibly to the same suite of offices I departed almost 18 years ago.

Our Nation is now in peril, Mr. Chairman, and the dangers are not just on the war front, but on the home front as well. Our Armed Forces have never failed this Nation, and under the leadership of President Bush, and with the guidance and support of this committee, they will not fail in this endeavor.

Mr. Chairman, while I am deeply honored and anxious to assume the duties of the position for which I have been nominated, if I am confirmed, leaving the United States Senate and this committee I have loved and revered, and my fellow staff members, will be difficult. I have never failed to appreciate the privilege of walking onto the floor of the United States Senate, nor the importance of being asked for my views and recommendations by members of this committee and this body.

I plan some day to thrill my grandchildren with the stories of my heroes, many of whom are sitting here today. While there were times when, like others, I may have become temporarily frustrated or impatient, I have never grown tired of the important work that is done here. I have a host of memories which I will carry with me for the rest of my life, of being present at meetings with the highest officials in our Government to witness discussions of the most important national security issues of our day, and fact-finding trips to far-flung battlefields, from Panama to the Persian Gulf, Somalia, Haiti, Bosnia, and Kosovo, and of 18 separate committee markups, floor actions, and conferences.

Mr. Chairman, I appreciate very much the committee's consideration of my nomination. If confirmed, I assure you that my first loyalty and consideration in all matters concerning the Army will be first and foremost to the individual soldier.

Thank you, Mr. Chairman. I look forward to your questions.

Chairman LEVIN. Thank you so much, Les. Your statement is truly a beautiful one.

Mr. Teets.

STATEMENT OF PETER B. TEETS, NOMINEE TO BE UNDER SECRETARY OF THE AIR FORCE

Mr. TEETS. Mr. Chairman, good morning, and with your permission I would like to introduce the members of my family that are with us today, my wife Vivian, and our youngest son, Chris.

Mr. Chairman, I have no statement for the record, but with your permission I would like to make a few brief opening remarks.

Chairman LEVIN. Please.

Mr. TEETS. Mr. Chairman, Senator Warner, members of the committee, it is indeed an honor to appear before you this morning as the President's nominee for Under Secretary of the Air Force. I would like to thank President Bush for nominating me for this position. Also, I thank Secretary of the Air Force James Roche for making possible this opportunity to serve, and Secretary of Defense Rumsfeld and Director of Central Intelligence George Tenet for their support.

In addition, Senator Warner, I would like to thank you, Senator Allard, and Senator Inhofe for your kind introductory remarks earlier today.

I have spent over 35 years working in the space and defense world, all of that time in the industrial side. Over the course of that time, I have had the great pleasure of working closely with many talented and dedicated people in the defense and intelligence community. If confirmed, I very much look forward to being able to now do some meaningful and important public service work to support Secretary Roche as his Under Secretary, and also to provide leadership for our vital national security space activities.

Mr. Chairman, if I am confirmed, I will be pleased and honored to work with you and this committee to meet the many challenges that lie in front of us.

Thank you very much.

Chairman LEVIN. Thank you very much.

Senator Warner.

Senator WARNER. Thank you, Mr. Chairman. As I advised the chairman, I am due to open a conference on veterans, on World War I to Vietnam and all U.S. conflicts, so I would simply like to make a statement to each nominee and perhaps solicit a short response.

First to you, Colonel Brownlee, again to personalize my knowledge of the positions which you and Mr. Teets are going to take, when the chairman read off the decorations that you won in Vietnam it conjured up the memories of my visits to those battlefields, fire bases, and aid stations.

When I was in the position of Under Secretary, collectively in the Pentagon we made some misjudgments. I see today in this conflict

we are engaged in thus far, I do not think there have been any misjudgments, but there could come such a time. I just hope that knowing you as I do, that you have the courage to come forward to your superiors and indeed to the Congress of the United States and tell the story from the standpoint of that young person in uniform, wherever he or she may be, and the risks they are taking.

This is a difficult challenge our President has had to face. There is no alternative to what he has done in this conflict, and you have that challenge as well. You and I have struggled with various parts of the proposed reorganization of the Army many times. I respect Secretary White, but you bring a corporate knowledge of that to the Army Secretary, and I think you have to give it some very strong leadership, and do it quickly.

I hope that you will commit to come before this Congress, because we know you and we trust you and we respect you, not that we do not have similar feelings for the other members of the Secretariats and the Military Departments. Our President and Secretary Rumsfeld are to be commended for searching far and wide for the talent they have put together in these Secretariats, talent which was unmatched, I think, in previous years.

So I just hope that you will make that commitment, because we lost the support of Congress during Vietnam, we lost the American public. In the end I am not so sure that we did not do a disservice to those of you who were in uniform.

You are in a position, Colonel, to see that that does not happen again. Do we understand each other?

Mr. BROWNLEE. We do, sir.

Senator WARNER. Now, Dr. Klein, you are going to take over a portfolio that is extremely important. I am going to bring out one matter which you and I discussed at length, and that is that we are engaged by virtue of the first President Bush in not testing our stockpile to determine its credibility. I am not suggesting we deviate at this time from that decision, but as you continue to monitor how this program to replace testing is developed, you have to come and tell us it is on schedule, it is funded or underfunded, because we have to move forward as quickly as possible to determine if that program is going to work. If it does not, then the President and Congress are faced with the decision to return to live testing once again in order to maintain the credibility of that stockpile.

Now, that is not a popular decision, but with the proliferation taking place in this world, we have no alternative but to assure absolutely the credibility of that stockpile and its safety. Most particularly to those who have to handle those weapons, and the communities that fortunately to this date in our country are willing to have them in the proximity of where people live.

We understand each other on that, do we not, that you will be forthcoming?

Dr. KLEIN. Yes, sir. If confirmed, we will certainly be addressing the safety, security, and the reliability of those.

Senator WARNER. To monitor that program?

Dr. KLEIN. Yes, sir.

Senator WARNER. Now, Mr. Teets, I presume you will take over the major responsibility for the procurement systems of your Military Department. Some of the advantages of being Under Sec-

retary, you do not have to deal with the press as much as the Secretary, you do not have to deal with Congress, and you do not have to travel as much as the Secretary. You can get on with the work of the Department.

This Joint Strike Fighter (JSF) is unlike anything in the history of the annals of our procurement in this country. It is three services, the Air Force, the Navy, and the Marine Corps, and you have to be an ombudsman to maintain a political balance. Believe me, there are politics in that system over there, and you know it. You have seen it from a distance in your distinguished career.

This committee was of the opinion that that contract ought to be dual-sourced, but that decision was overridden by the Appropriations Committee. Am I not correct in that, Mr. Brownlee?

Mr. BROWNLEE. Yes, sir.

Senator WARNER. Anyway, I accept it. It is over. It is behind us. But the magnitude of this contract is absolutely awesome. It is almost like we are at a roulette table and we put all of our money on one spot, and you have to make it work. If it does not work early on, or there are some problems, you must come before Congress.

Mr. TEETS. Yes, sir, I do appreciate your comments, and I can assure you that I do understand the size, the magnitude, the importance of the joint strike fighter program, and if confirmed I would be very pleased to take a strong involvement in the program.

Senator WARNER. Thank you very much, Mr. Chairman, members of the committee.

Chairman LEVIN. Thank you, Senator Warner.

Les, let me start with you. You have answered some questions on transformation. Give us your thoughts on prioritizing the requirements of the Army between the Legacy Force, the Interim Force, and the Objective Force as to how you are going to balance that. How do you see it unfolding? What are your thoughts generally on that?

Mr. BROWNLEE. Well, as you well know, Senator, the Legacy Force is a force that is in place that has to be prepared to go to war today. Then, of course, there is the Interim Brigade Combat Teams (IBCTs) which make up the Interim Force, and the Army is beginning, I believe, to field those vehicles now. I would have to check the details of that.

Then, of course, there is the Interim Objective Force which is in the future somewhere, on which there are some science and technology moneys being extended now.

As I look at the question of prioritizing among these, I am reminded of a very old division commander who wisely stated once that there are no priorities among essentials. I think all three of these are essential, Senator, and the trick here is to balance the allocation of resources so that we can, in fact, proceed with all three in an appropriate way.

Chairman LEVIN. You have been intimately involved in the discussions about the Interim Brigade Combat Team force structure.

Mr. BROWNLEE. Yes, sir.

Chairman LEVIN. As to how we are going to evaluate whether or not that structure closes a presumed gap that is going to exist in

capabilities that a medium weight force is intended to fill, what are your thoughts about that particular process?

Mr. BROWNLEE. Yes, sir. My view of this, Senator, as most of the members of the committee know, is that the Army found itself in a situation where they had the best heavy force in the world which was difficult to deploy. They had a much lighter force which was more easily deployed but did not seem to meet the requirements for lethality and mobility that they needed. They then identified this gap in between, which these IBCTs, or interim brigades, should fill, and they are in the process now of putting those together.

It is my feeling, Senator, that at some point in time to be determined by the Army, or whenever it is appropriate, there should be a full operational evaluation of this unit, not just the equipment, but this unit. It is my understanding the Army intends to do that.

Chairman LEVIN. Dr. Klein, you have made reference to the stockpile stewardship program both in response to Senator Warner and also in response to advanced questions, and you indicated, I believe, that you support the stockpile stewardship program, is that generally correct?

Dr. KLEIN. Yes, sir, Senator.

Chairman LEVIN. What are your plans to ensure that that program is, number one, closely coordinated, and number two, in fact is working and viable? You have seen this up close, and so we will be relying on you to give us either assurance that it is working, or in the event that you are no longer able to give us the assurance, that our nuclear stockpile is secure and reliable, that you would then notify us of that. Please give us more detail about how you plan to accomplish that.

Dr. KLEIN. Well, Senator, if confirmed, as you would expect, the safety, security, and reliability of our nuclear weapons stockpile is extremely important. I expect to, if confirmed, work through the Nuclear Weapons Council.

There is a program in place where the laboratory directors certify the adequacy of the stockpile. If confirmed, my office will be very active in discussions with the laboratory directors through the National Nuclear Security Agency. We will have monthly meetings with the Nuclear Weapons Council to make sure that people are informed, and as issues are addressed, they will be consulted with the experts in the field, and if there are any issues that indicate that these weapons are not meeting their requirements, we will certainly inform this committee as well as others, and address those appropriately.

Chairman LEVIN. You indicated you had been to Russia a number of times, so you are obviously familiar with our cooperative threat reduction program. I have a two-part question: first, give us your thoughts about that cooperative threat reduction program. Is it an important program? Should we fully fund it?

Second, are there additional opportunities to do cooperative research with Russia through that program with nuclear scientists and engineers in Russian nuclear weapons complexes?

Dr. KLEIN. Mr. Chairman, as you indicated, I have been to Russia several times, and I have always come away impressed with the diligence that our country has in our scientists, our procedures, and our practices. The cooperative threat reduction program is ex-

tremely important. I think evidences of September 11 have demonstrated that issues can hit us here in our own country.

Weapons of mass destruction are very serious. We need to work with Russia to make sure that the scientists are not really releasing information to those that would do us harm, and I believe the cooperative threat reduction is a valuable program and we should maintain it to the extent that we can.

Chairman LEVIN. On the bioterrorism front, what role do you think the Department of Defense should play in planning and carrying out a response to a bioterrorist threat in the United States?

Dr. KLEIN. Senator, if confirmed as the Assistant to the Secretary for Nuclear, Chemical, and Biological Defense Programs, I would certainly provide whatever resources I could to respond to events. It is my understanding that the Department of Defense is in a support role, and would not necessarily be the first responders, but we certainly have technologies, equipment, and training that would be beneficial to address any event that might occur.

Chairman LEVIN. There is a huge role for both coordination and providing assistance in that area from the Department of Defense. I hope that is going to be at the top of your list of tasks when you are confirmed.

Dr. KLEIN. Yes, sir.

Chairman LEVIN. My time is up.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

First of all, Mr. Teets, you have quite an undertaking there, and a variety of things to be involved in. In addition to the concentration on space, I would like to ask you something concerning our depots. We have for quite a number of years, as you well know, being on the other side, wanted to maintain a core capability in our depots. We went through a couple of base realignment and closure (BRAC) rounds where we dropped our air logistics centers (ALCs), for example, from three down to two, which are operating now. They have the surge capacity, but they are operating at a full capacity today.

However, a lot of them are operating with World War II equipment, and I would like to ask you what your feeling is as to the role of our depots currently and for the future.

Mr. TEETS. Thank you, Senator Inhofe. I am familiar with the air logistics centers from work that I did several years ago. I did have an opportunity recently in a luncheon conversation with Secretary Roche to talk in general about the subject, and I know he believes strongly in maintaining the core capability of those three existing ALCs. As it relates to the subject of modernization and update he has a strong belief that there is a need to have some public-private partnership to allow modernization to take place in a cost-effective way and in a meaningful way.

I can tell you that I am in 100-percent agreement with Secretary Roche on that subject.

Senator INHOFE. I appreciate that, and I am going to ask you to try, as you look at that change, and keeping in mind that most of our modern platforms are maintained in the private sector, that there is a reason for core capability. Perhaps you would be in the ideal situation to be able to look at various creative ways that we

can leverage private sector funds with our depots and still protect that depot capability, and that is what I would like to be working with you personally on.

Mr. TEETS. If confirmed, I would be pleased to do that, Senator.

Senator INHOFE. Great. Thank you very much.

Les, one thing you are not capable of—I have heard all these good things—and that is, giving short answers. [Laughter.]

Let me ask you to try to do that.

We hear a lot about competition, and you are going to have to be faced with some of the problems that are contentious right now. I know I have been trying to get pulse fast neutron analysis (PFNA) technology used as opposed to just this straight x-ray, and I think now, after September 11, we are going to be able to successfully do that. However, we have not been able to get that competition, and we have tried since 1994, when I arrived from the House to the Senate.

But we also hear about the Star Streak versus the Stinger. I do not have a dog in this fight, but I am tired of hearing reasons why we have to have competition, and yet the excuses why we do not. I understand the back pressure problems that are posed, but I understand that has also been addressed.

Do you have any thoughts about that competition?

Mr. BROWNLEE. Yes, sir. I do not know all the details of what has happened recently, but I have been advised that there are some overpressure problems with firing the Star Streak in an air-to-air role, and I believe the Army needs to work out those problems for safety reasons.

Senator INHOFE. I think the Apache, that they have worked out a way to reduce that back pressure by about 80 percent, and I know this is ongoing, but I would like to make a challenge to you that we either do or do not have this competition, and quit talking about it. I know we can work through that well together.

Mr. BROWNLEE. Senator, I promise that I will look into it and get back to you.

Senator INHOFE. The other thing that, in terms of competition, I am interested in, I had occasion to go to Fort Lewis, as you recall, and in fact you and I talked about that trip, the competition that is out there with the M–113 track vehicle.

I had my own competition. I did it, and I sat in the back of that thing that has been around for 40 years, and then got into the more modern vehicle and recognized that there are ways of putting a track on that wheeled vehicle, the Interim Armored Vehicle (IAV). Senator Warner was talking about the joint strike fighter. The Marine Corps is different than the other. There is a way of adapting a vehicle.

I take a differing view of the rest of the committee on demanding that we have some $28 million worth of side-by-side testing and competition in that, because when you ride in both of them it is like competing a horse with a Jeep. They are apples and oranges.

I would like to have you use your expertise that you have had on this committee to get us off this high spot, and if we can use the $28 million more effectively to buy a larger number of these, perhaps do this.

Do you have any thoughts on that particular competition?

Mr. BROWNLEE. Sir, I have certainly been involved in those debates. I have discussed that both with members of this committee and with people in the Army. I certainly believe that the Army needs to have the full knowledge of the operational combat capabilities of the vehicles within its own inventory that at least appear to meet those requirements.

I also believe that if the Army can provide that information to the committee in a timely and satisfactory way, without conducting a test, then the committee could reconsider that.

Senator INHOFE. I have no doubt in my mind that you have ridden in the 113.

Mr. BROWNLEE. Yes, sir. I commanded battalions with them.

Senator INHOFE. Have you ridden in the IAV?

Mr. BROWNLEE. Yes, sir.

Senator INHOFE. Lastly, Mr. Chairman, I would like to ask Dr. Klein, if you were to say there are three most important nuclear issues today, what would those three be?

Dr. KLEIN. Well, Senator, I think the most important issue that needs to be addressed in our nuclear weapons stockpile is our aging stockpile. Those devices have been around for quite sometime, and as Senator Levin indicated there is a stockpile stewardship program, so the first priority I would say is addressing the aging stockpile.

The second issue I have been concerned with a number of times is the retraining of the young people today, certainly in nuclear fields. Being in education, we have not seen a lot of young people enter that profession. We certainly need to make sure that the Department of Defense has a program to replace retiring individuals in the technical fields.

Then lastly, I would say the important thing is budget prioritization.

Senator INHOFE. Thank you very much.

Chairman LEVIN. Thank you. Senator Bunning is next on the early bird basis.

Senator BUNNING. Thank you very much, Mr. Chairman.

Dr. Klein, I would like to explore with you the problems at Bluegrass Army Depot. Your duties, if confirmed, will include ensuring the safety and secure demilitarization of our chemical weapons stockpile. Because of the chemical weapons located at the Bluegrass Depot in Kentucky, this is an area that I am particularly concerned with.

So far, the Army has done a poor job convincing the population near the depot that incineration is the safest way to destroy these weapons. Congress has mandated that a review of alternative technologies be conducted to ensure that the safest method be used to destroy these chemical weapons. This review, which is ongoing, must be completed before a decision about how to destroy these weapons is made for the Bluegrass facility. Will you commit to taking a very hard look at the current demilitarization program to ensure that it is safe and effective?

Dr. KLEIN. Senator, if confirmed, I will absolutely give you that promise.

Senator BUNNING. Will you ensure that both the letter and the spirit of the requirement for alternative technology review are ful-

filled before any decision about how to destroy the chemical weapons at Bluegrass is made?

Dr. KLEIN. Yes, sir.

Senator BUNNING. Will you ensure that the concerns of the citizens around the depot are dealt with before the chemical demilitarization begins?

Dr. KLEIN. Yes, sir.

Senator BUNNING. Will you commit to working closely with my staff and with Senator McConnell's staff to ensure that these concerns are addressed?

Dr. KLEIN. Yes, sir.

Senator BUNNING. Les, I am going to ask you something that has been batted around around here for a while.

As a result of the September 11 attack there have been some calls, including right here in our committee, to review posse comitatus, the law restricting the use of the military for performing law enforcement functions. Do you believe that we should change that law, and if so, how?

Mr. BROWNLEE. Senator Bunning, I am not sure if it needs to be changed or not, but I certainly believe it needs to be reviewed in light of the current situation you described. There has been some correspondence already between this committee and the Secretary of Defense relative to that. My understanding is that the President does have authority to use active military forces under some circumstances, but there may be other circumstances where we need to move to modify that law, and I certainly believe it should be reviewed in that context.

Senator BUNNING. I assure you that there are present circumstances that military personnel in the 101st Airborne are being used as military police in Kosovo, because I just visited there. It is not much fun seeing some of the most highly skilled soldiers being used as military police, so I think it needs to be reviewed, and I hope that your tenure, if confirmed, will give it a good look.

Mr. BROWNLEE. Yes, sir.

Senator BUNNING. Given the demonstrated capability of someone to conduct an anthrax attack against us, do you believe we should accelerate the National Guard's deployment of the weapons of mass destruction civil support teams?

Mr. BROWNLEE. Senator Bunning, as you might know, I am a very strong supporter of those teams. That whole thought originated within this committee, and this committee has strongly supported it. I certainly believe that they should be equipped, trained, and maintained properly, and in the context of doing that, if we can accelerate to a number that can give nationwide coverage, not necessarily one in each State, but nationwide coverage, then I believe we should proceed in that direction.

Senator BUNNING. Thank you. I have a question for Mr. Teets. Yesterday's *Washington Times* reported that the Air Force was resisting the transfer of munitions kits to the Navy for attacks on Afghanistan. Today's *Inside the Pentagon* stated that the *Times* report was completely wrong, and that the Air Force arranged for this transfer nearly 2 weeks ago.

Whatever the correct answer, will you commit to working with the other services to ensure that our mission gets accomplished without damaging interservice rivalries?

Mr. TEETS. If confirmed, I will be very pleased to do that, yes, sir.

Senator BUNNING. So far, in our war against the terrorists and their sponsors, most of the air attacks have been made by Navy carrier-based strike aircraft and Air Force long-range bombers. Air Force strike aircraft have not yet played a large role in this fight because of the lack of land base close enough to the fight.

Some have claimed the lesson of this is that we should reduce our reliance on Air Force strike aircraft. In past conflicts, some claimed that the lessons of that conflict were that we should rely more heavily on Air Force strike aircraft. Would you agree that the true lesson is that every conflict has different requirements and that the United States needs to maintain balanced capability, air, naval, and ground forces able to fight and win across the complete spectrum of a conflict?

Mr. TEETS. I would certainly agree with that statement, yes, sir.

Senator BUNNING. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Bunning.

Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman. I have a full statement that I would like to have put in the record, and during the introductory remarks I did not make that full statement. I wanted to recognize Mr. Teets at that time, but I also want to recognize all three members of this panel.

It has been a pleasure to work with you, Mr. Brownlee. I look forward to working with all three of you, not only because you are involved in issues and areas that are important to our country, but also important to the State of Colorado. My staff and I will be visiting with you on a fairly routine basis, as well as through the subcommittee assignments that I have here on this committee. Along with Senator Warner I would appreciate your honest and forthright comments as we move forward.

Dr. Klein, one observation I have made with respect to your position is that it has been vacant for 3 years. This is a position where I think there needs to be some strong leadership, particularly in the cleanup of the chemical demilitarization programs, I think that is really important. We have some priorities in Colorado, just like Senator Bunning does in Kentucky, and I would ask that you do everything that you can to expedite the decision process.

I think both of us feel we need to move forward with the decisionmaking process just for the sanity of the local communities, and so that we can move on with the other business facing this country. I have questions that I am going to direct mainly to you, Mr. Teets, because of your responsibilities. One of those that I wanted to direct to you is my view of the National Reconnaissance Office (NRO) as a result of having served on the NRO commission. That is that they have evolved from a very advanced thinking group that was pushing technology right out front, to one more of a maintenance and sort of a marginal replacement organization.

One of the things that came out in our discussion on that commission was that they need to become more revolutionary in their

technology thinking and carry on with that highly classified heritage that was in the fifties, sixties, and seventies. I would like to know what kind of thoughts you have about the organization divesting itself from the care, feeding, and incremental upgrade assistance, and how you think that may fit into a cutting edge model.

Mr. TEETS. Thank you, Senator Allard. I have had the good fortune of working closely with the NRO for well over 30 years now, and it would be my observation that they have been leaders indeed in developing new technology, and have made some wonderful breakthroughs in the mission areas that they pursue.

I also want to mention that I have read the report put out by the NRO commission and appreciate it. I think an excellent job was done in that review.

I would say that as time has progressed there have become a number of systems that require continual maintenance and operation activity that perhaps seem to have detracted from some of these scientific breakthrough technology developments that the NRO has formerly done. I am not 100 percent current with all the things that are going on within the NRO right now, but if confirmed, I can assure you that I will get on board in a very rapid way and would be more than pleased to come back to you with my personal assessment of that subject.

Senator ALLARD. I think there is a question out there as to whether they should divest themselves of the routine management stuff so they have more personnel and time to devote to the high technology.

Mr. TEETS. I think it is a very valid question that deserves a solid answer. I would also say that one of the recommendations that came out of the National Security Space Commission dealt with the idea that there should be some best practices commingling between NRO and the Air Force and other service-based programs.

The Space Commission implementation memorandum that came out from Secretary Rumsfeld's office on October 18 was a very strong first step towards putting in place mechanisms to really use best practices across our national security space programs.

Senator ALLARD. Another area I want to discuss with you is the area of commercial imagery. I have been an advocate of the use of more commercial imagery. I think that we have some routine needs out there that really do not need to be used by some of our more highly technical secret parts of our information-gathering, and the Director of the NRO, as well as the Director of the National Imagery and Mapping Agency (NIMA), have both sought to develop greater reliance on commercial imagery in the last year, but it just has not been funded in the budget request.

In your view, what important role can commercial imagery play in the future, as we seek to modernize and revitalize the imagery intelligence system?

Mr. TEETS. Senator Allard, I am familiar with commercial imaging systems to the extent that I was very much aware of Space Imaging, Inc., and the activity they had with their Iconos satellite, and I think it does provide high quality 1-meter resolution kinds of imaging.

In my opinion, I think that there are ways for the intelligence community to make use of that, and again, I have not had recent

or up-to-date discussions with people at NIMA or in the NRO on this subject and would want to seek first from them their understanding on this subject. If confirmed I would be happy to do that early on and get back to you on that as well.

Senator ALLARD. Actually, the commercial imaging is going down to a 1/2 meter now.

Mr. TEETS. To some extent, that almost generates a concern perhaps, a concern over control of the product. You are working, I think, a very good question and, as I say, if confirmed, I would be happy to look into all aspects of commercial imaging and its relationship to the NRO and get back to you with solid answers.

Senator ALLARD. I was interested in that on the Intelligence Committee and in my role on the Subcommittee on Strategic here at the Committee on Armed Services.

Finally, we have both airborne and spaceborne reconnaissance efforts, and it appears to me that at times some of these functions overlap, although I think we are getting better at coordinating and feeding them off one another, and in your view, can and should we improve this integration and coordination between space and air-based reconnaissance, or do you think we are in pretty good shape?

Mr. TEETS. I think historically we have not done a good job on that subject, but I think it has been improving over time. However, I would say that it is such a vitally important item that it is an item that we ought to continue to drive hard on and once again I would say that, if confirmed, that is a subject that I would want to attack with some vigor.

Senator ALLARD. I guess we had the same problem there. It is like the joint strike fighter. We designed that so it can be universally used and cut down on maintenance cost and operational cost, and supplies and parts, but in some ways we find the Army, the Navy, and the Air Force all in the space program, and I think we need to work more closely with each one of those services. They each have their specific needs, and they are pretty specific to each one of those, but I think we need to seek for more continued cooperation between those so we can avoid as much duplication as we possibly can in that area.

Mr. TEETS. Yes, sir, I agree with that.

Senator ALLARD. Dr. Klein, we have the NNSA, the national security laboratories. I am curious to know what thoughts you may have on the role of our laboratories in our fight against terrorism, and what we can do to secure their own boundaries so that we do not have incursions into those laboratories.

Dr. KLEIN. Senator, if confirmed, I certainly would like to meet with General Gordon and review the security programs they have in place, and NNSA is getting established. They have been about a year-and-a-half in operation.

I have been impressed with the technical capabilities of a lot of the laboratories. They have a lot of very well-known experts in the field, but I do know that there have been some security concerns in the laboratories. They also have a wide body of expertise, and so I would want to meet with General Gordon as soon as reasonable, if confirmed, to talk about how the labs can be better utilized.

Senator ALLARD. Mr. Chairman, my time has expired. Thank you.

Chairman LEVIN. Thank you, Senator Allard.

Mr. Teets, a couple of questions for you, and then I will be done.

The Space Commission recommended that the Defense Department improve the career path for space professionals in the military services, and they viewed this as necessary for having the requisite Government cadre of professionals that would be needed to deal with the various challenges that are going to be faced. Do you have any specific proposals as to how the Air Force could improve the career path for its cadre of space professionals?

Mr. TEETS. Mr. Chairman, I have read through the Commission on National Security report, and I agree that that was an item that they addressed with some energy. I do not have specific proposals that I would propose to you right now, but I would heartily underscore the idea that that is an important consideration, and it is one that is growing in importance as time goes on.

It will be important not only for Air Force officers but Army and Navy officers, others who use space to have a professional capability here, and of course that expands over into the intelligence community as well.

I would be very pleased, if confirmed, to have a hard look with those organizations to see what programs they have in place right now, and what additional programs we could bring online that would assist in that item.

Chairman LEVIN. What are, in your judgment, the highest modernization priorities facing the Air Force today?

Mr. TEETS. I would have to say, on the subject of modernization, I am not an expert. However, I do know that the average age of aircraft in the United States Air Force is surprisingly large and growing. As a matter of fact, I understand that there is a proposal now that the Air Force really needs on the order of 170 new aircraft procured each year for the next 10 or so years in order to start to have a meaningful reduction in that trend.

I again think that modernization is an important subject to be addressed, and if confirmed I would be pleased to conduct a special review on that subject and get back to you on it.

Chairman LEVIN. Thank you. Just the other day we were told that there is a proposal that we would, I believe, do another reengineering program on the B–52, which will keep it going for an additional, and maybe Les can help me out on this, 20 or 25 years longer.

This is the proposal from the Air Force, that we extend the life of the B–52 further, which means that 10 years or 20 years from now, or 30 or 40 years, someone is going to be sitting here and saying, do you realize the B–52 is now 80 years old? Yet that is what the Air Force is asking us to do, so that little footnote in history ought to be, that is right, but that is what the request was 30 years ago. Now we are talking in 2030.

I just for the record want to state when your nominations were received, because our staff has been working very hard on these nominations, as they have on all nominations that come to the committee. I think it is important to give reassurance to our colleagues who are not on the committee that we speedily reviewed these nominations.

Dr. Klein, your nomination was received on October 18, and Mr. Brownlee and Mr. Teets, your nominations were received on October 30. Since those nominations were received, we need to do paperwork and questions have to be sent out and answered, your financial reports have to be reviewed, and I just want to thank our staff in particular for the speed with which they take on these nominations.

One of our colleagues the other day was making a point on a different committee that some of these take an awful long time to get here, and I guess in the case of yours, Dr. Klein, as Senator Bunning was saying, I think he made reference to the point of how long this position has been unfilled.

Senator BUNNING. That was Senator Allard's point. It has been 3 years.

Chairman LEVIN. It is not unfilled as a result of this committee being slow in its response. I want to give the public that assurance, because we do move quickly. There are some nominations, obviously, where we have questions that need to be answered, but we try to move quickly.

Do you have any further questions, Senator Bunning?

Senator BUNNING. No.

Chairman LEVIN. We want to thank you all. Again, we thank your families for the contributions that they have made to your careers and will be making further to your careers, and we will stand adjourned.

[Whereupon, at 11:05 a.m., the committee adjourned.]

[Prepared questions submitted to R.L. Brownlee by Chairman Levin prior to the hearing with answers supplied follow:]

November 6, 2001

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

R.L. BROWNLEE.

Enclosures

cc:
The Honorable John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the Department of Defense Reorganization Act of 1986 and related Special Operations initiatives for defense reform.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. In my opinion, these defense reforms have been implemented and have achieved desired results. Having said that, I believe it is important, and consistent with the intent of the reform legislation, that the Army continues to assess and

modify its operations and internal procedures to meet the challenges of a dynamic security environment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most important aspects of these reforms in my view were strengthening civilian control; streamlining the operational chain of command, improving the military advice provided to the National Command Authorities, clarifying authority for combatant commanders, enhancing the effectiveness of military operations, and improving the efficiency in the use of defense resources.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I fully support the congressional goals reflected in the Department of Defense Reorganization Act of 1986 and other related defense reform legislation.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not aware of any current proposals to amend Goldwater-Nichols. I do believe that both Congress and the Department of Defense should recommend changes as new situations dictate.

DUTIES

Question. What is your understanding of the duties and functions of the Under Secretary of the Army?

Answer. Section 3015 of Title 10, United States Code, provides that the Under Secretary of the Army performs such duties and exercises such powers as the Secretary of the Army may prescribe.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Twenty two years as an Army officer and almost 18 years on Senate staff.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Under Secretary of the Army?

Answer. I need to better learn the current challenges facing the Army—from the Army's point of view.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If confirmed, I will serve as the principal advisor and deputy to the Secretary of the Army and will support him in the general management of the Department in the fulfillment of his Title 10, United States Code, responsibilities. I envision that the Secretary will also prescribe specific duties to me that will support his efforts to ensure that the Department of the Army is efficiently administered in accordance with the policies promulgated by the Office of the Secretary of Defense.

Question. In carrying out your duties, how will you work with the following officials:

1. The Secretary of the Army.
2. The Chief of Staff of the Army.
3. The Assistant Secretaries of the Army.

Answer. If confirmed, I will establish and maintain appropriate, professional relationships with the Secretary of the Army, the Chief of Staff of the Army, and each of the Assistant Secretaries and the General Counsel. I prefer direct and open communication with these officials and an environment of cooperative teamwork within the Secretariat and with the Army Staff.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Under Secretary of the Army?

Answer. I agree with the Secretary of the Army that the greatest challenge the Army faces is change. The challenges the Army faces are similar to those of the other services as we collectively readjust our organizations to the threats our country faces. The Army must manage and maintain the momentum of changes that will assure our Army's preeminence in the 21st century to deter threats and defend our national security interest and do it within the joint community.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will work closely with the Secretary of the Army, the Assistant Secretaries, the Office of the Secretary of Defense, and Congress to ensure the Army meets America's future security needs. This includes attracting, training, and retaining America's best and brightest, while providing for their quality of life and well-being. The Army must maintain balance in allocating its resources to remain ready to fight today's battles while transforming itself to address future conflict.

Question. What do you consider to be the most serious problems in the performance of the functions of the Under Secretary of the Army?

Answer. If confirmed, I would evaluate the specific roles and functions within the Office of the Under Secretary of the Army as assigned by the Secretary of the Army. It is premature for me to identify potential problems at this time.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, after evaluating the specific roles and functions within the office of the Under Secretary as assigned by the Secretary of the Army, I would recommend appropriate, timely actions to address any such problems.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Under Secretary of the Army?

Answer. If I am confirmed, my priorities will, of course, be in accordance with the specific roles and functions as assigned by the Secretary of the Army. However, my priorities would begin with attracting, training, and retaining America's best and brightest young men and women, while providing quality of life and well-being for them and their families. Another priority would be to achieve balance in the allocation of the Army's resources to ensure current readiness while addressing the essential needs of the future. I believe it is also important to review the Army's acquisition process, and the planning, programming, budgeting, and execution process, along with financial management systems and processes.

HEADQUARTERS REORGANIZATION

Question. The Army is undertaking an effort to reorganize its headquarters by consolidating functions of the Secretariat and the Army Staff.

In your view, how would the proposed reorganization be accomplished, and what are the expected manpower savings to be realized from that action?

If confirmed, how would you, with a consolidated staff, balance the prerogatives of civilian control with the prerequisite of a clearly delineated military chain of command? More specifically, what role would the Army Chief of Staff perform if subordinate assistant chiefs of staff serve as military deputies to civilian assistant secretaries?

Answer. I have not been briefed on the specifics of the Army's proposed reorganization. I am committed to the principle of civilian control of the military services. I support the roles of the Secretary of the Army, the Chief of Staff, and other civilian officials and military officers of the Army, as prescribed and intended by applicable law.

NATIONAL GUARD DIVISIONS

Question. In your view, what effect have the results of the most recent Quadrennial Defense Review had on the mission of the eight National Guard divisions of the strategic Reserve?

Answer. The QDR confirmed the need for the Army to retain a robust force in depth. All eight ARNG divisions would, I believe, retain a warfighting capability and increase the Army's global responsiveness.

Question. With the increasing role and responsibilities of the Army National Guard in homeland defense, what mission and force structure changes do you anticipate for the Army National Guard? More specifically, in your view, should the strategic Reserve divisions be restructured for a homeland defense mission?

Answer. The scope of the Homeland Defense mission continues to develop. The National Guard has formed unique structure such as the Weapons-of-Mass-Destruction Civil Support Teams (CSTs). The Homeland Defense mission may require adjustments to existing structure such as CSTs, aviation, and military police units. In my view, restructuring of the strategic Reserve divisions for Homeland Defense should be examined in light of their other missions.

TRANSFORMATION

Question. The Army has embarked on a campaign to transform itself to better combat the expected threats of the new century.

In your view, does the Army have sufficient resources to carry out its transformation? If not, what is the magnitude of the shortfall?

Answer. The Army, along with the other military services, has unfunded requirements, the magnitude of which are known to the committee. If confirmed, I will work to ensure adequate resources are requested by the Army and allocated to accomplish the transformation of the Army as well as its other essential missions.

Question. In the absence of any substantial increases in the Army budget, how would you recommend, if confirmed, to the Secretaries of the Army and Defense that the Army meet its current and future readiness and transformation requirements?

Answer. The Army must strive to achieve an appropriate balance in allocating its resources to ensure current readiness while transforming and modernizing itself to address future conflict.

Question. The transformation of the Army will be strongly dependent on technological advancements made by science and technology programs both inside and outside of the Army.

In your view, has the Army sufficiently funded S&T programs needed to develop new systems including chemical and biological sensors, unmanned ground vehicles, computer network defense, and others?

Answer. I believe that the Army has appropriately funded within available resources its S&T program to focus on achieving the Army's transformation to the Objective Force.

Question. If confirmed, would you be in favor of setting a target percentage of Army Total Obligation Authority for Army S&T programs?

Answer. I support the Department of Defense's guidelines that have a goal of budgeting S&T as 3 percent of the overall DOD budget by 2007. The Army should continue to maintain robust funding for S&T to achieve its Objective Force capabilities.

Question. To date, Army leaders have not clearly delineated the relative priorities of the requirements to develop the Objective Force, field six Interim Brigade Combat Teams (IBCTs), and recapitalize and selectively modernize the existing "legacy" forces. If confirmed, how would you prioritize those requirements?

Answer. In my view, each of these requirements is essential. If confirmed, I will assist the Secretary of the Army in achieving an appropriate balance among these essential priorities.

Question. In your view, how should recapitalization and modernization of the legacy forces be accomplished?

Answer. In my opinion, the Army must continue to inform Congress of the Army's needs and leverage its existing resources to recapitalize and modernize its essential legacy forces primarily through upgrades and overhauls of these existing systems while moving to the Objective Force. Depots and industry partners should be adequately resourced to support recapitalization and modernization programs.

Question. In your view, what is the appropriate role of experimentation in developing the Objective Force?

Answer. I believe experimentation is an essential element that is embedded throughout the overall plan to transform the Army. The process of experimentation helps the Army understand the future warfighting environment and examine a wide range of operational concepts and emerging technologies. As the Army continues the development of the Objective Force, both joint and Army experimentation provide valuable insights into the capabilities the joint force will need to support our national defense.

Question. In your view, does the Army have a sufficiently robust experimentation plan, and do the Interim Brigade Combat Teams have a role to play in that regard?

Answer. I have not been briefed on the specifics of the Army's experimentation plan. I believe that lessons learned and insights from fielding of IBCTs as well as joint and Army experiments should enhance the further development of IBCTs and the Objective Force.

Question. If confirmed, what specifically would you recommend to the Secretary of the Army regarding the path to the Objective Force?

Answer. In my view, the Army should continue to pursue the essential levels of maturity of key technologies in support of the Objective Force.

Question. In your view, does the Army have a capabilities gap which the Interim Brigade Combat Teams are designed to fill? If so, will fielding six IBCTs sufficiently close that gap? Is there an alternate solution that you would recommend to the Secretary of the Army, if confirmed, particularly in light of the severe Army funding constraints?

Answer. The Army has asserted that the IBCTs will fill the gap for a medium weight force. I believe that at an appropriate time, the Army should conduct an operational evaluation of the proposed IBCT force structure to determine whether it adequately closes that gap. I also believe that alternative solutions that might meet the Army's requirements at reduced costs should be thoroughly examined.

Question. The Army has described the Interim Brigade Combat Teams as full spectrum capable, but optimized for peacekeeping.

In your view, are the IBCTs capable of full spectrum combat? If confirmed, would you recommend a comprehensive operational evaluation of the capabilities of the IBCTs in full spectrum combat?

Answer. I believe that a comprehensive operational evaluation of the IBCT should be conducted at an appropriate time to be determined by the Army. Such an evaluation should measure the combat capabilities of the IBCT.

Question. In the Fiscal Year 2001 National Defense Authorization Act, Congress mandated a side-by-side operational and cost comparison of an Interim Brigade Combat Team unit equipped with the Army's choice of interim combat vehicle, and a unit similarly configured and trained, but equipped with the medium armored vehicle currently in the inventory.

In your view, would such a comparison provide worthwhile information for future decisions?

Given the current war on terrorism, would you recommend, if confirmed, that the Army conduct the side-by-side comparison as currently planned, or seek congressional relief from the requirement?

Answer. I believe that the Army should have full knowledge regarding the relative operational combat capabilities and costs of alternative combat vehicles that meet the Army's requirements for such vehicles. I believe it is important and worthwhile for the Army to have this information for current and future decisions. If the Army can provide satisfactory and timely information that Congress requires without conducting a side-by-side test, then a test might not be necessary. The requirement was enacted before September 11. If the Army concludes that the test would have a significant, negative impact on its preparations and operations for the current war on terrorism, I believe Congress should reconsider the testing requirement.

DEFENSE LABORATORIES

Question. The Army is currently participating in a number of congressionally-mandated pilot programs to reform and revitalize the defense laboratory and test and evaluation enterprise. A number of these programs, including those intended for implementation at the Aberdeen Test Center, have been delayed due to legal and regulatory hurdles.

If confirmed, what actions would you propose to remove those barriers?

Answer. I realize that the defense laboratory and test and evaluation centers face many challenges. I understand that Congress has authorized several pilot programs to help reform and revitalize them. If confirmed, I will work with the Army leadership to ensure compliance with congressional mandates in this area.

CHEMICAL AND BIOLOGICAL DEFENSES

Question. Army science and technology programs fund some of the world's most advanced research on chemical and biological defense and medical technologies. The various technologies that result from these efforts are often delayed by Government (FDA and EPA) regulatory processes and therefore delayed in being transitioned to warfighters.

If confirmed, would you support streamlining the regulatory processes for highly critical technologies?

Answer. While I believe that essential testing and evaluation must be accomplished to ensure the health and safety of our soldiers, unnecessary procedures that impede timely fielding of advanced technologies—especially chemical and biological defense technologies—should be thoroughly examined and streamlined where possible.

Question. If confirmed, what actions, if any, would you propose to have the Army assist its successful contractors through the FDA and EPA approval process?

Answer. I don't feel adequately informed to provide an answer to this question. If confirmed, I will be happy to look into this matter and respond to the committee if it requests.

TRANSFER OF BALLISTIC MISSILE DEFENSE PROGRAMS TO THE ARMY

Question. The Ballistic Missile Defense Organization has proposed transferring the MEADS and PAC–3 programs to the Army, starting in fiscal year 2002. Although PAC–3 is a mature program, now heading into its final phase of operational testing, the MEADS program is just now emerging from initial concept definition. MEADS is not scheduled for deployment until the end of this decade, or beyond.

What is your view of the proposed transfer of these programs to the Army? What are the advantages and disadvantages of such a transfer?

In your view, is the Army prepared to support and fund these two programs to completion?

Answer. I understand PAC–3 is a mature technology and transferring it to the Army who will operate the system makes sense. On the other hand, MEADS is still in development, although it leverages some existing PAC–3 technology. Therefore, in my view, MEADS should remain with BMDO until more fully developed. In my view, while the Army might be prepared to support these programs, funding would be difficult within their current budget.

WEAPONS OF MASS DESTRUCTION, CIVIL SUPPORT TEAMS

Question. In its September 2001 report on combating terrorism, which was mandated by the National Defense Authorization Act for Fiscal Year 2001, the General Accounting Office asserted that the Weapons of Mass Destruction—Civil Support Teams (WMD–CSTs) "continue to experience problems with readiness doctrine and roles, and deployment that undermine their usefulness in an actual terrorist incident."

In your view, is it necessary to maintain the WMD–CSTs? If so, what should be done to bring all of the teams up to a high, uniform standard of readiness?

Answer. Yes. If confirmed, I would support the Secretary of the Army in ensuring that the teams are properly manned, equipped, trained, and prepared to accomplish their assigned mission.

Question. In your view, is there a requirement for additional WMD–CSTs, and should the Department consider augmenting the teams to include such capabilities as decontamination?

Answer. It is my understanding that several studies concluded that more CSTs would be required to ensure timely, full coverage across the Nation. Because of the events on and after September 11, I believe the Department of Defense should consider adding new teams. I understand the Army National Guard and Army Reserve have been provided decontamination equipment sets that could be utilized to support a mass casualty decontamination requirement. The Department should seriously consider whether this capability is sufficient to meet the potential need.

Question. In your view, should the active duty Army develop WMD–CST-like capabilities?

Answer. I believe the active Army should continue its focus on its warfighting mission. The Reserve components are best suited to work with our domestic state, and local first responder communities.

ARMY INSTALLATIONS FORCE PROTECTION

Question. A September 2001 GAO report on installation antiterrorism/force protection criticized the lack of standards and assessments across all the military services.

In your view, what measures should the Army take, together with the other services, to improve installation preparedness against terrorist attacks?

Answer. I believe the Army should define its requirements and standardize its force protection capabilities across its installations and facilities both at home as well as abroad, subject to the standards and requirements by unified commanders in their areas of responsibility. These efforts should be coordinated with other services, DOD, and, where appropriate, local authorities.

Question. In your view, what are the greatest vulnerabilities that Army installations face in preventing terrorist attacks and in responding to them, and how would you, if confirmed, propose addressing those weaknesses?

Answer. I have not studied this in sufficient detail to provide an adequate response, but I intend to become familiar with all aspects of the vulnerabilities of the

Army's installations and how to address them. I will be happy to provide a response to the committee, if confirmed, if the committee desires.

ENCROACHMENT

Question. On November 27, 2000, the Senior Readiness Oversight Council identified several "encroachment" problems confronting the Department of Defense including protection of endangered species, unexploded ordnance and other constituents, commercial demand for bandwidth and frequency, sustainability of the maritime environment, demand for use of airspace, protection of air quality, abatement of airborne noise, and growth of urban areas. At a March 20, 2001, hearing before the Readiness and Management Support Subcommittee, representatives of the military services expressed concern that this encroachment was hindering their legal responsibility under Title 10, United States Code, to train the forces.

If confirmed, what actions would you propose to address these problems?

Answer. In my opinion these problems threaten the ability of our military forces to train adequately for combat. If confirmed, I would work with OSD, other services, and Congress to address these problems.

AC-RC RELATIONSHIPS

Question. During the past decade, relations between the Regular Army leadership and the Reserve components, particularly the Army National Guard, have not always been harmonious.

In your opinion, has the total Army leadership dealt adequately with this problem? If not, what steps would you recommend?

Answer. I believe the Army leadership is addressing these concerns and the Reserve components, as an essential part of our total force, will be a high priority for me.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

ENCROACHMENT

1. Senator AKAKA. I am interested in your thoughts regarding encroachment. I reviewed your response to the advance questions and noted your commitment to work with Office of the Secretary of Defense (OSD), the other services, and Congress to address problems of encroachment. How do you plan to address encroachment issues as the Under Secretary of the Army?

Mr. BROWNLEE. The Army faces significant challenges in the area of encroachment as it relates to training and ranges, all generally resulting from environmental, social, and economic influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions on available times and duration for testing and training; reduced effectiveness of testing and training activities; and restrictions on weapons systems, equipment, and munitions used during testing and training. The Army is working with the Office of the Secretary of Defense and the other Services to address these challenging issues.

We would ask Congress to support the Army's effort to ensure that encroachment does not prevent effective training in the following ways:

(1.) Support and resource implementation of the Army's Sustainable Range Program (SRP). SRP is the foundation for sustaining live training and the environment on our ranges. Although final funding levels have not been established, we ask Congress to support this important program.

(2.) Support and foster cooperation among regulators and the military, emphasizing the need to balance military readiness concerns and environmental regulation. We believe there are ways to balance the needs of the military with the needs of the environment. It would be helpful if Congress would encourage regulatory agencies to work with DOD to develop compliance methods that support both regulatory and military objectives.

(3.) Undertake legislative initiatives to clarify statutory requirements that apply to military operations. As currently written, several statutes contain broad discretionary enforcement thresholds that are based on the assessment of the regulatory authority as to whether a given condition presents a potential risk or imminent hazard to human health or a particular natural resource. While the Army is not seeking to avoid our responsibilities to the American people, or seeking relief from compliance with environmental statutes, the lack of consistent and measurable standards limits the Army's ability to plan, program, and budget for compliance requirements. It would be premature to discuss specific proposals, but we look forward to working with other Federal agencies and Congress.

The encroachment of commercial interest into portions of the radio spectrum used by the Army is also a serious issue. The growth of commercial wireless services is an important factor in our country's economic well being, but this growth must be balanced with the necessity of providing for our Nation's defense.

The National Defense Authorization Act of Fiscal Year 2000 directed that DOD shall not surrender spectrum of which it is a primary user until comparable replacement spectrum is made available. This language should be an effective tool in ensuring the Army's access to the spectrum it requires. Additionally, we will work with DOD to identify impacts to Army operations. DOD is currently leading an effort that includes Army participation to address potential impacts that would result from loss of access to spectrum for commercial wireless systems.

CORROSION PREVENTION AND CONTROL PROGRAM

2. Senator AKAKA. The Department of Defense is spending a significant amount of money because of corrosion—current estimates are about $20 billion per year. The Readiness Subcommittee has begun to address this issue with the goal of being proactive in order to help minimize the drain on scarce operations and maintenance (O&M) resources. There is a need to address corrosion issues not just through maintenance and repair, but also in the acquisition process in order to decrease total life cycle costs. What will you do, as the Under Secretary of the Army, to assist the Army in addressing this issue?

Mr. BROWNLEE. In 1997, the Army chartered a Corrosion Prevention and Control (CPC) program to address common Army and DOD corrosion issues. This program was developed to resolve Army Materiel Command commodity requirements, address field and depot level maintenance issues, and support new weapon system acquisition. The Army CPC program consists of science and technology (S&T) and Operations and Maintenance Army (OMA) functions. As part of the Army's effort, a working group was established to integrate requirements and guide the Army in identifying and executing high-value solutions. We have since identified tactical vehicles and rotor craft as high-value targets.

A recent example of the impact of our efforts on the Army acquisition program is with the Family of Medium Tactical Vehicles, which responded to our work group recommendations and upgraded 39 components. This increased the projected service lives up to seven times that of the original equipment manufacturer products. The ultimate value of the Army's CPC S&T effort is to develop more durable material that costs less to maintain.

The CPC OMA program's focus is on establishing corrosion service centers and updating Army policy to influence the procurement process. The Army is planning to build corrosion service centers of excellence that protect airframes, ammunition, tactical vehicles, and ground support equipment. We have approved five CPC products and techniques for application on tactical vehicles, material handling, and construction equipment. We need additional candidates for CPC testing on missiles, aviation, and weaponry.

In addition, the Army provided input to DOD that addresses corrosion resistant designs. The Army is currently revising policy on the CPC program. To date, both functions of the program remain unfunded, but have received supplemental funding

for S&T and from reprogramming to resource urgent OMA requirements. However, these additional funds are not sufficient to support a coordinated Army approach to corrosion. Current efforts are high-value, ad hoc solutions. To raise visibility of this program, the Army established an Office of the Secretary of Defense program element entitled "Army Corrosion Prevention and Control Program"—an OMA funding line. The Army is currently working to establish a research, development, testing, and evaluation (RDT&E) funding line for corrosion to support S&T efforts. OMA and RDT&E funding is required to ensure this mission's success.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

INTERIM ARMORED VEHICLE SIDE-BY-SIDE TEST

3. Senator SANTORUM. In the Fiscal Year 2001 National Defense Authorization Act, Congress mandated a side-by-side operational and cost comparison of an Interim Brigade Combat Team (IBCT) unit equipped with the Army's choice of interim combat vehicle, and a unit similarly configured and trained, but equipped with the medium armored vehicle currently in the inventory. Senator Lieberman and I worked closely with General Shinseki and General Keane in establishing this requirement. Since the bill became law, Army leadership has repeatedly asked for relief from this requirement.

In your answers to advance policy questions, you stated that "the Army should have full knowledge regarding the relative operational capabilities and costs of alternative combat vehicles that meet Army requirements for such vehicle," that "it is important and worthwhile for the Army to have this information for current and future decision," but that "if the Army can provide satisfactory and timely information that Congress requires without conducting a side-by-side test, then a test might not be necessary."

In your capacity as Republican staff director, did you believe that the Army provided such satisfactory and timely information?

Mr. BROWNLEE. As the Republican staff director and a member of the Senate staff, I have enjoyed many years of personal and professional relationships with the Army. I believe the Army always does their best to provide valuable information as quickly as possible. While I am sure the Army believed they were being totally responsive to Congress in this regard, I believe that we can do a better job of communicating on this specific issue. If confirmed, I will work with the Army and Congress to provide the information Congress has requested. If such information is available and can be provided to Congress without conducting a side by side test, then Congress might consider relieving the Army of conducting the side by side test.

4. Senator SANTORUM. If not, what should the Army do, and what do you believe should be satisfactory to Congress to make the test unnecessary?

Mr. BROWNLEE. The light armored vehicle (LAV)-based IBCT force is the best value decision for the Army's needs. The Army collected and reviewed information on the M113A3 measured against the operational requirements document (ORD) for the interim armored vehicle (IAV) to provide insights that a side-by-side test would likely yield. The analysis of the M113 variant-based proposal and current Army inventory showed that this platform falls far short of IAV ORD requirements. The LAV variant-based design will fully meet our key performance parameters as determined by the Army during source selection, validated by GAO, and reinforced by the findings of analysis conducted by the Army Material Systems Analysis Activity.

In addition, the Army has committed to a robust test program for the LAV variant-based IBCT that far exceeds the operational and technical testing required by the side-by-side comparison. Our comprehensive test and evaluation strategy will validate the effectiveness, suitability, and survivability of the IAV through technical, ballistic and non-ballistic survivability, and operational testing. The Army will conduct a production verification test, a live-fire test, and an initial operational test, and report the results to obtain a full rate production decision in December 2003. Further, the Army will conduct a thorough operational evaluation of the unit before employment.

5. Senator SANTORUM. Do you believe that such a test would have a significant, negative impact on the Army's preparations and operations for the current war on terrorism?

Mr. BROWNLEE. The side-by-side test could cost the Army up to $28 million and, perhaps more importantly, distract the Army's management attention at this critical

time. Needless to say, the Army would prefer to spend its scarce resources and efforts in other ways, especially now, during this crucial period for our Nation.

6. Senator SANTORUM. Today, Senator Inhofe criticized the cost to the Army of conducting this side-by-side test. What are the potential costs to the Army if a new platform is procured that is the same or only marginally better than the platforms that the Army has already purchased and that are in its inventory?

Mr. BROWNLEE. The Army awarded the IAV contract based on a best-value determination, selecting the proposal determined to be the best overall considering five evaluation areas: schedule, performance, supportability, cost, and management. The best value award addressed the Army's need to procure, field, and support a force of safe, reliable, supportable, and effective systems. Based on the selection criteria, the Army selected the LAV-based proposal over all other systems, including the M113 variant proposal.

The winning LAV proposal was significantly superior to all other competitor proposals in the performance and supportability areas. These advantages were deemed so significant as to outweigh any schedule and cost advantages of the M113 variant.

ARMY ACQUISITION STRATEGY

7. Senator SANTORUM. The Army only has enough resources to modernize its Counterattack Corps and selected XVIII Airborne corps units. How might this expensive acquisition strategy undermine the Army's attempts to modernize its Legacy Force and invest in its Objective Force?

Mr. BROWNLEE. The Army has made hard decisions to adapt to new priorities by allocating resources and canceling and modifying programs. The current investment in the Legacy Force, a selected modernization and recapitalization program targeting 17 critical systems, is essential for the combat readiness of the counterattack force. Parallel to this effort is the investment in the Interim Force, an absolute necessity to meet strategic gaps in capability, and the Objective Force.

While the Legacy Force sustains the Army's non-negotiable contract with America to fight and win the Nation's wars, the Interim Force provides critical strategic responsiveness for the near- and mid-term while the Army transforms to the Objective Force. The Interim Force, rapidly deployable, sustainable, and lethal expands the National Command Authority's options when dealing with uncertain threats around the world. The risk assumed by limited recapitalization and modernization of the Legacy Force is mitigated by the Interim Force capability and considerable investment in the Objective Force development to ensure technologies are matured sufficiently to meet aggressive timelines. Erosion in any of the three paths will impact overall transformation. Severely curtailing Legacy Force recapitalization will significantly impact combat readiness and make sustainment of those systems more expensive before they are retired. The balanced approach to transformation sustains combat readiness, fills capability gaps, and assures future combat dominance.

QUESTION SUBMITTED BY SENATOR JEFF SESSIONS

PATRIOT ADVANCE CAPABILITY (PAC)–3

8. Senator SESSIONS. Mr. Brownlee, I agree with your analysis that PAC–3, a mature technology, should be transferred to the Army, and that MEADS, a new system, should remain with the Ballistic Missile Defense Organization.

However, do you agree that if the Army does receive the PAC–3, that it is critical to the success of this system that no less than eight battalions of PAC–3s be funded for and fielded by the Army?

Mr. BROWNLEE. The Army requires ten PAC–3 Active Component (AC) Patriot battalions and the Southwest Asia pre-positioned assets be funded and fielded. The PAC–3 system provides the CINCs the best capability available and is a significant enhancement to the fielded PAC–2 system.

Total Army Analysis (TAA) 07, the Army's method to determine force structure requirements, validated the requirement for 14 Patriot battalions consisting of ten AC, two Army National Guard (ARNG), and two battalions that are unresourced. The results of a recent TAA 09 General Officer Steering Committee confirmed that the Army's requirement has increased from 14 to 15 Patriot battalions (three corps brigades (two battalions per corps for a total of six battalions); two theater brigades (three battalions per brigade for a total of six battalions); and three battalions for homeland security).

Currently, there are 12 Patriot battalions in the Army (ten AC battalions, two ARNG battalions) and one pre-positioned Southwest Asia battalion set. Of the 12 Army Patriot battalions, only seven AC battalions are currently funded for PAC–3 upgrades. The PAC–3 program is funded to upgrade seven AC battalions and the Southwest Asia Patriot pre-positioned assets. Additionally, the program must be funded to procure the required 2,200 PAC–3 missiles to meet the Army's acquisition objective versus the 1,130 for which the program is currently funded.

In June 2001, the PAC–3 program was transferred from the Ballistic Missile Defense Organization to the Army with $2.7 billion in funding. The transfer provided upgrades for seven PAC–3 battalions and 1,130 PAC–3 missiles. The Army still has requirements to upgrade an additional three PAC–3 battalions and an additional 1,070 PAC–3 missiles to reach the Army's acquisition objective.

[The nomination reference of R.L. Brownlee follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 30, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

R.L. Brownlee, of Virginia, to be Under Secretary of the Army, vice Gregory Robert Dahlberg, resigned.

[The biographical sketch of R.L. Brownlee, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF LES BROWNLEE

Les Brownlee has served on the Republican staff of the Senate Armed Services Committee since January 1987 under both Senator Strom Thurmond (R–SC) and Senator John Warner (R–VA). Prior to assuming this position, he was National Security Advisor to Senator John Warner for 3 years.

In March 1996, Brownlee was designated staff director of the Senate Committee on Armed Services by then-Chairman, Senator Strom Thurmond (R–SC). In January 1999, he was designated staff director for then-Chairman, Senator John Warner, serving through the recent change in control of the Senate. Brownlee continues to serve as the Republican staff director for Senator John Warner (R–VA), the current Ranking Member.

From 1987 to 1996, he was the principal Senate Armed Services Committee professional staff member responsible for Army and Marine Corps programs, Special Operations Forces and Drug Interdiction policy and support. In addition, as deputy staff director, he was deeply involved in policies and programs relating to ballistic missile defense, strategic deterrence, and naval strategy, shipbuilding and weapons programs.

Brownlee is a retired Army Colonel and was commissioned as a Lieutenant of Infantry from ROTC at the University of Wyoming in 1962. Airborne-qualified and a Distinguished Honor Graduate of the U.S. Army Ranger Course, he is also an Honor Graduate of the Infantry Officer Advanced Course, the Command and General Staff College, and a graduate of the U.S. Army War College. In addition, he holds a Masters Degree of Business Administration from the University of Alabama.

He served two tours in Vietnam and, during the last 2½ years of a 4½ year tour in the Pentagon, was Military Executive to the Under Secretary of the Army, James Ambrose, before retiring in 1984. His decorations include the Silver Star with Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, and the Purple Heart.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by R.L. Brownlee in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Romie Leslie Brownlee (Les).

2. **Position to which nominated:**
Under Secretary of the Army.

3. **Date of nomination:**
October 30, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 11, 1939; Pampa, Texas.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Divorced.

7. **Names and ages of children:**
Tracy Ann (Brownlee) Carney, 38; John L. Brownlee, 36.

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.
Odessa Senior High School (Odessa, TX); 1954–1957; High School Diploma.
University of Wyoming (Laramie, WY); 1957–1962; BS.
University of Alabama (Tuscaloosa, AL); 1967–1969; MBA.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
United States Army; Army Officer; 1962–1984.
Office of U.S. Senator John Warner; National Security Legislative Assistant; 1984–1987, U.S. Senate, Washington, DC 20510.
U.S. Senate Committee on Armed Services; Professional Staff Member, Deputy Staff Director, Staff Director; 1987 to present.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
None.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

03/00—Bush for President—$250.
10/00—RNC Victory 2000—$250.
10/00—RNC Presidential Trust—$500.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Military Awards:
Silver Star, 2 awards.
Bronze Star, 3 awards.
Purple Heart.
Legion of Merit.
Air Medal w/"V"device, 5 awards.
Meritorious Service Medal, 2 awards.
Army commendation w/"V" device, 2 awards.
Combat Infantryman's Badge.
Ranger Tab (Distinguished Honor Graduate).
Senior Parachutist's Wings.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have not given formal speeches.

17. **Commitment to Testify Before Senate committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

ROMIE L. BROWNLEE.

This 1st day of November, 2001.

[The nomination of R.L. Brownlee was reported to the Senate by Senator Warner on November 8, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 8, 2001.]

[Prepared questions submitted to Dr. Dale Klein by Chairman Levin prior to the hearing with answers supplied follow:]

November 6, 2001.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Yours truly,

DALE KLEIN.

cc:
The Honorable John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. If confirmed, I will fully support the intent of the reforms and will advocate policies that will facilitate accomplishment of joint operations, streamline acquisition management and oversight, and enhance the Department's ability to respond to our 21st century national security challenges.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. I think the Department has done a creditable job in implementing defense reforms. However, without periodic policy reviews, these reforms can lose their effectiveness. It is my understanding that periodic reviews will be conducted to address the evolving security environment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. I would consider each of the goals noted below to be an important aspect of these defense reforms. Prime among these is the concept of strengthening civilian control.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate?

Answer. If confirmed, I would consult with the Secretary of Defense and Congress on any changes that might be appropriate.

Question. If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. It is premature to offer any thoughts on the question at this time.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs (ATSD(NCB))?

Answer. It is my understanding that my primary duty, if confirmed, is to work with the National Nuclear Security Administration to take care of the U.S. nuclear weapons stockpile. My duties also include countering the proliferation of weapons of mass destruction and the oversight of effective chemical and biological defense

programs. Finally, but equally important, it seems clear that my duties also include the oversight of the safe and secure demilitarization of our chemical weapons stockpile.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. Since 1977, I have been a professor in the Department of Mechanical Engineering, Nuclear and Radiation Engineering Program at the University of Texas at Austin. I have been the Vice-Chancellor for Special Engineering Programs at the University of Texas System since 1998. I also serve as the Chairman and Executive Director of the Amarillo National Research Center for Plutonium (ANRC), during which time I have overseen more than $45 million in funding for plutonium research and nuclear weapon dismantlement issues. I have collaborated very closely with researchers at Pantex and the National laboratories to address stockpile stewardship issues. In addition, I previously served as Associate Dean of Research in the University of Texas College of Engineering, where I had twenty-two research units reporting to me, with several in the chemical and biological areas.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs?

Answer. As you are well aware, the office has been vacant for 3 years. If confirmed, my first task will be to staff my office. Then I need to listen to the subject matter experts and the people in the field to perform my duties as I outlined above.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of Defense would prescribe for you?

Answer. I expect to be prescribed responsibilities for maintaining the nuclear stockpile, addressing counterproliferation and chemical and biological defense, and working chemical demilitarization.

Question. In carrying out your duties, how will you work with the Secretary of Defense, the Under Secretary of Defense for Acquisition and Technology, the Secretaries of the Military Services, the Defense Threat Reduction Agency, and the Administrator and Deputy Administrators of the National Nuclear Security Administration?

Answer. If confirmed, I intend to work as a team with Secretary Rumsfeld, Under Secretary Aldridge, the Secretaries of the Military Departments, and Director Younger. I will also, if confirmed, work closely with General Gordon and the Deputy Administrators of the National Nuclear Security Administration through the Nuclear Weapons Council. Then, working with others in DOD and Congress, I will recommend whatever changes might need to be made.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs?

Answer. I see five major challenges that will confront me, if confirmed. These include maintaining the safety, security and the reliability of our aging nuclear weapons stockpile, countering the continued proliferation of weapons of mass destruction, meeting the challenges of chemical and biological defense, ensuring the safe and secure demilitarization of our Nation's chemical weapons, and ensuring that DOD is able to support the Nation's focus on Homeland Defense.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed, I will listen to subject matter experts, Members of Congress, and the leadership of the Department of Defense, and I will assess existing programs to ensure they adequately address our national security needs.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs?

Answer. Since the position of the ATSD(NCB) has been vacant since 1998, staff and resources will be important, as will fostering a sense of teamwork with other offices and organizations.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. While I am not prepared to discuss specifics at this time, if confirmed, I will take actions to establish management priorities and timelines to address these problems.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs?

Answer. If confirmed, I think the broad priorities would be (1) sustainment of the nuclear weapons stockpile to ensure it remains safe, secure and reliable; (2) countering weapons of mass destruction; (3) implementing effective chemical and biological defense programs; (4) ensuring the safe and secure demilitarization of our chemical weapons; and (5) coordinating our actions with all homeland security activities.

REPORTING CHAIN

Question. What is your understanding of who you would report to, if confirmed, within the Department of Defense?

Answer. If confirmed, it is my understanding that I will report to Mr. Pete Aldridge, the Under Secretary of Defense for Acquisition, Technology & Logistics.

Question. Section 142 of Title 10 of the United States Code requires that the ATSD "advise the Secretary on nuclear energy, nuclear weapons, and chemical and biological defense." The responsibilities for chemical and biological defense were added to the ATSD in 1996. The position was originally created to ensure that the ATSD had direct access to the Secretary of Defense to ensure that any matters implicating the safety, security or reliability of the nuclear weapons stockpile were immediately provided to the Secretary.

Will the position of ATSD continue to have unfettered access to the Secretary for matters pertaining to the safety, security, and reliability of nuclear weapons?

Answer. Yes.

ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT TO THE SECRETARY

Question. What is the organizational structure of the office of the ATSD?

Answer. Currently the office consists of the ATSD and three deputies: one for Nuclear Matters; one for Counterproliferation and Chemical and Biological Matters; and one for Nuclear Treaty Programs.

Question. Will the offices and responsibilities that previously reported to the ATSD the last time the position was filled by an individual appointed by the President and confirmed by the Senate be restored to the office?

Answer. Yes.

Question. Will the director of the Defense Threat Reduction Agency report to the ATSD?

Answer. Yes.

Question. Will the office responsible for nuclear matters that previously reported to the ATSD and currently reports to the Director of Defense Research and Engineering (DDR&E) be returned to the ATSD? What role, if any, will the Director of Defense Research and Engineering have in nuclear matters?

Answer. Yes.

If confirmed, I will coordinate with the DDR&E on nuclear issues as appropriate.

DUTIES AND RESPONSIBILITIES

Question. Section 179 of Title 10 of the United States Code designates the ATSD as the Executive Director of the Nuclear Weapons Council. The chairman of the Nuclear Weapons Council is the Under Secretary of Defense for Acquisition and Technology.

Will the ATSD have direct responsibility, authority, direction, and control of all the assets, resources, and people needed to fulfill the responsibilities of Executive Director of the Nuclear Weapons Council?

Answer. Yes.

Question. If confirmed as ATSD, would you propose that the Nuclear Weapons Council resume its monthly meetings, or would you propose a different meeting schedule?

Answer. If confirmed, I will continue to schedule monthly meetings.

Question. If confirmed as ATSD, would you ensure that the Nuclear Weapons Council carries out it statutorily mandated duties?

Answer. Yes.

NUCLEAR POSTURE REVIEW

Question. If confirmed, would you participate in the nuclear posture review?

Answer. Yes.

NUCLEAR WEAPONS TESTING

Question. Do you believe that there is a technical reason to resume nuclear weapons testing at the present time?

Answer. At the present time, I have no indication that a nuclear weapons test is needed.

Question. Do you believe we should develop a new weapon design in an effort to make sure our experienced designers are maintaining their skills and have the opportunity to transfer their expertise to the new generation of nuclear weapon designers?

Answer. Until I've had a chance to review this issue in detail, I must defer an answer at this time.

STOCKPILE STEWARDSHIP PROGRAM

Question. Do you support the National Nuclear Security Administration Stockpile Stewardship Program?

Answer. Yes.

Question. If through our science-based Stockpile Stewardship Program, the Secretary of Energy and Secretary of Defense are unable to certify the safety, security and reliability of our nuclear stockpile, would you support the resumption of underground nuclear testing?

Answer. If the Secretary of Energy and the Secretary of Defense reach the point where they are unable to certify the safety, security and reliability of the nuclear stockpile, I would assume that, if confirmed, I would have been a key contributor to that decision. If the President supports this decision and determines that the need for nuclear testing is in the supreme national interest of the United States, if confirmed, I too would support the resumption of underground nuclear testing.

COOPERATIVE THREAT REDUCTION PROGRAMS (NUNN-LUGAR PROGRAMS)

Question. Do you support the Cooperative Threat Reduction Programs?

Answer. Yes.

Question. Do you support the effort of the United States to assist Russia with the destruction of chemical weapons?

Answer. Yes.

Question. Do you believe that there are any additional activities that you would propose be undertaken by the Cooperative Threat Reduction program in the areas of nuclear weapons or materials, chemical munitions or chemical weapons technologies; or biological technologies?

Answer. While there may be additional activities that could be proposed, I would need to wait to confer with subject matter experts before making a determination.

Question. Would you support joint research programs between Russia and the United States in the areas of chemical or biological weapons defense?

Answer. Again, I would need to wait to confer with subject matter experts before making a determination.

CHEMICAL AND BIOLOGICAL DEFENSE RESEARCH

Question. There are currently a number of ongoing research and development programs to support chemical and biological defense requirements spread across the various services and agencies.

If confirmed, would you support the consolidation of those programs into one office? What are the advantages or disadvantages of this consolidated management approach?

Answer. In order to better manage the joint chemical and biological defense program, it is my understanding that Under Secretary Aldridge has organized a task force to address some of the management deficiencies in the program. If confirmed, I would need to see the report from the task force before I made any determinations.

Question. Congress has worked to greatly increase the funding of research in the life sciences and biomedical sciences, especially at the National Institutes of Health.

If confirmed, how would you work to leverage these investments to meet the needs of the Department of Defense in therapeutics, vaccines, decontamination agents, and other technologies? How are the research and development programs of DOD and NIH currently coordinated? In your view, how should this coordination be improved?

Answer. It is my understanding that the Department of Defense currently has a collaborative research effort with NIH in the development of the next generation anthrax vaccine. Collaborative efforts with NIH are leveraged on a case-by-case basis.

Question. As the Department moves to improve its capability to meet chemical and biological threats, there will be an increasing dependence on the commercial sector, in both research and production.

In your view, what steps can Congress take to improve DOD's ability to leverage the technical talent, production capabilities, and research capabilities of the private sector? In your view, what steps could DOD take to encourage new private sector participation in the development of technologies of interest to the military?

Answer. I believe that the current program has taken advantage of considerable technical talent, research and production capabilities of a number of commercial companies who have developed and are producing improved chemical and biological defense equipment. If confirmed, I will place a high priority on advocating sufficient resources and on further enhancing lines of communication with industry, universities, and others.

Question. A number of promising medical and CB decontamination technologies that have been developed with DOD's investments are now involved in an extended and costly Federal regulatory process.

If confirmed, how would you work to speed this regulatory process for critical defense technologies? What actions, if any, would you propose to assist successful contractors in getting their technologies approved for use by the military?

Answer. The Department of Defense will continue to coordinate efforts with the FDA to facilitate industry compliance with regulations and to ensure that safe and effective medical products are developed in a timely manner. At this point, I cannot comment specifically on appropriate changes that could streamline the regulatory process until I've had the opportunity to fully examine the issue.

ROLE OF THE DEPUTY ASSISTANT TO THE SECRETARY

Question. In the absence of an Assistant to the Secretary, there has been a Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense matters.

If you are confirmed to the position of ATSD, what would be the role and functions of the current position of the Deputy Assistant for Chem-Bio Defense?

Answer. It is my understanding that the current role and functions of the position are to provide day-to-day oversight for all counterproliferation and chemical-biological defense programs, consequence management, chemical demilitarization, assembled chemical weapons assessment, and chemical and biological weapons treaty implementation. If confirmed, I would review these roles and functions.

Question. Would the Deputy Assistant report to the ATSD?

Answer. Yes.

Question. What will be the relationship between the Deputy Assistant and the Under Secretary of Defense for Acquisition, Technology, and Logistics?

Answer. If I am confirmed, the Deputy Assistant will report through me to the Under Secretary.

ROLE OF THE ASSISTANT TO THE SECRETARY ON CHEMICAL AND BIOLOGICAL DEFENSE MATTERS

Question. If you are confirmed, what would you expect your roles and responsibilities to be on chemical and biological defense matters?

Answer. If confirmed, my responsibilities will be to address countering the proliferation of weapons of mass destruction. I also expect, if confirmed, to oversee effective chemical and biological defense programs. Finally, but equally important, I intend to oversee the safe and secure demilitarization of our chemical weapons stockpile.

Question. If confirmed, would you review the chemical and biological defense program and make any needed recommendations to Congress for improving the program?

Answer. In order to better manage the joint chemical and biological defense program, Mr. Aldridge has organized a task force to address some of the management deficiencies in the program. If confirmed, I would need to see the report from the task force before I made any determinations. The task force is required to report to Mr. Aldridge early next year.

Question. The Department of Defense plays a significant role in the area of research, development and acquisition of vaccines, medical therapy products, and decontamination technologies for chemical and biological defense, among other things.

If confirmed, would you work with other Federal agencies to review the regulatory and approval process for vaccines, medicines and decontamination technologies to improve the process and the timeliness of product approval?

Answer. Yes.

COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE (CPRC)

Question. The Assistant to the Secretary of Defense (NCB) is mandated in statute to "serve as the executive secretary" to the Counterproliferation Program Review Committee.

If confirmed as the ATSD, would you fulfill this statutory responsibility?

Answer. Yes.

Question. If confirmed, what would be your roles and responsibilities relative to the Counterproliferation Program Review Committee?

Answer. If confirmed, my responsibilities would be to ensure that the CPRC adequately coordinates the efforts of the Department of Defense with the Department of Energy and the intelligence community in countering proliferation, and paramilitary and terrorist threats.

Question. If confirmed, what priorities would you establish for the CPRC?

Answer. If confirmed, I will review the responsibilities of the CPRC and establish appropriate priorities.

CHEMICAL AND BIOLOGICAL DEFENSE

Question. Will the ATSD (NCB) have oversight of the safety and security of biological and chemical agents in stock at DOD training, R&D, and production facilities?

Answer. Yes.

Question. If confirmed, what steps would you take to guarantee the safety and security of these agents?

Answer. If confirmed, I will work with the military services to guarantee the safety and security of these agents.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Answer. Yes.

Question. Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings, and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

GAO STUDY OF THE CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM

1. Senator BYRD. Dr. Klein, at my request, the General Accounting Office conducted a study of the Chemical and Biological Defense Program. As I am sure you know, this program develops the gas masks and other protective equipment that our troops need to survive an attack using a weapon of mass destruction.

The conclusions of the report are very alarming. If the program were working well, it would start by looking at all types of chemical and biological weapons that are being developed by countries like Iraq, Iran, North Korea, and others. Our intelligence agencies have a pretty good idea of what kinds of research these countries are carrying out, and some of those programs are pretty advanced. The program would then take these threats and develop the equipment necessary to protect our soldiers from them. But that is not the case.

Instead, the Pentagon seems to be buying whatever equipment some contractor might offer to it, without regard for whether it actually works any better than what we had 10 years ago. I understand that the program developed a protective suit for the Navy that begins to disintegrate if it is exposed to salt water!

This is a serious problem. It calls into doubt the safety of our troops at the same time that our country is dealing with a bio-terrorist attack on our homeland.

Have you seen or been briefed on this report?

Dr. KLEIN. At the time of my confirmation hearing, I was unaware of the specifics of this Government Accounting Office (GAO) report. However, I intend to become familiar with this and other GAO and Department of Defense Inspector General (DODIG) reports, their findings and recommendations, particularly those that contain acquisition implications for the Department. I do expect that these programs will be operated in both a safe and cost-effective manner.

2. Senator BYRD. What do you believe are the main challenges facing the Chemical and Biological Defense Program?

Dr. KLEIN. The Chemical and Biological Defense Program consists of all Department of Defense (DOD) research, development, and acquisition (RDA) efforts that develop and procure systems designed to provide U.S. forces with the ability to operate effectively in the presence of chemical and biological agents. The plans and accomplishments of the Chemical and Biological Defense Program are detailed in an annual report and performance plan submitted to Congress. Technical challenges within the science and technology base are also detailed in the Joint Warfighting Science and Technology Plan.

Joint and service unique RDA efforts are structured to support the framework of the three mission areas of CB defense: *contamination avoidance* (detection, identification, warning and reporting, and reconnaissance), *protection* (individual, collective, and medical) and *decontamination.* The current CB program supports warfighters in all services. It focuses on force protection for all the services in all environments. The programs affect all joint warfighting capabilities, while providing an integrated system of systems throughout the battle space. It is essential to view all chemical and biological defense programs as an integrated system, with each mission area important to joint force survival. Our forces need the full spectrum of defensive equipment to survive, fight, and win in contaminated environments. One of the major challenges of the program is ensuring that adequate capabilities in all mission areas are developed and fielded to protect the entire force. For example, capabilities for detection and warning must be supplemented by protection systems, medical therapeutics and vaccines, and decontamination capabilities in order for our forces to sustain operations effectively.

A related challenge is ensuring that defensive capabilities protect against the full spectrum of chemical and biological threats. Not only must we protect against classical chemical and biological agents, such as nerve agents and mustard agents, anthrax, plague, and others, but we must also protect against these agents in combination and in various states (liquid, aerosols, and vapors). Additionally, we must protect against emerging threats, including fourth generation chemical agents and potentially genetically modified biological agents.

Another challenge that is being addressed is the integration of defensive capabilities with the strategy to counter the proliferation of weapons of mass destruction. We are working to ensure defensive capabilities and strategies complement capabilities and plans for *deterrence, nonproliferation* initiatives such as the Chemical Weapons Convention and the Biological Weapons Convention, *counterforce capabilities* to destroy adversaries' chemical and biological weapons capabilities, and *combating terrorism* initiatives to prevent and limit the effects of terrorist attacks using chemical or biological weapons.

DOD is addressing some of the challenges to institutionalize acquisition efforts for capabilities to manage consequences of a terrorist attack. This includes efforts to ensure the units such as the Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) and the Chemical Biological Incident Response Force (CBIRF) are adequately equipped to respond to terrorist attacks.

DOD continues to work with other agencies to ensure that the unique assets and capabilities of the Department can be made available to support the lead agencies for terrorist. Additionally, DOD is working with other agencies to develop safe and effective vaccines to protect against a biological agent attack. Specifically, DOD and the Department of Health and Human Services are leading an interagency effort to develop the requirements for a national vaccine production facility for biological defense vaccines.

These are some of the major challenges that are currently being addressed. Numerous technical challenges are detailed in the reports mentioned above. We will continue to improve our capabilities to ensure that U.S. forces are the best protected fighting force in the world.

INTEGRATION INTO THE ACQUISITION PROGRAM

3. Senator BYRD. I think the main problem here is that the Pentagon seems to be buying whatever new product is offered to it. First we ought to know what something is supposed to do, before we even begin testing it, much less purchasing it.

Do you intend to integrate the intelligence agencies into your acquisition program to make sure we get the right equipment to protect out troops from the very real threat of chemical and biological weapons?

Dr. KLEIN. The Department of Defense Chemical and Biological Defense Program (CBDP) has always, and will continue to, require Defense Intelligence Agency (DIA) validated chemical and biological threat assessments as outlined in the Chairman of the Joint Chiefs of Staff Instruction 3170.01A (10 August, 1999). Warfighter requirements for the acquisition of chemical and biological defense capabilities (medical and non-medical) are focused on the DIA validated chemical and biological threat list. In order to ensure that the DIA threat list that supports the CBDP is current, the Deputy Assistant to the Secretary of Defense (Chemical and Biological Defense) in March 2001 requested the production of an updated chemical and biological warfare agent threat document. Just recently, DIA published a comprehensive threat document entitled the "Chemical and Biological Defense Capstone Threat Assessment" (Reference DIA product DI1650–83–01).

The CBDP also recognizes the need to ensure coordination and integration of the Intelligence Community with the user and acquisition communities. Currently, the Joint Service Integration Group (JSIG), which has responsibility for the integration and oversight of service and CINC requirements for chemical and biological defense RDT&E and initial procurement, is in the process of establishing a sub-group that will be composed of representatives from intelligence, user, and acquisition communities. This JSIG sub-group for addressing existing and emerging chemical and biological threats will ensure coordination and integration among all stakeholders.

EQUIPMENT STANDARDIZATION

4. Senator BYRD. The program has worked to standardize the protective equipment used by the military, so that an Army soldier can use the same gas mask as a Navy sailor. This makes sense, under most circumstances. But I cannot understand how the program developed a protective suit for the Navy special operations personnel that was damaged by salt water.

What are your thoughts on standardizing this type of equipment, as opposed to having specialized equipment for unique purposes?

Dr. KLEIN. Standardization of equipment is a common sense and cost effective approach toward supporting the operational needs and missions of our joint forces. However, there are instances where specialized equipment may be necessary to facilitate mission accomplishment.

The Joint Service Lightweight Integrated Suit Technology (JSLIST) is the standard joint chemical and biological (CB) suit being fielded to soldiers, sailors, airmen, and marines. As such, JSLIST was developed with the general needs of joint forces in mind. However, a design specific to special operations needs and requirements was also developed. Both provide salt water CB protection to the wearer, but not as much as a dry JSLIST garment.

Again, it should be emphasized that no CB suit technology exists which provides complete CB protection (including salt water exposure). The JSLIST Program Office continues to seek new and promising CB suit technologies, even as the current JSLIST is being fielded. Until such time as a new technology is identified, developed, and thoroughly tested, JSLIST remains the best overall material solution to providing CB protection to our joint forces.

QUESTIONS SUBMITTED BY SENATOR JACK REED

COOPERATIVE THREAT REDUCTION PROGRAM

5. Senator REED. If confirmed, will you look at potential areas of future cooperation with Russia through the Cooperative Threat Reduction Program to ensure the U.S. is doing everything possible to safeguard Russian nuclear materials and weapons?

Dr. KLEIN. The Cooperative Threat Reduction (CTR) Program has a number of ongoing projects with the Russian Ministry of Defense to enhance the safety and security of Russian warheads in storage and during transport. Although not involved with the dismantlement of the nuclear weapons themselves, the CTR Program also

has an ongoing project with the Ministry of Atomic Energy to construct a Fissile Material Storage Facility to provide centralized safe, secure, and ecologically sound storage of up to 50 metric tons of weapons-grade plutonium and 200 metric tons of highly enriched uranium removed from nuclear weapons. We continue to be concerned with the potential theft or diversion of Russian nuclear weapons, and, therefore, we will continue to look at potential areas of future cooperation to further safeguard nuclear materials and weapons.

6. Senator REED. Are there additional opportunities to do research with Russia through the Cooperative Threat Reduction program with the nuclear scientists and engineers in the Russian nuclear weapons complex?

Dr. KLEIN. The DOD Cooperative Threat Reduction Program is no longer engaged in employing Russian nuclear weapons scientists and engineers in cooperative research. The Department of Energy, through the Initiatives for Proliferation Prevention and Nuclear Cities Initiative, and the Department of State, through the International Science and Technology Center in Moscow, undertake this task.

STOCKPILE STEWARDSHIP PROGRAM

7. Senator REED. You stated in your answers to pre-hearing questions that you support the Stockpile Stewardship Program to keep the nuclear weapons stockpile safe and secure in the absence of nuclear weapons testing. What are your plans to ensure that the Stockpile Stewardship Program is closely coordinated with and supported by DOD?

Dr. KLEIN. The Joint DOD-DOE Nuclear Weapons Council (NWC) has the responsibility under Section 179, Title 10, U.S. Code to conduct this coordination. As the NWC Staff Director and as the Chairman of the Nuclear Weapons Council Standing and Safety Committee, I plan to manage this inter-departmental coordination. In my DOD role as the ATSD (NCB), I plan to work closely with the Joint Staff, Commanders in Chief (CINCs), military services and the Office of the Secretary of Defense staff to identify and ensure DOD requirements are met by the Stockpile Stewardship Program.

8. Senator REED. How will you ensure that the Stockpile Stewardship Program meets both long term science goals as well as the near term goals of supporting the ongoing life extension programs?

Dr. KLEIN. My first priority must be to the stockpile and to the refurbishments necessary for the safety and reliability of each nuclear weapon system. I will work with the military services, Joint Staff, CINCs, appropriate civilian defense officials, and the National Nuclear Security Administration (NNSA) to ensure our near-term safety, security, and reliability requirements are met. I also understand the value of increasing our understanding for weapons-related science and I will examine and support the NNSA Campaigns that have the potential to enhance safety and reliability in the future.

DOD STRATEGIC SYSTEMS

9. Senator REED. Over the past several years I have been concerned that the requirements placed on the Department of Defense to maintain certain types and numbers of nuclear weapons are out of sync with the delivery system requirements at DOD. In other words there are far more nuclear weapons than delivery systems. If confirmed would you commit to review this apparent disconnect?

Dr. KLEIN. Yes.

10. Senator REED. Should this also be something that could be addressed in the context of the ongoing Nuclear Posture Review?

Dr. KLEIN. Yes.

NUCLEAR POSTURE REVIEW

11. Senator REED. Do you know what your role will be in the Nuclear Posture Review process if you are confirmed?

Dr. KLEIN. No. However, I plan to be engaged in all issues addressed by the Nuclear Posture Review.

MAINTAINING TECHNICALLY QUALIFIED PEOPLE

12. Senator REED. Maintaining technically qualified people at DOE and DOD to meet your various responsibilities will be a challenge. How can you work with DOE and the military services to make sure the necessary people are available, recruited and retained?

Dr. KLEIN. I will review the recommendations of the Chiles Report on maintaining nuclear weapons expertise within DOE and the recent joint DOD/DOE report on maintaining nuclear qualified people. With their recommendations in mind I plan to work closely with General Gordon at the National Nuclear Security Administration (NNSA) as well as with key military and civilian leaders within DOD to assist them in their efforts to recruit and retain technically qualified people. I believe both DOD and DOE need to establish better long-term relationships with universities so the graduates are aware of the exciting career opportunities with these Departments. In addition, the services need to examine how they structure advancement within their career programs to ensure critical positions are filled with experienced, motivated and technically qualified people.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

EXCESS PLUTONIUM

13. Senator AKAKA. You have written on the importance of securing and disposing of both Russian and U.S. fissile material that is left over when nuclear arsenals are reduced. While Russia agrees that surplus plutonium must be secured from terrorists, Russia also regards this material as a valuable energy source and commodity. In your opinion, how important is each aspect of excess plutonium to your Russian counterparts?

Dr. KLEIN. In my opinion each aspect of excess plutonium is very important to the Russians. I believe they realize the extreme importance and priority of safeguarding plutonium from terrorists. However, they also understand the resources that were invested to produce the plutonium in question, and, therefore, place a high value on the use of their plutonium. The Russians must strike a balance on their use of plutonium compared to other energy sources while providing supreme protection of this plutonium from terrorists.

14. Senator AKAKA. Is the terrorist proliferation concern overwhelmed by the potential financial gain of this material?

Dr. KLEIN. No. I believe Russia understands the need to safeguard their plutonium; however, their financial resources devoted to this endeavor do merit monitoring.

15. Senator AKAKA. Has this balance shifted since the events of September 11?

Dr. KLEIN. I believe that the events of September 11th have heightened Russian awareness of the paramount need to protect this plutonium from terrorists.

RUSSIAN NUCLEAR WEAPON INFRASTRUCTURE

16. Senator AKAKA. How important are programs that deal with the critical personnel issues relating to the Russian nuclear weapon infrastructure?

Dr. KLEIN. In my view programs that deal with critical personnel issues relating to the Russian nuclear weapon infrastructure are very important in that they help prevent trained scientists and engineers from leaving Russia and selling their expertise to potential proliferants. The DOD Cooperative Threat Reduction Program is no longer engaged in employing Russian nuclear weapons scientists and engineers in cooperative research. The Department of Energy, through the Initiatives for Proliferation Prevention and Nuclear Cities Initiative, and the Department of State, through the International Science and Technology Center in Moscow, undertake this task. Also, I believe it is vital that the Russians retain the critical personnel so that Russia can effectively dismantle and dispose of the excess Russian nuclear weapons and the resulting material in a safe and secure manner.

One critical personnel issue that the DOD Cooperative Threat Reduction Program has dealt with is personnel reliability. We have an ongoing project to enhance the Russian Ministry of Defense's personnel reliability program by providing a capability for drug and alcohol screening and evaluation of personnel who have access to nuclear weapons.

The DOD program does contract with Russian nuclear weapons institutes to develop equipment to enhance safety and security of nuclear weapons and materials.

17. Senator AKAKA. Do you feel that US CTR programs have placed enough attention on the "brain drain" and the risks of internal theft and diversion of nuclear material?

Dr. KLEIN. The "brain drain" issue is very important and is handled by the Departments of State and Energy. The Cooperative Threat Reduction (CTR) Program works closely with the Ministry of Defense to protect against internal theft and diversion of nuclear warheads. These efforts include equipment and assistance in establishing a personnel reliability program to screen and test workers at the warhead facilities. It also includes equipment, services and training on security in the transport, handling, and storage of the weapons as they are withdrawn from operational use and are eventually dismantled. We would like to provide more assistance to Russia's Ministry of Defense but are hindered by Russia's laws that prohibit foreign personnel access to their weapons storage areas. This is a problem we are trying to resolve with Russia.

The DOD program does contract with Russian nuclear weapons institutes to develop equipment to enhance safety and security of nuclear weapons and materials.

18. Senator AKAKA. Many of the problems faced by domestic chemical weapons disposal facility planners, namely local opposition, and environmental safety concerns, are shared by planners of Russian chemical weapons disposal facilities. Would you consider sharing lessons learned and best practices regarding chemical weapon destruction with your Russian counterparts?

Dr. KLEIN. The DOD CTR Program shares a very special, on-going and cooperative relationship with our Russian counterparts for the destruction of chemical weapons. We share a common goal of destroying chemical weapons stockpiles. As part of this working relationship, we routinely share information, lessons-learned and best practices pertaining to the safe and efficient destruction of chemical weapons. The U.S. Army's Chemical Weapons Destruction program office provides a rotating manager to assist in sharing these lessons with Russian counterparts. Additionally, our Russian colleagues have visited Johnston Atoll and other U.S. Chemical Disposal sites and have met with local officials to discuss common problems. We will continue this practice as we work with our Russian partners towards building a nerve agent destruction facility in Shchuch'ye to eliminate these weapons and the threat of their proliferation, and in other areas that enhance U.S. national security goals. The complete, rapid and safe destruction of both the Russian and U.S. chemical weapons stockpiles is a goal of high importance to both our nations.

CHEMCAL WEAPON DISPOSAL FACILITIES

19. Senator AKAKA. How would you plan on improving any of the concerns raised in a recent GAO report about some U.S. chemical weapon disposal facilities?'

Dr. KLEIN. Subsequent to the GAO Report *Chemical Weapons Disposal—Improvements Needed in Program Accountability and Financial Management,* the Department made changes in the DOD Chemical Demilitarization program to improve overall program management. First, the Department re-categorized the program to an Acquisition Category (ACAT) ID designation, which provides more senior-level program oversight consistent with the size, scope, and international importance of this mission.

Next, the Under Secretary of Defense for Acquisition, Technology and Logistics directed a series of Defense Acquisition Board (DAB) program reviews be held on the entire Chemical Demilitarization Program. The DAB program review is being used to streamline the overall program, establish realistic schedule and cost estimates, and determine alternative technology methods for two remaining sites.

Finally, the Army has responded by consolidating its management structure within a single chain of command at the headquarters level. This was done to reduce duplication of efforts and improve overall management of the program.

20. Senator AKAKA. One objective of DOD's CTR Programs is to eliminate and prevent the proliferation of biological and chemical weapons and associated capabilities. CTR programs provide collaborative research for chemical and biological weapon scientists, enhance security and safety at former Soviet biological research centers, and consolidate and dismantle infrastructure associated with biological weapon production or research. Which of these objectives do you feel is the most urgent in the current international climate?

Dr. KLEIN. First and foremost, we seek to destroy weapons of mass destruction and their means of delivery. If it's not possible to destroy such weapons, then we will seek to consolidate and secure them. Further, we seek to prevent weapons of mass destruction, materials, and knowledge from leaving the former Soviet Union.

The Biological Weapons Proliferation Prevention aspect of the DOD CTR program is of exceptional, and increasing, importance. The priority there is to consolidate and enhance the security of dangerous pathogens at former Soviet biological research and production facilities. On the chemical weapons front, we also are concerned with the threat of chemical weapons proliferation and we are troubled by inadequate security and safety measures currently being maintained on stocks of chemical agents, and we have a program that is addressing this concern.

Please note, while the DOD CTR Program is involved in targeted collaborative research with biological weapon scientists on dangerous pathogens to enhance U.S. bio-defense capabilities, the DOD CTR program is not involved in similar collaborative research with chemical weapons scientists—the Department of State engages in this area.

21. Senator AKAKA. Do you feel these programs have the resources and attention needed to accomplish their goals?

Dr. KLEIN. Currently, between unobligated funding and the budget request, there is both the funding and management flexibility to deal with this challenge. The Department in conjunction with the Office of Management and Budget (OMB) will notify Congress if requirements for additional funds arise.

QUESTIONS SUBMITTED BY SENATOR JEFF BINGAMAN

22. Senator BINGAMAN. Will the Department look to you as the nominated official for oversight of acquisition programs concerned with weapons of mass destruction and our nuclear arsenal?

Dr. KLEIN. Yes

23. Senator BINGAMAN. Will you work to insure the Nuclear Weapons Council is an active decision making body so that the Department of Energy receives timely guidance and requirements in their Stockpile Stewardship Program?

Dr. KLEIN. Yes.

OVERSIGHT FOR COUNTER-TERRORISM

24. Senator BINGAMAN. How will the Department perform oversight for counter-terrorism with weapons of mass destruction when the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD/SO/LIC) is the official responsible for counter-terrorism and this position is responsible for weapons of mass destruction?

Dr. KLEIN. One of my responsibilities as the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs (ATSD(NCB)) is countering the proliferation of nuclear, chemical, and biological (NCB) weapons of mass destruction and their means of delivery. These responsibilities include: the development of a counterproliferation (CP) acquisition strategy; the research, development, and acquisition related to CP; development of systems and standards for the administration and management of the approved plans and programs for CP; review and evaluation of programs for carrying out approved policies and standards; coordination, cooperation, and mutual understanding on CP policies, within the Department of Defense (DOD) and between DOD and other Federal agencies; and advisor to the Defense Acquisition Board for review of systems for CP programs.

Another of my responsibilities is that of Executive Secretary for the congressionally-mandated Counterproliferation Program Review Committee (CPRC) and Chair of that organization's Standing Committee. The CPRC is chaired by the Secretary of Defense, with the Secretary of Energy as the vice-chair, and the Chairman of the Joint Chiefs and Director of Central Intelligence also participating. Serving with me on the CPRC Standing Committee is the National Nuclear Security Agency's Deputy Administrator for Defense Nuclear Nonproliferation, the Joint Staff J–5 Deputy Director for Strategy and Policy, the Central Intelligence Agency's Director for Weapons Intelligence, Nonproliferation and Arms Control, and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD(SO/LIC)).

The ASD(SO/LIC) has overall responsibility for the counterterrorism mission. My responsibilities, CP duties, and CPRC congressional mandate make me responsible for countering that subset of the NCB aspects of paramilitary and terrorist threats.

In this capacity, I work closely with the ASD(SO/LIC) both directly and within the forum of the CPRC to ensure that our efforts are coordinated and that we capitalize on any opportunities to exploit possible synergies to ensure that we thoroughly address this issue.

LOW-YIELD NUCLEAR WEAPONS

25. Senator BINGAMAN. What is your position on the development of low-yield nuclear weapons as a deterrent against hard and deeply buried targets?

Dr. KLEIN. The Department of Defense recently submitted the congressionally-mandated Report to Congress on the Defeat of Hard and Deeply Buried Targets (HDBTs), which responds to Section 1044 of the Floyd D. Spence Department of Defense Authorization Act for Fiscal Year 2001. I support the report's initiatives for finding, locating, and attacking HDBTs in a timely manner.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

STOCKPILE STEWARDSHIP PROGRAM

26. Senator THURMOND. Maintaining a safe and reliable nuclear weapons' stockpile is of supreme national interest to the United States. In the absence of nuclear testing, our Nation relies on the Stockpile Stewardship Program as the primary means of ensuring the safety and reliability of its nuclear deterrent. What are your views regarding the Stockpile Stewardship Program's effectiveness in ensuring the safety and reliability of the weapons under the control of our Armed Forces?

Dr. KLEIN. My perception at this point is that the Stockpile Stewardship Program to date, and the excellent Cold-War era legacy of nuclear weapons scientists, engineers, and production workers, has worked to ensure the safety and reliability of the stockpile. The ability of the program to continue to do so is uncertain. The effectiveness of the program will ultimately be measured by its ability to deliver refurbished safe and reliable weapons in a timely manner to meet operational requirements. We have not yet reached that point.

ROLE IN STOCKPILE STEWARDSHIP

27. Senator THURMOND. In your response to the advance policy question on major challenges facing you if confirmed, you indicated that one challenge will be "maintaining the safety, security and reliability of our aging nuclear stockpile." In your view what specific role will you have in "maintaining the safety, security, and reliability of our aging nuclear stockpile"?

Dr. KLEIN. Specifically, I view myself as the principal OSD focal point for the safety, security, and reliability of our nuclear weapon stockpile. As the Nuclear Weapons Council (NWC) Staff Director, as the NWC Executive Secretary and as the Chairman of the Nuclear Weapons Council Standing and Safety Committee, I will manage the joint DOD-DOE/National Nuclear Security Administration (NNSA) activities aimed at maintaining the safety, security and reliability of our aging nuclear stockpile. As the ATSD (NCB), I am chartered as the principal contact with the DOE/NNSA on all atomic energy matters. I am directly responsible to the Secretary of Defense to develop plans for nuclear weapons safety and security. I plan to work closely with the Joint Staff, Commanders in Chief, Military Services, civilian defense officials, the DOE/NNSA in carrying out these responsibilities.

CHEMICAL DEMILITARIZATION

28. Senator THURMOND. The United States has an aggressive, but expensive Chemical Demilitarization Program. What will be your specific role in the execution of this program?

Dr. KLEIN. As the Assistant to the Secretary of Defense for Nuclear, and Chemical and Biological Defense Programs, I will provide oversight of the Army Chemical Demilitarization Program and the Assembled Chemical Weapons Assessment (ACWA) Program. One of my primary goals is to foster improved cooperation with the Army to help expedite the destruction of our chemical weapons in a safe, treaty-compliant and cost-effective manner.

29. Senator THURMOND. Further, what are your views on how the program is progressing toward meeting the 2007 deadline for the destruction of the stockpile?

Dr. KLEIN. As of December 2001, the Department reports that 24 percent of the original chemical weapons tonnage has been destroyed. Thus, we have achieved the Chemical Weapons Convention (CWC) 20 percent destruction milestone well before the April 29, 2002, deadline. As part of this destruction effort, all chemical weapons at Johnston Atoll (6.4 percent of the original inventory) were finally destroyed during 2001. Closure operations at Johnston Atoll are currently underway.

Results from the September 2001 Defense Acquisition Board (DAB) review of the Army Chemical Demilitarization program show us that we will not be able to meet the Chemical Weapons Convention 2007 deadline for complete destruction of our national stockpile of chemical weapons. However, a provision in the convention allows for an extension to 2012. The Department is looking at adopting efficiencies that will help us to condense the overall schedule to within the 2012 timeframe without compromising strict safety and environmental standards.

A second and third phase of the DAB program review will occur in March and June 2002, respectively. During these reviews, destruction technologies to be used at the Pueblo, CO, and Blue Grass, KY, chemical depot sites will be determined. Based on the technologies chosen for these sites, the Defense Acquisition Executive will approve the final destruction schedule estimates accordingly.

QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

CHEMICAL AND BIOLOGICAL DETECTION DEVICES

30. Senator INHOFE. Dr. Klein, there is a company in Tulsa, Oklahoma called Airborne Technologies, that has done some great things regarding chemical/biological detection using an airborne platform for detection. They are actively involved in project SAFEGUARD, which was developed by ERDEC in response to needs identified during the Gulf War. Today, SAFEGUARD is our country's only operational, field proven stand-off detection sensor capable of locating, tracking, and identifying the airborne plume produced by chemical weapons of mass destruction (WMD). SAFEGUARD functions by flying over enemy territory on a BQ–145 UAV utilizing its on-board sensors to identify chemical/biological particles.

In 1995, a blue ribbon panel was directed to study SAFEGUARD and the results were overwhelmingly positive. Many of the panel members have written me to express how this program could be of great value due to the recent terrorist events. My office has been working with DTRA to highlight how SAFEGUARD could assist the United States and our allies in these tense times since the attack of 11 September. However, the progress has been slow with DTRA due to bureaucracy.

Dr. Klein, I would like for you to study this issue and report back to me with your findings. I think you will find that the SAFEGUARD program has merit.

Dr. KLEIN. I am currently not aware of the details of the SAFEGUARD program, but will certainly work to gain familiarity with this issue. My general understanding is that research involving the SAFEGUARD program was completed in fiscal year 2001 and the hardware was transitioned to the U.S. Environmental Protection Agency for application and further development. In the interim, the Department focused on investigating unmanned aerial vehicle (UAV) deployment for other standoff and point detectors. This issue bears looking into and I will commit my efforts to that end and report back to you.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

CHEMICAL DEMILITARIZATION

31. Senator ALLARD. There has been much discussion about impact fees for communities that have chemical weapons destruction facilities.

Where would the money for these proposed impact fees have to come from, and how could it affect the chemical demilitarization programs for these sites?

Dr. KLEIN. In accordance with House Report 106–945, Section 152, p. 647, the Department tasked the Institute for Defense Analyses (IDA) to conduct an independent assessment on "the impact of the Department of Defense Chemical Agents and Munitions Destruction program on the communities in the vicinity of the chemical weapons stockpile storage sites and associated chemical agent demilitarization activities" at the eight chemical depot facilities located within the continental United States.

Based on the findings of the report, which reveal an overall positive economic impact at the state level resulting from demilitarization operations at all eight sites, the Deputy Secretary of Defense, in a September 25, 2001, memorandum to Con-

gress, did not recommend economic assistance to the communities. Therefore, based upon this determination, there are no effects to budgets or programs.

32. Senator ALLARD. What do you see as your biggest challenge in meeting the international deadline for the destruction of our chemical stockpile as directed by the Chemical Weapons Convention?

Dr. KLEIN. Results from the September 2001 Defense Acquisition Board review of the Army Chemical Demilitarization program show us that we will not be able to meet the 2007 Chemical Weapons Convention deadline for complete destruction of our national stockpile of chemical weapons. However, a provision in the Chemical Weapons Convention allows for an extension request to 2012. The Department is looking at adopting efficiencies that will help us to condense the overall schedule to within the 2012 timeframe without compromising strict safety and environmental standards. Therefore, our biggest challenge will be to identify and incorporate such efficiencies that will help us maintain treaty compliance without compromising safety and environmental standards.

33. Senator ALLARD. Will we meet the deadline?

Dr. KLEIN. The Defense Acquisition Executive (DAE), during a September 2001 Defense Acquisition Board program review, approved a new schedule for completion of chemical weapons destruction. Based on the new schedule, we will not complete chemical weapons stockpile destruction before the 2007 deadline.

However, a provision in the Chemical Weapons Convention allows for an extension request to 2012. The Department is looking at adopting efficiencies that will help us to condense the overall schedule to within the 2012 timeframe without compromising strict safety and environmental standards.

QUESTIONS SUBMITTED BY SENATOR TIM HUTHINSON

VACCINE PRODUCTION FACILITY

34. Senator HUTCHINSON. The National Defense Authorization Act for Fiscal Year 2002, passed by the Senate on October 2, 2001, provides authority for the Secretary of Defense to design, construct and operate on an installation of the Department of Defense a Government-owned, contractor-operated vaccine production facility. The Senate provided this authority following a comprehensive review by the Emerging Threats and Capabilities Subcommittee of this committee, as well as the work of other congressional committees. In addition, an advance recommendation of the Gilmore Commission on Terrorism recommends a Government-owned, contractor-operated vaccine production facility. I encourage you to review the work of this committee and other congressional committees, as well as the work of the Gilmore Commission.

Dr. Klein, should the Secretary of Defense utilize the authority provided to him by Congress, I expect that your office will execute his instructions.

Will you assure the committee that the site selection process for a Government-owned, contractor-operated vaccine production facility will be fair and transparent?

Dr. KLEIN. Yes, the acquisition process will follow established policies and provisions of the National Environmental Protection Act, local and State permitting, Federal Acquisition Regulation, and the Defense Acquisition Regulation Supplement.

35. Senator HUTCHINSON. Dr. Klein, will you assure the committee that as the criteria is established for site selection, that this committee be briefed on that criteria and that, before site selection is made, the committee receive a briefing?

Dr. KLEIN. As I stated during my confirmation hearing, I intend to work closely with Congress on all critical national security issues germane to my portfolio in a spirit of openness and frankness. As soon as site selection criteria are established for the vaccine facility, I assure members of this committee that I will inform you of these criteria and brief you on our selection process, and progress made up to that point on establishing a vaccine production facility.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

STATUS OF THE CB DEFENSE DETECTION PROGRAM

36. Senator SESSIONS. Dr. Klein, if confirmed you will be leading an office with an extremely important mandate. The bio-terrorist attacks using anthrax have shown us the need to be able to rapidly and accurately detect biological, chemical

and radiological weapons. We need this technology, not only for the soldier in the field, but for the post office worker and in airport security offices. Indeed we need this technology wherever large numbers of people congregate.

Can you tell this committee the status of the Department of Defense's efforts to develop an accurate system, or systems, to detect biological, chemical, and radiological weapons with extremely low false alarm rates?

Dr. KLEIN. The mission of the Chemical/Biological (CB) Defense Program is primarily focused on the "classical combat" environment. This environment requires that the false alarm rate be taken into consideration with the response time, sensitivity, and other parameters that impact on the suitability of the products to the soldier in the field. The technology used in CB Defensive equipment has the potential for other environments, i.e. post offices and airports, but would require testing and evaluation of their effectiveness in those environments and forces various performance parameters to be re-balanced for the specific environment. The capabilities to accurately detect biological, chemical, and radiological materials with extremely low false alarm rates are in various stages depending on the nature of the material. This assessment is focused on a select subset of biologicals and chemicals (i.e. warfare materials) and not the entire list of toxic industrial materials.

The status of the identification of biological materials in a localized environment (i.e. next to the detector) is adequate but requires the use of multiple tests to provide the level of confidence needed for a presumptive identification of the biological materials. Efforts are currently underway to enhance this capability to identify with fewer tests. The status of the identification for early warning is inadequate; the current capability is to provide an inferred warning that something might be out there thus triggering the use of other assets to provide additional information. For this area, technology is the current limiting factor.

The status of the identification of chemical materials is adequate in both the localized environment and for early warning. There are still some areas of improvement (i.e. size, weight, and increased sensitivity while maintaining low false alarm rates) that are desired and are currently being addressed within the development community.

The status of the identification of radiological materials is adequate in the localized environment. There are a number of commercial sources that can provide this capability since it is widely needed within the civilian sector (i.e., hospitals, etc.).

STATUS REPORT OF DOD'S RESEARCH EFFORTS

37. Senator SESSIONS. Please provide this committee with a status report on DOD's research efforts, and let us know if you need any more support from Congress.

Dr. KLEIN. The Department appreciates the strong support provided by Congress over the past several years towards improving our Nation's chemical and biological defense research efforts.

In regard to medical chemical and biological defense research, the Department's mission is to preserve combat effectiveness by timely provision of medical countermeasures. A key research initiative to improve chemical and biological defense medical readiness includes enhanced medical diagnostic capability for diseases and injuries caused by chemical and biological warfare agents. Diagnostic research efforts are currently conducted within the Defense Technology Objective (DTO), Common Diagnostic Systems for Biological Threats and Endemic Infectious Diseases. The Chemical and Biological Defense Program (CBDP) utilizes DTOs to focus on more mature medical technologies for advancement through the acquisition process.

Recent bioterrorism incidents with anthrax spores have heightened our interest in improving our diagnostic capabilities, particularly with regard to biological warfare agents. A key objective of our current biological diagnostic research is to develop deployable, state-of-the-art systems, including reagents, protocols, training and devices to be used by medical personnel to confirm a clinical diagnosis of infection with any biological threat agent or endemic infectious disease of military importance. The scope of this effort includes evaluating the advanced medical diagnostic research being conducted by the Defense Advanced Research Projects Agency (DARPA) with a consideration for transitioning the most promising technologies into the Department's CBDP to support the warfighter.

With regard to chemical medical diagnostic capabilities, our overall objective is to diagnose, to determine a prognosis for, and to manage the joint service warfighter exposed to chemical warfare agents. This research objective involves developing effective, field-deployable diagnostic equipment, skin and wound decontamination

products, pharmaceutical treatments, and practical clinical strategies to aid in the clinical management of chemical warfare agent casualties.

In addition to our efforts to enhance medical chemical and biological defense diagnostic capabilities, the Department conducts significant research in developing pretreatments and post-exposure therapeutics.

Currently, there are three medical chemical defense and seven medical biological defense DTOs. The medical chemical defense DTO research efforts focus on (1) the development of medical countermeasures against vesicant injury (i.e., post-exposure therapeutic); (2) the development of a chemical agent prophylactic (i.e., pre-treatment); and (3) the development of an active topical skin protectant (i.e., pre-treatment). The medical biological defense DTO research efforts focus on the development of vaccines against a variety of pathogens. The medical biological defense DTO research efforts address vaccine development. For example, there are individual DTOs for the development of vaccines against anthrax, plague, encephalitis viruses, and Brucellae. There are also DTOs for the development of a multiagent vaccine delivery approach that could be used to immunize concurrently against a range of agents, as well as a needle-less alternative to the injection of recombinant protein-based vaccines. Finally, there is a seventh biological medical defense DTO to develop state-of-the-art technologies capable of diagnosing biological warfare agents in clinical specimens.

DOD's Non-Medical Science and Technology (S&T) Program conducts a number of research efforts in technologies for detection, warning, and identification of biological and chemical threat materials. The principal focus is battlefield-related scenarios; however, the research readily leverages into solutions for domestic and homeland defense detection applications.

Current and near-term fielded technologies for biological identification rely on antibody-based, single use assays in various implementations from hand-held to automated multiassay environmental diagnostics. The non-medical research program is investigating several approaches to expand the number of agents detectable in unattended hardware formats while reducing overall logistical burdens.

Identification of biological materials is limited by burden of time, requiring tens of minutes. Rapid detection technologies providing indication of biological materials in the environment within timeframes less than a minute have been evolved from the S&T program and are under development for fielding.

Detection of aerosolized particulate threats relies upon efficient air sampling techniques. Research is being conducted to develop more efficient and smaller air samplers for incorporation with future smaller chemical and biological detection devices.

The detection and identification of water-borne chemical and biological threats is being investigated under the DTO, Chemical Biological Agent Water Monitor. Candidate technologies for investigation have been downselected and are currently being evaluated against threat materials. As with the genetic discrimination technology mentioned above, these technology investigations will soon be entering technology demonstration phase. Investigations of technologies for detection and identification of food-borne chemical/biological (CB) threats are initiating this year.

The investigation of early warning, standoff detection technologies continues with increased emphasis. Passive chemical detection technologies which rely upon ambient radiation to provide the necessary discrimination data are investigated under the DTO, Chemical Imaging Sensor, which will produce a candidate technology proving chemical content information at a range of several kilometers with improved mapping capability over current and near-term fielded approaches. Active standoff detection technologies, which utilize a laser to probe the atmosphere at significantly greater ranges, are being investigated to provide improved biological detection capability at ranges to tens of kilometers. Investment into standoff approaches, which address both chemical and biological detection in a single hardware configuration, is being increased.

Studies of improved detection capabilities occur in the context of an improving understanding of the nature and impact of the threat. Investments have increased in the current fiscal year toward understanding of both chemical and biological threats, the fate of chemical threats in the environment (DTO entitled Environmental Fate of Agents), and operational endpoints under low-level chemical threat conditions via operational toxicology studies. The assimilation and fusion of data from multiple sensors to provide enhanced CB awareness over wide areas is the focus of an increased battle management thrust. Development of improved models to predict the evolution of CB hazards is occurring within the Joint Effects Model program recently moved into technology demonstration phase. Development of models to understand and mitigate impacts of CB threats on operations is moving into technology demonstration phase this fiscal year through the Joint Operational Effects Federation.

Significant research is also being conducted into the technologies required for response to CB events in the areas of individual and collective protection and decontamination.

Finally, our Chemical and Biological Defense S&T Program is being coordinated with those of DARPA, the Department of Energy Chemical Biological National Security Program, and the intelligence community under the auspices of the Counter Proliferation Review Committee to optimize leverage of national CB community efforts across the broad spectrum of technology application scenarios. A significant investment in the technology demonstration element of the DOD CBDP S&T Program is applied to support the evaluation and maturation of technologies evolving from the efforts of other government agencies.

To summarize, I would like to say that the Department has a robust program and we are making significant strides in several areas. We appreciate the support we've received from Congress, and if further financial support is needed we will certainly return.

[The nomination reference of Dr. Dale Klein follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 18, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Dr. Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, vice Harold P. Smith, Jr., resigned.

[The biographical sketch of Dr. Dale Klein, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF DR. DALE KLEIN

Since 1977, Dr. Klein has been a professor in the Department of Mechanical Engineering (Nuclear Program) at the University of Texas at Austin. He has been the Vice-Chancellor for Special Engineering Programs at the University of Texas System since 1998. Dr. Klein also serves as the Chairman and Executive Director of the Amarillo National Research Center (ANRC), during which time he has overseen over $45 million of funding concerning plutonium research and nuclear weapon dismantlement issues.

Dr. Klein has held other positions during his tenure at UT Austin: Director of the Nuclear Engineering Teaching Laboratory; Deputy Director of the Center for Energy Studies; and Associate Dean for Research and Administration in the College of Engineering.

In addition to his duties at UT and the ANRC, Dr. Klein is an active member of several Department of Energy national committees, including the Nuclear Energy Research Advisory Committee in July 2000.

He has been honored with the distinction of Fellow of the American Society of Mechanical Engineers and the American Nuclear Society. Dr. Klein has also received many awards, including the Joe J. King Professional Engineering Achievement Award by UT Austin and Engineer of the Year for the State of Texas by the Texas Society of Professional Engineers. Having received his Ph.D. in nuclear engineering from the University of Missouri-Columbia, Dr. Klein has been honored with the University of Missouri Faculty-Alumni Award and the University of Missouri Honor Award for Distinguished Service in Engineering.

Since joining UT Austin, Dr. Klein has received over $50 million in research funding, equipment, and educational support. He has published over 100 technical papers and reports, and co-edited one book. He has made over 300 presentations on energy and has written numerous technical editorials on energy issues that have been published in major newspapers throughout the United States.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the

advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Dr. Dale Klein in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Dale E. Klein.

2. **Position to which nominated:**
Assistant to the Secretary of Defense (Nuclear, Chemical, and Biological Defense).

3. **Date of nomination:**
October 18, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
July 6, 1947; Clarksburg, Missouri.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Rebecca Anne Klein (maiden name Armendariz).

7. **Names and ages of children:**
N/A.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
1961–1965, Tipton High School; graduated.
1965–1970, University of Missouri, Columbia; 1970 B.S. Mechanical Engineering.
1970–1971, University of Missouri, Columbia; 1971 M.S. in Mechanical and Aerospace Engineering.
1973–1977, University of Missouri, Columbia; 1977 Ph.D. in Nuclear Engineering.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
1977 to Present, The University of Texas at Austin, Professor of Mechanical Engineering (Nuclear Program), Austin, TX.
1994 to Present, The University of Texas System, Vice Chancellor of Special Engineering Programs, Austin, TX.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
TRAB, Texas Radiation Advisory Board, Chairman.
DOE, Department of Energy, Nuclear Energy Research Advisory Committee, member.

TCET, Texas Council on Environmental Technology, volunteer appointment by Governor Rick Perry.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

ARDT, Advocates for Responsible Disposal in Texas, Board Member.
CSIS, Center for Strategic and International Studies, Consultant.
Blue Ridge Technologies, Consultant.
UT System, Vice-Chancellor.
UT Austin, Professor.
UT Austin, Radiation Safety Committee, Chairman.
UT Austin, Nuclear Engineering Teaching Lab, Interim Director.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

ASME, American Society of Mechanical Engineers, member and fellow.
ANS, American Nuclear Society, member and fellow.
ASEE, American Society for Engineering Education, member.
NSPE, National Society of Professional Engineers, member.
TSPE, Texas Society of Professional Engineers, member.
IC2, Innovation, Creativity, and Capital, member and Centennial fellow.
Pi Tau Sigma, member.
Tau Beta Pi, member.
Omicron Delta Kappa, member.
Pi Mu Epsilon, member.
Phi Kappa Phi, member.
TRAB, Texas Radiation Advisory Board, Chairman.
ARDT, Advocates for Responsible Disposal in Texas, Board Member.
DOE, Department of Energy, Nuclear Energy Research Advisory Committee, member.
TCET, Texas Council on Environmental Technology, volunteer appointment by Governor Rick Perry.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

George W. Bush.
J. "Jake" Pickle
PACE, Political Action Committee for Engineering (Texas).

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

HONORS and AWARDS

The Eyes of Texas Excellence Award, The University of Texas at Austin (May 2001)

Certified Fellow, American Nuclear Society (1999-2000)

Faculty-Alumni Award, MU Alumni Association, University of Missouri-Columbia (1998)

Bob R. Dorsey Professorship in Engineering, College of Engineering, The University of Texas at Austin (1997-present)

Fluor Centennial Teaching Fellowship in Engineering No. 1, College of Engineering, The University of Texas at Austin

Missouri Honor Award for Distinguished Service in Engineering, College of Engineering, University of Missouri-Columbia (1996)

Joe J. King Professional Engineering Achievement Award, College of Engineering, The University of Texas at Austin (1995)

Engineering Foundation Award, College of Engineering, The University of Texas at Austin (1993, 1982 and 1979)

Texas Engineer of the Year, Texas Society of Professional Engineers (1992)

Richard Seaver Centennial Fellow, IC2 Institute, The University of Texas at Austin (1990-present)

Engineer of the Year, Travis Chapter of the Texas Society of Professional Engineers (1990)

Fellow, American Society of Mechanical Engineers (1988)

Order of Alec Award, College of Engineering, UT Austin (1988)

Faculty Leadership Award – Department of Mechanical Engineering, UT Austin (1988)

Outstanding Service Award, Pi Tau Sigma (1988)

Edwin F. Church Medal, ASME (1988)

Outstanding Service Award, Travis Chapter, TSPE (1985)

Certification of Recognition, Travis Chapter, TSPE (1985)

Outstanding Service Award, UT Chapter, Pi Tau Sigma (1985)

Continuous Outstanding Service Award, Central Texas Section, ASME (1984-85)

Certificate of Appreciation, ASME (1982)

Young Engineer of the Year, Travis Chapter, TSPE (1982)

Outstanding Service Award, Central Texas Section, ASME (1980-81 and 1978-79)

Certificate of Governance, American Nuclear Society (1978-79)

Who's Who in America

Who's Who in American Colleges and Universities

Who's Who in Technology

American Men and Women of Science

Who's Who in Science

Who's Who in Engineering

Lexington Who's Who

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

ORAL PRESENTATIONS

Dale Klein has given over 300 oral presentations relating to energy since 1977. These include several keynote presentations and programs on radio and television. In addition, Dr. Klein appeared on a Cable News Network program on June 27, 1991, entitled, "The Nuclear Graveyard." Also, in May 1991 he appeared in an educational video on high level waste disposal entitled," A Time to Decide."

SELECTED OPEDs, MAGAZINE ARTICLES AND NEWSPAPER INTERVIEWS
(Titles listed are those used by the newspapers)

1. "Nuclear Perspective," *Energy 1986*, Vermont Yankee Nuclear Power Corporation, 1986.
2. "Save the Nuclear Energy Option," *Chicago Tribune*, Chicago, Illinois, April 7, 1986.
3. "Nuclear Safety Vigilance," *St. Louis Post-Dispatch*, St. Louis, Missouri, May 31, 1986.
4. "U.S. Nuclear Chernobyl Accident Unlikely," *Austin American-Statesman*, Austin, Texas, June 7, 1986.
5. "Don't Let OPEC Get Away with its Strategy," *Houston Chronicle*, Houston, Texas, August 21, 1986.
6. "Who's Running the Energy Show?" *The Union Leader*, Manchester, New Hampshire, August 28, 1986.
7. "Energy Diversification Keeps OPEC Wolf From Door," *The Atlanta Constitution*, Atlanta, Georgia, October 7, 1986.
8. "Where Do We Go When the Well Runs Dry?" *Houston Chronicle*, Houston, Texas, October 20, 1986.
9. "The Electrical Utilities are Hogtied by Red Tape," *The Philadelphia Inquirer*, Philadelphia, Pennsylvania, November 30, 1986.
10. "But What Will We Do About Energy?" *The Houston Post*, Houston, Texas, April 7, 1987.
11. "Where the Next Oil Crisis Will Crunch," *The Plain Dealer*, Cleveland, Ohio, April 7, 1987.
12. "Oil, Energy and the Persian Gulf," *Chicago Tribune*, Chicago, Illinois, July 23, 1987.
13. "U.S. Energy Policy Needed to Combat Mideast Volatility," *The Atlanta Constitution*, Atlanta, Georgia, July 31, 1987.

14. "For the Lack of an Energy Policy...," *Houston Chronicle*, Houston, Texas, August 20, 1987.

15. "Expert Pushes for More Nuclear Power," *The Vindicator*, Youngstown, Ohio, November 11, 1987.

16. "The Electric Answer in the U.S.," *The Journal of Commerce*, January 11, 1988.

17. " 'Defense in Depth' Design Guards Nuclear Plants," *Corpus Christi Caller-Times*, Corpus Christi, Texas, February 21, 1988.

18. "Nuclear Power Should Be Part of National Policy, Says Energy Awareness Spokesman," *Shreveport Journal*, Shreveport, Louisiana, May 31, 1988.

19. "Now is the Time to Begin Altering 'Greenhouse Effect'," *Post-Bulletin*, Rochester, Minnesota, September 5, 1988.

20. "3-Mile Island After Atom's Eve," *Austin American-Statesman*, Austin, Texas, March 28, 1989.

21. "Galileo and the Nay-Sayers," *The Journal of Commerce*, November 10, 1989.

22. "A Need to See Space Ourselves," *The Tuscaloosa News*, Tuscaloosa, Alabama, November 17, 1989.

23. "Providing Power for the Future," *The Houston Post*, Houston, Texas, February 18, 1990.

24. "Solar, Nuclear Power Will Meet Challenges," *Austin American-Statesman*, Austin, Texas, March 1, 1990.

25. "Team Solar and Nuclear," *Express News*, San Antonio, Texas, March 1, 1990.

26. "Nation is Headed for an Energy Crisis," *Corpus Christi Caller-Times*, Corpus Christi, Texas, April 28, 1990.

27. "Interim Nuclear Storage," *The Plain Dealer*, Cleveland, Ohio, December 21, 1990.

28. "We Need a Temporary Solution," *The Christian Science Monitor*, Boston, Massachusetts, December 28, 1990.

29. "Nuclear Waste Policy Act Flawed," *Austin American-Statesman*, Austin, Texas, January 4, 1991.

30. "A Solution to Storing Nuclear Wastes," *Casper Star-Tribune*, Casper, Wyoming, February 4, 1991.

MEDIA TOURS

November 10-11, 1987	Youngstown, Ohio	2 TV Programs 3 Radio Programs 1 Newspaper Interview
	Columbus, Ohio	1 TV Program 3 Radio Programs
January 5-6, 1988	Baton Rouge, Louisiana	3 TV Programs 4 Radio Programs 1 Newspaper Interview
	New Orleans, Louisiana	1 TV Program 2 Radio Programs
February 17-18, 1988	Evansville, Indiana	3 TV Programs 3 Radio Programs
	Indianapolis, Indiana	2 TV Programs 5 Radio Programs
April 13-14, 1988	Orlando, Florida	1 TV Program 3 Radio Programs
	Jacksonville, Florida	2 Radio Programs
May 19-20, 1988	Shreveport, Louisiana	2 TV Programs 3 Radio Programs 1 Newspaper Interview
	Little Rock, Arkansas	3 Radio Programs
June 28-29, 1990	Colorado Springs/Pueblo, CO	9 Radio Programs
	Denver, Colorado	5 Radio Programs 1 Newspaper Interview
November 14-15, 1991	Cleveland, Ohio	3 Radio Programs 1 Newspaper Interview
	Cincinnati, Ohio	4 Radio Programs
December 17-18, 1991	Philadelphia, Pennsylvania	7 Radio Programs
	New Jersey (various cities)	4 Radio Programs 1 Newspaper Interview
December 30, 1991	Trenton, New Jersey	1 Radio Program
February 25-28, 1992	Albuquerque, New Mexico	6 Radio Programs 1 Newspaper Interview
	Santa Fe, New Mexico	3 Radio Programs 1 Newspaper Interview

April 15-16, 1992	Oklahoma City, Oklahoma	3 Radio Programs 1 TV Program
	Tulsa, Oklahoma	5 Radio Programs 2 TV Programs
February 15-16, 1994	Richmond, Virginia	4 Radio Programs 1 Newspaper Interview
	Norfolk, Virginia	2 TV Programs 4 Radio Programs 1 Newspaper Interview
June 29, 1994	Houston, Texas	2 Radio Programs
July 1, 1994	San Antonio, Texas	1 Radio Program
November 4, 1994	Houston, Texas	1 Radio Program
November 16, 1994	Dallas, Texas	1 Radio Program
March 16-17, 1995	Roanoke, Virginia Richmond, Virginia	5 Radio Programs 4 Radio Programs 1 Newspaper Interview
August 30-31, 1995	Charlotte, North Carolina Greenville & Spartanburg, NC	4 Radio Programs 5 Radio Programs 2 Newspaper Interviews
September 1, 1995	Albemarle, North Carolina	1 Radio Program
November 8-9, 1995	Richmond, Virginia	3 Radio Programs 2 Newspaper Interviews 1 Issues Forum
December 18-20, 1995	New Orleans, Louisiana	1 TV Program 2 Radio Programs
	Baton Rouge, Louisiana	3 TV Programs 4 Radio Programs 1 Newspaper Interview
June 3, 1997	Chicago, Illinois	1 Radio Program (Call In)
July 20, 1998	Amarillo, Texas	3 TV Programs 1 Radio Program

REVIEWED / REFEREED PUBLICATIONS

1. "Flow Visualization Around GCFR Fuel Rod Roughness Elements," *Transactions of the American Nuclear Society*, Vol. 28, pp. 537-539, San Diego, California, June 1978 (with S.R. Bull and J.B. Miles).

2. "Pressure Drop Measurements for GCFR Fuel Rod Roughness Elements," *Transactions of the American Nuclear Society*, Vol. 30, pp. 532-534, Washington, DC, November 1978 (with S.R. Bull and J.B. Miles).

3. "Slope and Intercept of the Dimensionless Velocity Profile for Artificially Roughened Surfaces," *International Journal of Heat and Mass Transfer*, Vol. 23, pp. 135-140, February 1980 (with S.A. Hodge and J.P. Sanders).

4. "An Assessment of Accident Thermal Testing and Analysis Procedures for Radioactive Materials Shipping Package," *ASME*, 80-HT-38, April 1980 (with R.B. Pope, H.R. Yoshimura, and J.E. Hamann).

5. "Pressure Drop Measurements and Flow Visualization Surrounding Roughness Elements," *Journal of Energy*, AIAA 80-4076, Vol. 4, No. 3, pp. 112-119, May-June 1980 (with J.B. Miles and S.R. Bull).

6. "ANS Student Involvement in Public Information – University of Texas at Austin," *Transactions of the American Nuclear Society*, Vol. 34, pp. 68-69, Las Vegas, Nevada, June 1980 (invited).

7. "Modelling of Pool Fire Environments Using Experimental Results of a Two-Hour Test of a Railcar/Cask System," *PATRAM '80 Proceedings*, Vol. II, pp. 1081-1089, Berlin, FRG, November 1980 (with J.E. Hamann, R.B. Pope, and H.R. Yoshimura).

8. "Synthetic Fuel Production Utilizing Texas Lignite and a VHTR for Process Heat," *Transactions of the American Nuclear Society*, Vol. 35, pp. 443-445, Washington, D.C., November 1980 (with M.A. Ross).

9. "Finite Element Solution of Combined Radiative, Convective, and Conductive Heat Transfer Problems," *Transactions of the American Nuclear Society*, Vol. 38, pp. 334-336, Miami Beach, Florida, June 1981 (with M.M. Razzaque and J.R. Howell).

10. "A Modified Numerical Scheme for GCFR Flow Transient Analysis," *Transactions of the American Nuclear Society*, Vol. 39, pp. 506-508, November 1981 (with T.L. Sanders).

11. "Synthetic Fuel Production Using Texas Lignite and a Very High Temperature Reactor for Process Heat," *Nuclear Technology*, Vol. 56, No. 3, pp. 454-464, March 1982 (with M.A. Ross).

12. "Radiative Heat Transfer Through a Randomly Packed Bed of Spheres by the Monte Carlo Method, "*ASME* 82-HT-5, *AIAA/ASME Third Joint Thermophysics, Fluids, Plasma & Heat Transfer Conference*, St. Louis, Missouri, June 1982. Also, *Journal of Heat Transfer*, Vol. 105, No. 2, pp. 325-332, May 1983 (with Y.S. Yang and J.R. Howell).

13. "Finite Element Solution of Heat Transfer for Gas Flow Through a Tube," *AIAA Journal*, AIAA 82-4159, Vol. 20, No. 7, pp. 1015-1019, July 1982 (with M.M. Razzaque and J.R. Howell).

14. "Transient Thermal-Hydraulic Analysis Using a Modified Version of COBRA IV," 82-IHTC-104, *7th International Heat Transfer Conference*, Munich, Germany, September 1982 (with T.L. Sanders).

15. "Monte Carlo Simulation of Thermal Conduction Through a Randomly Packed Bed of Spheres," 82-IHTC-91, *7th International Heat Transfer Conference*, Munich, Germany, September 1982 (with Y.S. Yang and J.R. Howell).

16. "Comparison Analyses of Severe Flow Blockages for Computational Efficiency Using COBRA," *Proceedings from Gas-Cooled Reactors Today Conference*, Vol. 3, pp. 211-216, British Nuclear Energy Society, London, England, September 1982 (with T.L. Sanders).

17. "Finite Element Solution of Radiative Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media," ASME 82-WA/HT-51, *ASME Annual Meeting*, Phoenix, Arizona, November 1982. Also, *Journal of Heat Transfer*, Vol. 105, No. 4, pp. 933-936, November 1983 (with M.M. Razzaque and J.R. Howell).

18. "Coupled Radiative and Conductive Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media Using Finite Elements," *ASME/JSME Thermal Engineering Joint Conference Proceedings*, Vol. 4, pp. 41-48, Honolulu, Hawaii, March 1983. Also, *Journal of Heat Transfer*, Vol. 106, No. 3, pp. 613-619, August 1984 (with M.M. Razzaque and J.R. Howell).

19. "Characterization of Product Buildup in Continuously Processed Molten-Salt Fusion Breeder Blankets," *Transactions of the American Nuclear Society*, Vol. 45, pp. 626-628, San Francisco, California, October 1983 (with F.A. Patterson-Hine and J.W. Davidson).

20. "Contributions to the Thermal Power of Continuously Processed TMHR Molten Salt Blankets," *10th Symposium on Fusion Engineering*, Philadelphia, Pennsylvania, December 1983 (with F.A. Patterson-Hine and J.W. Davidson).

21. "A Finite Element Analysis of Incompressible Laminar and Turbulent Flow with Heat Transfer," *Proceedings of the 5th International Symposium on Finite Elements and Flow Problems*, pp. 243-247, The University of Texas at Austin, Austin, Texas, January 1984 (with G.F. Polansky and J.P. Lamb).

22. "Preconcentration Methods of Trace Elements in Water for EDXRF and INAA," *Proceedings of the 5th International Conference on Nuclear Methods in Environmental and Energy Research*, pp. 154-164, Mayaguez, Puerto Rico, April 1984 (with M. Ally and T.L. Bauer).

23. "Student ANS Branch Involvement in Public Information," *Transactions of the American Nuclear Society*, Vol. 46, pp. 39-40, New Orleans, Louisiana, June 1984 (with W.H. Miller, invited).

24. "A Liquid Metal Facility for the Analysis of Phenomena Related to the Magnetohydrodynamics of Fusion Related Systems," *Sixth Topical Meeting on the Technology of Fusion Energy*, pp. 30-31, San Francisco, California, March 1985 (with T.L. Sanders and M.E. Crawford).

25. "A Liquid Metal Facility for the Analysis of MHD Effects in Fusion-Related Systems," *Fusion Technology*, Vol. 8, No. 1, pp. 251-256, July 1985 (with T.L. Sanders and M.E. Crawford).

26. "Magnetohydraulic Flow Through the Pebble Bed Blanket of a Fusion-Fission Hybrid Reactor," *Proceedings of the 11th Symposium on Fusion Engineering*, Vol. 1, pp. 549-552, Austin, Texas, November 1985 (with T.L. Sanders and M.E. Crawford).

27. "Characterization of the Effects of Continuous Salt Processing on the Performance of Molten Salt Fusion Breeder Blankets," *Journal of Fusion Energy*, Vol. 4, No. 6, pp. 367-380, 1985 (with F.A. Patterson-Hine, J.W. Davidson, and J.D. Lee).

28. "Determination of 28 Elements in American Cigarette Tobacco by Neutron Activation Analysis," *Analyst*, Vol. 111, pp. 107-109, January 1986 (with F.Y. Iskander and T.L. Bauer).

29. "Determination of Trace and Minor Elements in Cigarette Paper by Neutron Activation Analysis," *Tappi Journal*, Vol. 69(5), pp. 134-135, May 1986 (with F.Y. Iskander and T.L. Bauer).

30. "Benchmarking the Q/TRAN Thermal Analysis Computer code," *PATRAM '86 Proceedings*, IAEA-SM-286/95P, Vol. 2, pp. 465-474, Davos, June 1986 (with R.D. Manteufel and H.R. Yoshimura).

31. "Evaluation of Patran and Q/Tran for Thermal Analyses of Shipping Containers," *Proceedings of the 1986 Patran Users Conference*, pp. 143-153, Newport Beach, California, June 1986 (with R.D. Manteufel and H.R. Yoshimura).

32. "Determination of Trace Element Impurities in Aspirin Tablets by Neutron Activation Analysis," *Journal of Radioanalytical and Nuclear Chemistry*, Vol. 97/2, pp. 353-357, 1986 (with F.Y. Iskander and T.L. Bauer).

33. "TRIGA Reactor Relocation at The University of Texas at Austin," *Transactions of the American Nuclear Society*, Vol. 55, p. 186, Los Angeles, California, November 1987 (invited).

34. "An Evaluation of a Translator for Finite Element Data to Resistor/Capacitor Data for the Heat Diffusion Equation," *ASME Winter Annual Meeting*, HTD-Vol. 88, pp.67-72, Boston Massachusetts, December 1987 (with R.D. Manteufel and H.R. Yoshimura).

35. "Finite Element Simulation of Recirculating Flows with Heat Transfer," *Communications in Applied Numerical Methods*, Vol. 3, pp. 17-22, 1987 (with G.F. Polansky and J.P. Lamb).

36. "Determination of Protein and 11 Elements in Six Milling Fractions of Two Wheat Varieties,". *Cereal Chemistry*, Vol. 64, No. 4, pp. 285-287, 1987 (with F.Y. Iskander, M.M. Morad, and T.L. Bauer).

37. "Energy Savings by Use of Disk/Donut Baffling in Tubular Heat Exchangers," *Proceedings of the Tenth Annual Industrial Energy Technology Conference*, pp. 131-136, Houston, Texas, September 1988 (with J.J. Taborek and J.R. Fair).

38. "Plasma Physics Simulations of Alternative Modes of Operation for the IGNITEX Experiment," *Bulletin of the American Physics Society*, Vol. 33, p. 1970, October 1988 (with J. Hopf, R. Carrera, and E. Montalvo).

39. "Geochemistry of the Upper Cretaceous Clastic Sediments of Ifon Area, S.W. Nigeria," *Nigerian Journal of Mining and Geology*, Vol. 25, Nos. 1-2, pp. 11-24, 1989 (with T.R. Ajayi, F.Y. Iskander, and O.I. Asubiojo).

40. "Status and Projected Activities of the Monitored Retrievable Storage Review Commission," *Waste Management '89*, Vol. 1, pp. 13-20, Tucson, Arizona, February 1989.

41. "Preliminary Analysis of Radiological Hazards for the IGNITEX Fusion Ignition Experiment," *13th International Symposium on Fusion Engineering*, Vol. 1, pp. 724-727, Knoxville, Tennessee, October 1989 (with T.A. Parish, B. Shofolu, R. Carrera, N.E. Hertel, R. Charbeneau, and S. Fetter).

42. "Evaluation of the Probability of Ignition in the Fusion Ignition Experiment IGNITEX," *31st Annual Meeting Division of Plasma Physics*, Bull. Am. Phys. Soc., Vol. 34, p. 2146, November 1989 (with J. Hopf, E. Montalvo, R. Carrera and M.N. Rosenbluth).

43. "Comparison of the Nuclear Safety Aspects of a Fusion Ignition Experiment and a Fission Research Facility," *17th IEEE International Conference on Plasma Science*, IEEE 90-CH 2857-1, Vol. 94, Oakland, California, May 1990 (with T.A. Parish, G. Schlapper, R. Carrera and R. Charbeneau).

44. "Design and Analysis of the IGNITEX Approach for a Laboratory Fusion Experiment," *16th Symposium on Fusion Technology*, London, England, September 1990 (with R. Carrera, et al).

45. "MRS Commission Report—One Year Later," *Transactions of the American Nuclear Society*, 1990 Winter Meeting, pp. 59-60 (invited).

46. "Description of the Fusion Experiment IGNITEX," *IAEA 13th International Conference on Plasma Physics and Controlled Nuclear Fusion Research*, Washington, D.C., October 1990; IAEA-CN-53-G-2-4, 1991 (with R. Carrera, et al).

47. "Comparative Analysis of the Radiological Consequences of Routine Operation of a Fission Research Reactor Facility and the Fusion Ignition Experiment IGNITEX," *9th Topical Meeting on the Technology of Fusion Energy*, Oak Brook, Illinois, October 1990 (with R. Carrera, et al).

48. "Comparison of the Nuclear Safety Aspects of a Fusion Ignition Experiment and a Fission Research Facility," *Annual Meeting of the Society for Risk Analysis*, New Orleans, Louisiana, October 1990 (with R. Carrera, R.A. Parish, G. Schlapper and R. Charbeneau).

49. "Education—Path Towards Solution Regarding the Disposal of Spent Nuclear Fuel," *2nd Annual International High Level Radioactive Waste Management Conference*, Las Vegas, Nevada, May 1991 (invited).

50. "Thermal-Hydraulic Software Development for Nuclear Waste Transportation Cask Design and Analysis," *ASME National Heat Transfer Conference*, 91-HT-2, Minneapolis, Minnesota, July 1991 (with N.N. Brown, S.P. Burns, and S.E. Gianoulakis).

51. "Effectiveness of Pressure Drop to Heat Transfer Conversion for Various Shell-Side Flow Configurations," *ASME/JSME Thermal Engineering Proceedings*, ASME Winter Meeting, Tarrytown, New York, Vol. 4, 1991 (with A. Sharif and J.R. Howell).

52. "Validation of the Texsan Thermal-Hydraulic Analysis Program," *High Level Radioactive Waste Management 3rd International Conference* (invited), Las Vegas, Nevada, April 1992 (with S.P. Burns).

53. "Combined Natural Convection and Surface Radiation in the Annular Region Between a Volumetrically Heated Inner Tube and a Finite Conducting Outer Tube," *Proceedings of the 3rd International Conference on High Level Radioactive Waste Management* (invited), Las Vegas, Nevada, April 1992 (with S.E. Gianoulakis).

54. "Nuclear Energy—An Environmental Solution for the 21st Century," *Energy 2001 Conference* (invited), Oklahoma City, Oklahoma, April 1992.

55. "Heat Transfer Measurements on a Ribbed Surface at Constant Heat Flux Using Infrared Thermography," *International Journal of Experimental Heat Transfer*, Vol. 6, pp. 17-34, January 1993 (with D.A. Aliaga and J.P. Lamb).

56. "The Development and Benchmarking of an Analytical Moisture Separation Model for Boiling Water Reactors," *2nd International Conference on Nuclear Engineering, General Thermal Hydraulics Session* (invited), San Francisco, California, March 1993 (with S.J. Manson and R.E. Canaan).

57. "A Numerical Analysis of Spent Nuclear Fuel Thermal Characteristics," *High Level Radioactive Waste Management 4th International Conference* (invited), Las Vegas, Nevada, April 1993 (with S.P. Burns and R.E. Canaan).

58. "A Homogeneous Equilibrium Model for Analysis of Spent Fuel Shipping Containers," *High Level Radioactive Waste Management 4th International Conference* (invited), Las Vegas, Nevada, April 1993 (with S.J. Manson).

59. "Validation of the TEXSAN Thermal-Hydraulic Analysis Program," *Nuclear Technology*, Vol. 104, No. 2, pp. 157-163, November 1993 (with S.P. Burns).

60. "Combined Natural Convection and Surface Radiation in the Annular Region Between a Volumetrically Heated Inner Tube and a Finite Conducting Outer Tube," *Nuclear Technology*, Vol. 104, No. 2, pp. 241-251, November 1993 (with S.E. Gianoulakis).

61. "Convection Heat Transfer Distributions over Plates with Square Ribs from Infrared Thermography Measurements," *International Journal of Heat and Mass Transfer*, Vol. 37, No. 3, pp. 363-374, February 1994 (with D.A. Aliaga and J.P. Lamb).

62. "Constant Flux, Turbulent Convection Data Using Infrared Imaging," *International Journal of Heat and Mass Transfer* (Technical Notes), Vol. 37, No. 3, pp. 535-539, February 1994 (with A.H.W. Lee and J.P. Lamb).

63. "Assessment of the Swartz-Wendroff Finite Element Formulation for Combined Mode Heat Transfer," *6th AIAA/ASME Thermophysics and Heat Transfer Conference*, Colorado Springs, Colorado, June 1994 (with S.P. Burns and J.R. Howell).

64. "The Benchmarking of a Homogeneous Equilibrium Model for Analysis of Spent-Fuel Shipping Containers," *Nuclear Technology*, Vol. 108, No. 3, pp. 379-386, December 1994 (with S.J. Manson).

65. "Empirical Evaluation of an Important Approximation for Combined-Mode Heat Transfer in a Participating Medium Using the Finite-Element Method," *Numerical Heat Transfer Part B*, Vol. 27, pp. 309-322, April/May 1995 (with S.P. Burns and J.R. Howell).

66. "Measuring Thermal Properties of Spent Nuclear Fuel," *Measurements & Control*, Issue 173, pp. 112-123, October 1995 (with R.E. Canaan).

67. "What To Do With 50,000 Nuclear Weapons?" *Proceedings of the 1995 International Joint Power Generation Conference*, NE-Vol. 17, pp. 11-17, Minneapolis, Minnesota, October 1995.

68. "An Experimental Investigation of Natural Convection Heat Transfer within Horizontal Spent-Fuel Assemblies," *Nuclear Technology*, Vol. 116, No. 3, pp. 306-318, December 1996 (with R.E. Canaan).

69. "Liquid to Gas Differential Pressure Transmitter with Small Hydrostatic Error," *Review of Scientific Instruments*, Vol. 68, Issue 12, December 1997 (with J.D. McWhirter and M.E. Crawford).

70. "Model for Inertialess Magnetohydrodynamic Flow in Packed Beds," *Fusion Technology*, Vol. 33, No. 1, pp. 22-30, January 1998 (with J.D. McWhirter, M.E. Crawford, and T.L. Sanders).

71. "Numerical Analysis of a Contained Explosion Event in the Pantex Cells," *Proceedings of the 6th International Conference on Nuclear Engineering*, ICONE-6093, San Diego, California, May 1998 (with S.J. Manson).

72. "A Numerical Investigation of Natural Convection Heat Transfer Within Horizontal Spent-Fuel Assemblies," *Nuclear Technology*, Vol. 123, No. 2, pp. 193ff, August 1998 (with R.E. Canaan).

73. "Axial Pressure Distribution in the Entrance Region of Packed Beds of Spheres," *Journal of Fluids Engineering*, Vol. 120, No. 3, pp. 631-634, September 1998 (with J.D. McWhirter and M.E. Crawford).

74. "Magnetohydrodynamic Flows in Porous Media II: Experimental Results," *Fusion Technology*, Vol. 34, No. 3, Part 1, pp. 187-197, November 1998 (with J.D. McWhirter and M.E. Crawford).

REPORTS

1. "Effects of Surface Heat Loss on Thermal Plumes from Power Plants," Argonne Practice School, Argonne National Laboratory, 1973.

2. "Evaluation of Transformation Methods for Rough Rods Tested in an Annulus," 1974 General Atomic, 741113226 GCFR.

3. "Investigation of Boundary Layer Phenomena for Flow over Roughness Elements," A Report to General Atomic Company, San Diego, California (Contract #549 160), University of Missouri-Columbia, 1977.

4. 1979 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

5. "Nuclear Problems and Prospects," *National Energy Policy Issues*, Council on Energy Resources, The University of Texas at Austin, May 1979.

6. "Commercial Nuclear Power Generation," *National Energy Policy Issues*, Council on Energy Resources, The University of Texas at Austin, June 1979 (with H.H. Woodson and J.W. Davidson).

7. "Determination of Friction Factors and Heat Transfer Coefficients for Flow Past Artificially Roughened Surfaces," ORNL-5599, November 1979 (with S.A. Hodge and J.P. Sanders).

8. 1980 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

9. "Synthetic Fuel Production Using Texas Lignite and a Very High Temperature Gas-Cooled Reactor for Process Heat and Electrical Power Generation," Center for Energy Studies, The University of Texas at Austin, Research Report No. 13, May 1981 (with M.A. Ross).

10. 1981 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

11. "Finite Element Solution of Radiative Heat Transfer in a Two-Dimensional Rectangular Enclosure with Gray Participating Media," Texas Atomic Energy Research Foundation Project, Report No. 34, April 1982 (with M.M. Razzaque and J.R. Howell).

12. 1982 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

13. "Peer Review of the Preliminary Design and Program Interfaces for the Transuranic Waste Package Transporter (TRUPACT)," Sandia Report, SAND81-2405, June 1982 (with J.A. Andersen, et al).

14. "Characterization of Product Buildup in Continuously Processed Molten Salt Fusion Breeder Blankets," Texas Atomic Energy Research Foundation Project, Report No. 36, April 1983 (with F.A. Patterson-Hine and J.W. Davidson).

15. "Experimental Investigation of the Effects of a Transverse Magnetic Field for a Liquid Metal Flowing Through a Packed Bed of Spheres," Texas Atomic Energy Research Foundation Project, Report No. 36, April 1983 (with T.L. Sanders and M.E. Crawford).

16. 1983 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

17. "Contributions to the Thermal Power of Continuously Processed TMHR Molten Salt Blankets," Texas Atomic Energy Research Foundation Project, Report No. 37, October 1983 (with F.A. Patterson-Hine).

18. "Experimental Investigation of the Effects of a Transverse Magnetic Field on the Flow of a Liquid Metal Through a Packed Bed of Electrically Conducting Spheres," Texas Atomic Energy Research Foundation Project, Report No. 37, October 1983 (with T.L. Sanders and M.E. Crawford).

19. 1984 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

20. "Experimental Investigation of the Effects of a Transverse Magnetic Field on the Flow of a Liquid Metal Through a Packed Bed of Electrically Conducting Spheres," Texas Atomic Energy Research Foundation Project, Report No. 38, April 1984 (with T.L. Sanders, L. Grater, and M.E. Crawford).

21. "A Liquid Metal Facility for the Analysis of Phenomena Related to the Magnetohydrodynamics of Fusion Related Systems," Texas Atomic Energy Research Foundation Project, Report No. 39, October 1984 (with T.L. Sanders and M.E. Crawford).

22. "Toxic and Other Elements in American Cigarette Tobacco Compared with International Brands," 17th Annual Meeting of the Texas Association for Radiation Research (invited), Denton, Texas, November 1984 (with F.Y. Iskander and T.L. Bauer).

23. 1985 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

24. "Magnetohydraulic Flow Through the Pebble Bed Blanket of a Fusion-Fission Hybrid Reactor," Texas Atomic Energy Research Foundation Project, Report No. 40, April 1985 (with T.L. Sanders and M.E. Crawford).

25. "Protein and Nutritional Elements Content in Texas Wheat," 18th Annual Meeting of Texas Association for Radiation Research, San Antonio, Texas, November 1985 (with F.Y. Iskander, T.L. Bauer, and M.M. Morad).

26. 1986 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

27. "Thermal Analysis of a Spent-Fuel Railcar Shipping Cask in an Engulfing Fire," Final Report to Sandia National Laboratories, Contract No. 42-0841, May 1987 (with J.E. Hamann).

28. 1987 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

29. "Benchmark Analysis of Q/TRAN," Final Report to Sandia National Laboratories, August 1988 (with R.D. Manteufel).

30. 1988 Annual Report of the Nuclear Engineering Teaching Laboratory, The University of Texas at Austin.

31. "Proposal for the Environmental Evaluation and Site Analysis for a Fusion Ignition Experiment," Center for Fusion Engineering Report, The University of Texas at Austin, July 1989 (with T. Parish).

32. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 49, November 1989 (with R. Carrera, et al).

33. "Nuclear Waste: Is There a Need for Federal Interim Storage?" MRS Commission Report, November 1989 (with A. Radin and F. Parker).

34. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 50, May 1990 (with R. Carrera, et al).

35. "Evaluation and Validation of Q/TRAN," Final Report to Sandia National Laboratories, Contract No. 21-6945, November 1990 (with R.D. Manteufel and H.R. Yoshimura).

36. "Fusion Ignition Experiment (IGNITEX)," Texas Atomic Energy Research Foundation Project, Report No. 51, October 1990 (with R. Carrera, et al).

37. "The Ignitex Concept for a Fusion Ignition Experiment," Center for Fusion Engineering Report CFER-488, The University of Texas at Austin, April 1991 (with R. Carrera, et al).

38. "UT Austin Committee to Assess the National Energy Strategy, Final Report," to the Governor's Energy Office, November 1991 (as a member of the UT Austin Committee and with other contributing authors).

39. "The Railplug," *Discovery*, The University of Texas at Austin, Vol. 13, No. 1, pp. 23-27, February 1993 (with J.E. Hamann).

40. "The Architecture of the Energy System and Energy RD&D: A Look at the Building as Well as the Bricks," United States Energy Association, February 1993 (as a member of the Energy Research Committee).

41. "Disposing of Weapons-Grade Plutonium," The Center for Strategic and International Studies, March 1998 (as a member of the Senior Policy Panel on the Safe, Timely, and Effective Disposal of Surplus U.S. and Russian Weapons-Grade Plutonium).

BOOKS / CHAPTERS

1. *Proceedings of the International Conference on Nuclear Waste Transmutation*, Co-Editor with J. Wiley Davidson, The University of Texas Press, March 1981.

2. "Nuclear Energy," a chapter in *Encyclopedia of Chemical Processing and Design*, edited by J.J. McKetta, Marcel Dekker, Inc., New York and Basel, Switzerland, 1990.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

I have given numerous talks on Nuclear Energy and Nuclear Dismantlement. Most of these are general information with no "official" prepared remarks. See first paragraph (Oral Presentations) on List B.

17. **Commitment to Testify Before Senate Committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

DR. DALE KLEIN.

This 4th day of October, 2001.

[The nomination of Dr. Dale Klein was reported to the Senate by Chairman Levin on November 8, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on November 8, 2001.]

[Prepared questions submitted to Peter B. Teets by Chairman Levin prior to the hearing with answers supplied follow:]

November 5, 2001.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed herewith are the answers to the advance questions the Senate Armed Services Committee asked me to complete.

Sincerely,

PETER B. TEETS.

cc:
The Honorable John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. My understanding is that these reforms have been institutionalized and made part of the daily operations, oversight, and management of the Department of Defense in general and the U.S. Air Force in particular. I am aware that the sweeping changes produced by Goldwater-Nichols require continued diligence to ensure full compliance with the intent of the legislation.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. Goldwater-Nichols has been remarkably successful in getting the services to work together as a joint team. For a decade and a half now, they've been a much more effective instrument of national security policy due, in part to the clearly defined position and authority of the Chairman, Vice Chairman, and combatant commanders.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. Yes, I support full implementation of the Goldwater-Nichols reforms and agree with its goals. The enactment of Goldwater-Nichols significantly improved the organization of the Department of Defense, focused the joint warfighting capabilities, enhanced the military advice received by the Secretary of Defense, and increased the integration of service capabilities.

Question. Recently, there have been articles which indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the national strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. Fifteen years of experience under Goldwater-Nichols has meant significant changes in the way the Defense Department operates. I am certain that legislative changes could provide further improvements. However, I would prefer reserving judgment on this until, if I am fortunate enough to be confirmed, I have studied any specific proposals and acquired some experience as the Under Secretary of the Air Force. At that time, I would be pleased to share my thoughts with the committee as appropriate.

DUTIES

Question. What is your understanding of the duties and functions of the Under Secretary of the Air Force?

Answer. The Secretary of the Air Force, pursuant to 10 U.S.C. 8013 and Secretary of the Air Force Order 100.1, is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. Subject to the Secretary's direction and control, the Under Secretary is authorized to act for and with the authority of the Secretary of the Air Force on all matters for which the Secretary is responsible. In addition, the Under Secretary of the Air Force will serve as the Director of the National Reconnaissance Office (DNRO), and will have Milestone Decision Authority for Department of Defense (DOD) Space Major Defense Acquisition Programs and designated space programs as described in Secretary Rumsfeld's memorandum of October 18, 2001, on the subject of National Security Space Management and Organization.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. As president and chief operating officer of Lockheed Martin Corporation, I was responsible for a broad range of defense programs for all the services from 1997 through 1999. I have an extensive background and experience in space systems, having started working on the Titan III Space Launch Vehicle in 1963 for Martin Marietta Astronautics in Denver, and serving as president of the Denver Operation from 1985 to 1993. In addition, I served as president of Martin Marietta Space Group prior to its merger with Lockheed Martin in 1995. In all of these roles I have had the opportunity to develop excellent working relationships with talented career military personnel, civilian Air Force and DOD personnel, and a broad range of industrial counterparts. As a result, I feel well qualified to take on the unique challenges associated with this position of Under Secretary of the Air Force.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Under Secretary of the Air Force?

Answer. A complete understanding of current Air Force and Defense Department issues is essential to my ability to discharge these important duties. I pledge to diligently study the broad national security issues that will require my attention if I am confirmed.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Air Force would prescribe for you?

Answer. If confirmed, I expect the Secretary to prescribe for me duties that will assist him in carrying out his responsibility to conduct all affairs of the Department of the Air Force. A central focus will be on space activities as designated by the Secretary of Defense, consistent with my planned role as DNRO.

Question. In carrying out your duties, how will you work with the following officials:

The Director of Central Intelligence.

Answer. If confirmed, I intend to work closely with the DCI, and in my role as DNRO to ensure national and Defense intelligence programs are planned and executed to achieve optimal end-to-end capabilities.

Question. The Under Secretary of Defense (Acquisition, Technology and Logistics).

Answer. If confirmed, I will closely work with the Under Secretary of Defense (Acquisition, Technology and Logistics) to carry out the designated role of the Department of the Air Force as the Executive Agent for Space within the Department of Defense, with Department-wide responsibility for planning, programming, and acquisition of space systems. I will serve as the Acquisition Executive for Space within the DOD, with Milestone Decision Authority for all Space Major Defense Acquisition Programs and designated space programs.

Question. The Assistant Secretary of the Air Force (Acquisition).

Answer. If confirmed, and in the absence of the Secretary, I would have full authority over the Department of the Air Force pursuant to the successorship of duties as indicated in 10 U.S.C. Section 8017. In that event, all the Assistant Secretaries, including Acquisition would report to me. If confirmed, in my role as being responsible for space acquisition, I will work closely with the Assistant Secretary for Acquisition to ensure interoperability where appropriate, and to make efficient use of Acquisition resources.

Question. The other service acquisition executives regarding management of their space-related programs.

Answer. If confirmed, I will work closely with the Department of Defense and our Service counterparts to ensure space acquisition planning, programming and budgeting activities are properly coordinated and implemented, and I will serve as Mile-

stone Decision Authority for all Space Major Defense Acquisition Programs and designated space programs.

MAJOR CHALLENGES AND PROBLEMS

Question. In your view, what are the major challenges that will confront the Under Secretary of the Air Force?

Answer. If confirmed, the major challenge will be to provide leadership for all National Security Space activities. This will involve active participation by multiple organizational elements including DOD, Air Force, Army, Navy and NRO organizations.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. If confirmed as the next Under Secretary of the Air Force, I will work closely with each of the organizations involved in National Security Space activity to first understand their unique goals, objectives and challenges and then to build a solid, integrated plan for the future that is embraced by all constituents.

Question. What do you consider to be the most serious problems in the performance of the functions of the Under Secretary of the Air Force?

Answer. I believe that the most serious problems include developing an integrated vision and plan for National Security Space, cultural integration of organizational elements, and span of control.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I would work diligently to have a National Security Space Program Assessment for the 2003 President's budget and a National Security Space Plan for the 2004 Program Objective Memorandum (POM) cycle.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues which must be addressed by the Under Secretary of the Air Force?

Answer. I believe that we must build an integrated National Security Space Plan embraced by diverse constituencies while maintaining a focus on Mission Success and Program execution for near term activity.

MANAGING A WIDER SPAN OF CONTROL

Question. If confirmed, you will serve two critical functions having to do with national security space policy and programs, one in the Air Force, and one as part of the Intelligence Community. Traditionally, the official serving in the position of the Assistant Secretary of the Air Force for Space has focused primarily on directing the National Reconnaissance Office (NRO) and the Assistant Secretary of the Air Force for Acquisition has been largely responsible for managing acquisition of Air Force space programs. In addition, the individual serving as the Under Secretary of the Air Force has been fully engaged in running the day-to-day activities of the corporate Air Force.

If confirmed, how would you intend to undertake all of these duties and responsibilities?

Answer. For the Under Secretary of the Air Force to serve in both an official Air Force capacity as well as the appointed position of Director, National Reconnaissance Office, is not without precedent. Since 1961, the Air Force Under Secretary has been dual-hatted as the Director, NRO for four separate periods totaling 18 years. In addition, the Secretary of the Air Force has been dual-hatted as the Director, NRO three times over a period of 4 years. The management span of control is a challenge, but well within the capacity of the Air Force and NRO organizational structures.

In his 18 October memo, the Secretary of Defense stated his intent to designate the Air Force as the DOD Executive Agent for Space, to include Milestone Decision Authority for DOD space programs and appointment of the Under Secretary of the Air Force as the Service Acquisition Executive for Space. If confirmed, I will work closely with the Secretary and Chief of Staff to implement organizational realignments within the Air Force to effectively execute those responsibilities. Also I will work closely with the Office of the Secretary of Defense (OSD) to carry out the Secretary of Defense's direction and guidance. For example, I understand the Director of Space and Nuclear Forces (SAF/AQS) and the Program Executive Officer for Space will be realigned under the Under Secretary of the Air Force (USECAF) office and will support all space-related acquisition activities. In addition, the National Security Space Architect (NSSA) will be reassigned under the USECAF office and help develop long range space vision and architectures, assist in developing an integrated

national security space plan, and participate in annual assessments of the intelligence and defense space programs and budgets. The NRO will also report directly to the USECAF, and if confirmed, I would plan to use the best practices of both the Air Force and NRO to deliver the most capable and affordable national security space program possible. I believe the Deputy Director of the NRO will continue to serve a key role in the daily operation of NRO activities.

AIR FORCE SPACE VISION

Question. The Air Force has been articulating a future vision in which space plays a much more significant role in terms of organization, planning, and operations.

In your view, what changes need to be made in the near-term to expedite this conversion?

Answer. I have been briefed that the Chief of Staff's vision for the future, *Global Vigilance, Reach and Power* centers around four key Air Force roles: Global Strike, HUMRO (Humanitarian Relief Operations), Homeland Defense, and Coalition Building. Space will provide six key enabling roles. They include Information Superiority, Robust Communication Infrastructure, Skilled Space Professionals, Modern Equipment, and in the future, Full Spectrum Space Capabilities. When horizontally integrated with other core Air Force transformational capabilities, and those of the other Services and Agencies, Air Force space will enable fulfillment of CSAF's vision.

Question. In your view, over what period of time should this transformation occur?

Answer. It is my understanding that the Air Force activated a Directorate of Space Operations and Integration (AF/XOS) just last year. As the Secretary of Defense defined responsibilities for the USecAF/DNRO solidifies and the Air Force matures in its role as the Executive Agent for Space in DOD, in my view space will be on the strong path for making significant contributions in the near term.

SUPPORT TO THE WARFIGHTERS

Question. Do you believe that the NRO is providing adequate support to the Theater Commanders in Chiefs (CINCs)?

Answer. Although I have not had the opportunity to study the details, I believe NRO systems give the Theater CINC a tremendous advantage over our adversaries. Additionally, I believe that NRO representatives to the theaters are working with their Intelligence Community and U.S. Space Command counterparts to give the Theater CINC's and their staffs the knowledge to fully exploit the complex technical capabilities of NRO systems. These NRO technical representatives ensure that the full capabilities of our Nation's investment in satellite reconnaissance are exploited to meet the Theater CINCs' needs.

Question. If you are confirmed, what changes would you intend to make to further improve that support?

Answer. If confirmed, I will work to focus the tremendous technical innovation found in the NRO and its industry partners to give our National leadership and Theater CINC's the information to deter conflict, and when necessary, to win in war.

NRO REORGANIZATION

Question. The NRO Commission recommended a number of organizational changes to the NRO.

If you are confirmed, what changes in NRO reorganization would you propose?

Answer. I fully support the Director, Central Intelligence and Secretary of Defense's letter to Congress in response to the NRO Commission. If confirmed I will work hard to implement the NRO Commission's recommendations consistent with DCI and Secretary of Defense guidance.

NRO AND RELATED ACQUISITION PROGRAMS

Question. Historically, the NRO has been effective at acquiring intelligence capabilities that are ultimately used by sister intelligence organizations (mission partners). The committee has been increasingly concerned that related investments of mission partners have not kept pace with NRO programs, resulting in inadequate end-to-end capabilities. For example, NRO is acquiring a new system implementing a future imagery architecture (FIA). By all accounts, the National Imagery and Mapping Agency (NIMA) has not programmed sufficient investment in tasking, processing, exploitation and dissemination (TPED) system to take full advantage of the FIA program.

What is your view of how the Department has managed such major NRO and related acquisition programs?

Answer. I believe the Department has put increasing focus, in both the requirements and budget processes, on the interfaces and relationships between the National Foreign Intelligence Program and the many Defense intelligence programs. Rapid shifts in information technology and information processes greatly complicate our ability to anticipate and quantify these interfaces between large acquisition programs.

Question. Are you satisfied that such programs fully consider optimal end-to-end capabilities?

Answer. Given the dynamics of information technology and national security needs alluded to in my answer above, I don't know that we are fully satisfied with our end-to-end intelligence capabilities. The close and continuing working relationship between the Secretary of Defense and DCI will provide the leadership to ensure national and Defense intelligence programs are planned and executed to achieve optimal end-to-end capabilities.

Question. What changes in process, if any, would you intend to pursue, assuming you are confirmed, to improve this situation?

Answer. If confirmed, I will collaborate with other Intelligence Community and Defense agencies and the users of intelligence to continuously incorporate an end-to-end approach in all of our major system acquisitions.

DOD INVOLVEMENT IN NRO REQUIREMENTS PROCESS

Question. One of the major initiatives undertaken by the Joint Requirements Oversight Council (JROC) has been to conduct an in-depth review of Intelligence, Surveillance, and Reconnaissance (ISR), requirements, capabilities and shortfalls.

If you are confirmed, would you intend to work with the JROC in the future on this and related issues?

Answer. Yes. If I am confirmed, I will continue to work with the JROC on this and related issues.

Question. In your view, does the NRO and Defense requirements process support the timely development and fielding of needed ISR capabilities?

Answer. As the Secretary of Defense and DCI have noted, the national security challenges of this century present a far more difficult problem for requirements and plans than the Cold War. Complex space systems, such as those developed by the NRO, take several years to develop. Therefore, the requirements process must provide insight into future needs. If confirmed, I will work with Intelligence Community and Defense requirements authorities to shape future ISR architectures that are consistent with the strategic direction of the DCI and Secretary of Defense.

SCIENCE AND TECHNOLOGY INVESTMENT

Question. The investment in the Air Force science and technology (S&T) program has declined dramatically since the end of the Cold War. With the proliferation of new and asymmetric threats, the importance of revolutionary breakthroughs in the science and technology arena are more critical today than ever.

In your view, is the current investment in the Air Force science and technology program adequate to face these new threats?

Answer. There is always more that can be done to exploit the rapid advance of technology to enable our forces to more effectively and safely conduct operations. The issue is always one of balancing priorities against available funding. If confirmed, I will do by best to strike the appropriate balance.

Question. Does the science and technology portfolio adequately support the warfighter of today and the future?

Answer. I understand that the Air Force science and technology portfolio supports the Air Force vision of an Expeditionary Aerospace Force in the 21st century and is funded at a level to achieve Critical Future Capabilities.

Question. If confirmed, how do you plan to balance the demands of the Air Force between near-term readiness and longer-term scientific and technological discovery?

Answer. As with all investments, I believe that the S&T program needs must be balanced with the systems acquisition requirements and the operational and maintenance demands within the Air Force topline funding allocation. If confirmed, this process of balancing priorities will be a continuing effort involving Air Force senior leadership.

Question. Secretary of Defense Rumsfeld has established an investment goal for the defense science and technology program of 3 percent of the total defense budget.

Do you support this goal?

Answer. I am in complete agreement with Secretary Rumsfeld.

Question. If confirmed, would you set a similar goal for the Air Force science and technology program?

Answer. Science and Technology is the Air Force's investment in the future and cannot be forsaken. Already, potential adversaries possess capabilities challenging our own. We cannot afford to fall behind. I believe today's Airmen must be armed with the most advanced technology possible.

Question. If so, what time frame would you place on reaching this investment goal?

Answer. I would advocate reaching this goal in a reasonable time in balance, of course, with the Air Force's other priorities.

SCIENCE AND TECHNOLOGY ORGANIZATION

Question. In Section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Congress required the Secretary of the Air Force to conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs. This review is currently being completed. One of the issues Congress specifically intended to be addressed by the review is the interaction of the Air Force leadership with the Air Force science and technology executives.

If confirmed, how would you ensure that uniformed Air Force officers are engaged in the science and technology process for determining long-term challenges and short-term objective critical for future defense superiority?

Answer. I firmly believe we must focus our science and technology, and acquisition efforts, on valid warfighter requirements. If confirmed, I will ardently work to foster continuing science/technology and warfighter interface. The goal of this is a streamlined acquisition and development process geared exclusively at addressing warfighter requirements.

Question. If confirmed, would you support organizational changes to institutionalize a direct reporting requirement from the science and technology executive to the Secretary of the Air Force?

Answer. I don't have any specific recommendation at this time regarding organizational changes, however, if confirmed, I plan to devote appropriate attention to this area.

Question. If confirmed, how do you intend to facilitate communication between the science and technology community and the warfighter?

Answer. If confirmed, I would like to see a recurring system of crosstalk whereby the warfighter and the science and technology community regularly meet to discuss requirements and possible solutions.

SCIENCE AND TECHNOLOGY WORKFORCE

Question. Over the past few years, Congress has worked with the Department of Defense to waive regulations and create new hiring and promotion authorities so that the Department could become a more attractive workplace for highly trained technical workers.

If confirmed, how would you recommend that the Air Force address the issue of attracting and retaining the finest technical workforce possible?

Answer. I support flexibility in both hiring and compensation that will allow the Department of Defense to attract and retain highly skilled scientists and engineers who can meet the dynamic technological challenges of the 21st century. Such flexibility is needed to help level the playing field with private industry. Although I have not had the opportunity to look at specific hiring authorities in detail, if confirmed, I will certainly focus on the challenges the Air Force faces.

Question. Do you have specific recommendations for legislative changes or new regulatory relief that would better enable you, if confirmed, to compete with the private sector for these types of employees?

Answer. I have no specific recommendations at this time.

TECHNOLOGY TRANSITION

Question. Technology transition—the ability to rapidly transition mature technologies out of laboratories and into the hands of the warfighter—has been identified as a difficult hurdle for the Department of Defense. Both the lack of adequate funding for transitioning breakthrough technologies and the inadequate buy-in from the user community have been cited as primary obstacles for technology transition.

If confirmed, how would you ensure that technologies are rapidly transitioned from the laboratory into the hands of the warfighter?

Answer. I believe valid warfighter requirements must drive our investment in science and technology and our acquisition efforts. The key is to foster a recurring

interface between science/technology and our warfighters with a goal of streamlining the acquisition and development processes.

Question. Are there specific initiatives you would propose, if confirmed, to address both the funding and user buy-in issue?

Answer. I have no specific initiatives to propose at this time.

SPACE

Question. The Air Force will have an increasing role in the operation and acquisition of space systems in the future.

If confirmed, what steps would you take to ensure that there is good participation by the other military departments and services in space programs and that their requirements are addressed and met?

Answer. The Secretary of Defense has directed implementation of recommendations from the Space Commission that will significantly enhance the integration and coordination of all the Department's space activities. If confirmed, I will coordinate the actions of organizations such as the Joint Staff, U.S. Space Command, the National Security Space Architect (NSSA) and others. Also, I will ensure that the equities of every member of the defense space community are protected.

Question. If confirmed, what role do you expect to play in the space missions of the Air Force?

Answer. If confirmed, I expect to be charged by the Secretary of the Air Force with the authority and responsibilities to ensure the Air Force carries out its responsibilities as DOD's Executive Agent for Space to include organizing, training and equipping our space forces to successfully execute the missions of the Air Force.

Consistent with Air Force responsibilities as the Executive Agent for DOD-wide space planning, programming and acquisition, I would expect to play an active leadership role in overseeing defense-wide space planning, programming and acquisition to ensure the most effective national security space program across the board.

Question. Do you agree with the organizational recommendations of the Space Commission? Where you do not agree, please explain why and how you would address the problems identified by the Space Commission.

Answer. I fully support the intent and specific recommendations of the Space Commission report. Centralizing space acquisition as specified by the Commission under the SAF/US-DNRO will allow a much more effective national security space program in the future. The Air Force is currently working with the NRO, OSD, the other Services and Agencies, and the Intelligence Community to fulfill the Secretary of Defense's implementation guidance released on 18 October, 2001.

Question. Many high priority national security space missions are not necessarily high priority missions for the Air Force.

If confirmed, how would you ensure that the Air Forces address any such missions if the Air Force assumes greater responsibility in the future for space or if the Air Force becomes the Department of Defense executive agent for space?

Answer. If confirmed, I would expect to play an active role within the Air Force planning and advocating space capabilities to meet the needs of both the Air Force and the Joint warfighter. Furthermore, the national security space community is developing a National Security Space Plan and Program Assessment to help guide and assess DOD and Intelligence space programs. If confirmed, I will use these processes as well as my role within the Air Force corporate structure to ensure that the Air Force and DOD increase its focus on space missions. As the DOD Executive Agent for space, the Air Force will assume a leadership role in the planning, programming, and acquisition of space systems. Our vision for the Air Force's future role in space is one that recognizes the unique contributions and advantages space provides to our national security. The organizational changes recommended by the Space Commission and directed by the Secretary of Defense will lead to streamlined acquisition, more comprehensive planning and programming, and better capabilities for the warfighter. The Air Force believes space will be a critical "center of gravity" in all future conflicts and that we must fully integrate space capabilities into current and future warfighting missions.

BOMBER FORCE STRUCTURE

Question. If confirmed, would you commit to study the bomber fleet and ensure that the Air Force plans for the future of the bomber fleet permit the fleet to meet all potential future missions that might be identified in either the Nuclear Posture Review, the Quadrennial Defense Review, or the National Security Strategy?

Answer. I understand the Air Force is currently updating the bomber roadmap and that an initial draft is currently in coordination. If confirmed, I expect to sup-

port the Secretary of the Air Force as the Air Force examines the future needs and options for the bomber force.

NUCLEAR FORCE STRUCTURE

Question. Do you support repeal of section 1302 of the 1998 National Defense Authorization Act?

If confirmed, would you support retirement of the W–62 warhead when the Peacekeeper ICBM is retired?

Answer. Yes. I understand the Air Force has programmed the retirement of the MK12/W62 warhead from the active ICBM warhead fleet. The Safety Enhanced Reentry Vehicle (SERV) program will provide the design and equipment to place the MK21/W87 warhead, (being removed from the Peacekeeper) on the MMIII as a replacement for the W62.

UNMANNED AIR VEHICLES

Question. In the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Congress set a goal that, within 10 years, one-third of U.S. military operational deep strike aircraft would be unmanned. In addition, Congress invested an additional $50 million above the President's budget request in the Air Force Unmanned Combat Air Vehicle (UCAV).

Do you support the 10-year goal of one-third of U.S. military operational deep strike aircraft being unmanned?

Answer. Yes. Based on my understanding I fully support the AF/DARPA project that is underway and that was chartered to achieve that very goal. I understand that the focus today is on developing UCAVs for the Suppression of Enemy Air Device (SEAD)/Strike mission. Other potential UCAV roles being explored include directed energy, electronic attack, and Intelligence, Surveillance and Reconnaissance (ISR) missions.

OFFICER PERSONNEL

Question. The Air Force has in the past acknowledged problems in its officer personnel processes, including promotions, early retirement boards, and similar actions. Recently, a case involving allegations of reverse discrimination in a selective early retirement board was settled before trial.

What is your opinion as to the health of the officer personnel system of the Air Force? Do you believe that significant change is needed? If so, what changes would you recommend?

Answer. I have no detailed understanding of these particular issues. However, if confirmed I will work with my staff and this committee to review the existing promotion processes and make improvements when required.

ENLISTED PROMOTIONS

Question. The Air Force has long used a system in which enlisted personnel undergo standardized testing for promotion to E–5 through E–7. Recently, allegations have been made that this system is not an effective way of testing competence in specialties involving manual skills. It has also been alleged that it unfairly penalizes minority members. Lastly, there are sporadic problems reported regarding cheating on the tests, for which group study is prohibited.

What are your views about the Air Force's reliance on this system?

Answer. I have no detailed understanding of these particular issues. However, if confirmed I will work with my staff and this committee to review the existing promotion processes and make improvements when required.

ENCROACHMENT

Question. On November 27, 2000, the Senior Readiness Oversight Council identified several "encroachment" problems confronting the Department of Defense including protection of endangered species, unexploded ordnance and other constituents, commercial demand for bandwidth and frequency, sustainability of the maritime environment, demand for use of airspace, protection of air quality, abatement of airborne noise, and growth of urban areas. At a March 20, 2001, hearing before the Readiness and Management Support Subcommittee, representatives of the military services expressed concern that this encroachment was hindering their legal responsibility under Title 10, United States Code, to train the forces.

If confirmed, what actions would you propose to address these problems?

Answer. I believe there must be a balance between test, training, and readiness requirements and responsible stewardship. If confirmed, I will foster the develop-

ment and maintenance of partnerships with our sister services, civilian government agencies, tribal governments, and other stakeholders that serve to address areas of mutual interest in order to sustain our required access to ranges and airspace.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Air Force?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR DANIEL K. AKAKA

ENCROACHMENT

1. Senator AKAKA. I am interested in your thoughts about encroachment. I am pleased to learn of your intent to develop partnerships with the other services, civilian government agencies, tribal governments, and other stakeholders. By other stakeholders, I would hope you mean the communities surrounding the training ranges and installations where we face encroachment challenges.

Do you have any specific thoughts regarding how you plan to address encroachment issues as the Under Secretary of the Air Force?

Mr. TEETS. This is an important issue not only for the Air Force and the Department of Defense, but also for all Americans. The core of our military readiness is realistic testing and training conducted on military lands and in the special use airspace over our Nation and overseas. I believe that, as a Nation, we owe our men and women in uniform the best equipment and training possible. I also believe that if we do not work this issue aggressively, we may see a reduction in combat proficiency from less realistic testing and training. A key solution to the encroachment challenge is effective 2-way communication. The AF actively seeks to communicate and form partnerships of the type you mentioned. If confirmed, I will continue to work with the other services, Federal and State agencies and local-communities to help fully meet this challenge.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

DEFENSE OF SPACE SYSTEMS

2. Senator THURMOND. Although increased intelligence collection on our adversaries' intention against our space platforms is critical, it seems to me that the Nation has to be prepared to defend our space systems.

What priority should the Nation place on developing anti-satellite systems to protect our critical space platforms?

Mr. TEETS. Protection of our critical space systems should clearly be a high national priority. We must recognize that our adversaries could attack our systems. No single approach will ensure protection against all potential threats. We must be able to detect and characterize attacks against any element of our space systems, and then be prepared with appropriate measures to withstand and respond.

An anti-satellite capability could potentially deter and counter space-based threats, should such threats emerge. The priority given to developing anti-satellite systems to support protection will depend on the level of national concern about the space-based threat. If confirmed, I will work to ensure our critical space platforms are protected.

SPACE PROGRAM

3. Senator THURMOND. Early in the manned space program the United States decided that the program should be a civilian program. We have continued in that tradition through several administrations. As we begin this new century and face new challenges, some individuals propose that we should initiate a military manned space program.

What are your views regarding a military manned space program?

Mr. TEETS. To my knowledge, the Air Force has no requirements for manned space flight.

FUTURE SPACE PROGRAM

4. Senator THURMOND. A key factor in providing for our national security hinges on our ability to control space. We currently have the space systems to provide for that security. My concern is that we may not have those systems in the future.

In your opinion, what are the types of space systems that the Nation must focus on to insure our continued control of space?

Mr. TEETS. To ensure that our national security space systems continue to provide the strategic advantage, we'll pursue a range of improvements to our space control capabilities: Key focus areas include:

(1) Space situational awareness. We must improve our capabilities to understand which objects are threats and what they are doing. Space situational awareness is the critical enabler for timely defensive and offensive responses against space threats.

(2) Negation. The need to be able to deny adversaries their use of space systems and services for purposes hostile to U.S. national security interests.

(3) Space control infrastructure. A space range and credible "Space Aggressor" emulation of foreign threats should be developed to provide the opportunity to test, train, and exercise for space control in an operationally realistic environment.

If confirmed, I will work to ensure these improvements are implemented.

INSTALLATION READINESS

5. Senator THURMOND. At the Readiness Subcommittee hearing on military construction, General Robbins, the Civil Engineer of the Air Force, testified that the Air Force current backlog in restoration and modernization exceeds $5.6 billion. Although this backlog is less than the other services, it has a significant impact on readiness and quality of life in the Air Force.

As the Under Secretary of the Air Force, you will have a significant role in determining the allocation of resources. What priority will you place on reducing this significant backlog in the sustainment of Air Force installations?

Mr. TEETS. I concur that this backlog impacts both the mission and the quality of life of the men and women in our Air Force. Besides obvious mission impacts due to degraded airfields and deficiencies in key operational facilities, the quality of the facilities where our troops and their families work, live, and play is a key element that affects our airmen's preparedness to focus on the mission. I recognize that their welfare, whether they are hard at work at their home base or deployed to a variety of locations around the world, especially during these troubled times, is critical to the readiness of the force. If confirmed, I will give full consideration to allocating the necessary resources to reduce this backlog and thus improve mission performance and the quality of life in our Air Force.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

INHERENT CONFLICT OF INTEREST

6. Senator SMITH. Today, the Air Force and the other Services submit their budgets to the Secretary of Defense for him to assess and adjust. In the future, under plans, the Air Force will submit its space budget to itself, creating what I see as an inherent conflict of interest.

If for example, you felt that the Air Force corporate decision to delay the Space Based Radar program was wrong, from a DOD perspective, how could you both support the Air Force budget submission and conduct a fair and honest assessment for all DOD?

Mr. TEETS. The Air Force's role as Executive Agent for Space includes providing space capabilities for the DOD and working with all services and agencies to inte-

grate space into joint warfighting. If confirmed, I will work closely with all the Air Force leadership to ensure DOD space requirements and programs have full attention and priority throughout the AF budget process. I believe the end result will be a balanced approach to air and space programs. Should budgetary constraints limit space programs I believe are vital, I will work with DOD leadership to advocate fixes and the resources to remedy them.

Regarding the space assessment, we expect this to be an open and inclusive process, involving all services and agencies, which will compare DOD-wide space programs and budgets against approved requirements, plans and guidance. This process will provide an objective means to develop and advocate space capabilities across the DOD.

JOINT VS. AUTOCRATIC

7. Senator SMITH. I understand the Secretary of Defense is still working on changes to your potential job description, and soon he will be delegating new defense-wide authorities to the Under Secretary of the Air Force to oversee all DOD space activities (consistent with the Space Commission recommendations).

How would you, as and Air Force leader, handle that new authority?

Mr. TEETS. If confirmed, I will work closely with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics (AT&L), and the other senior Service Secretaries and Chiefs to implement the recommendations of the "Report of the Commission to Assess U.S. National Security Space Management and Organization."

A major responsibility of the Under Secretary of the Air Force will be to serve in both an official Air Force capacity as well as the appointed position of Director, National Reconnaissance Office. This is not without precedent. Since 1961, the Air Force Under Secretary has been dual-hatted as the Director, NRO for four separate periods totaling 18 years. In addition, the Secretary of the Air Force has been dual-hatted as the Director, NRO three times over a period of 4 years. A complete understanding of Air Force, Defense Department, and Intelligence Community issues is essential to my ability to discharge all the authorities conferred on the Under Secretary of the Air Force. I pledge to diligently study the broad national security issues that will require my attention if I am confirmed.

8. Senator SMITH. Would you make decisions jointly with your sister services or would you dictate the way ahead?

Mr. TEETS. If confirmed, I would pursue the recommendations of the "Report of the Commission to Assess U.S. National Security Space Management and Organization." As a first step, I would begin work toward a National Security Space management process that would include members of both defense-wide and intelligence organizations. I would expect the other services to be full partners in that process.

MERGING DOD AND INTELLIGENCE

9. Senator SMITH. According to the Secretary of Defense's plan, the Under Secretary of the Air Force will also become Director of the National Reconnaissance Office (NRO).

Would you build on efforts to align space authority within DOD and also integrate DOD and Intelligence space activities?

Mr. TEETS. Aligning space authority within the DOD was recently initiated and is progressing. I support the Secretary of Defense's approach in his October 18, 2001 memo on National Security Space Management and Organization and will build upon these implementation actions.

The integration of DOD and Intelligence space activities depends on an array of requirements and technical and programmatic variables. If confirmed, I will support the Secretary of Defense and the Director of Central Intelligence to plan, and develop space systems that best achieve our national security space goals, respecting the equities of all space users.

10. Senator SMITH. Would you merge your DOD and Intelligence space management teams or keep them separate?

Mr. TEETS. If confirmed, I will implement guidance already provided by the Secretary of Defense, and the Director of Central Intelligence on space organization and management issues. This guidance directs sharing of "best practices" between NRO and Air Force programs, which I fully support. Further merger or integration of DOD and the Intelligence community space management teams will need to be eval-

uated based on all space users, and the effective, efficient management of space programs.

AEROSPACE VS. AIR AND SPACE

11. Senator SMITH. The new Air Force Chief of Staff, General Jumper, took his job and immediately changed the long-standing Air Force vision from an "Aerospace Force" (implying seamless continuity) to "Air and Space Force" (emphasizing the distinction between the two).

What is your vision for the Air Force regarding this terminology?

Mr. TEETS. The Air Force's vision is Global Vigilance, Reach, and Power. It remains a concise and accurate description of the capability the Air Force provides the Joint Forces Commander to fight our Nation's wars.

In choosing the words "Air and Space" Force versus "Aerospace" Force, General Jumper is acknowledging the findings of the Space Commission. The Space Commission report does not use the term "aerospace" because it fails to give the proper respect to the culture and to the physical differences that abide between the environment of air and the environment of space. General Jumper feels we should respect those differences.

One way we respect those differences is by understanding we need to develop space warriors—those trained in the planning and execution of space-based operational concepts. At the same time, these warriors are still Airmen who work in our Air and Space Operations Centers, integrating space capabilities with air and surface forces. Air and space capabilities have to work together to bring the right warfighting effect to the right target at the right time. We will accomplish this transformational marriage of air and space capabilities through the horizontal integration of our manned, unmanned, and space platforms.

Another way we respect the differences between air and space is through the transformation of our organizations. On 1 October, 2001, the Air Force implemented a key Space Commission recommendation when we realigned the Space and Missile Systems Center under Air Force Space Command. The result is a clear operational focus on the development of our space capabilities and the acquisition of space systems.

America's airmen—our air and space warriors—whose job it is to leverage both air and space, will combine their skills and their talents to bring the greatest asymmetrical advantage to those commanders whose job it is to win America's wars, not only the war we are in today, but every war.

SPACE INTEGRATION

12. Senator SMITH. I don't think there is anything wrong in recognizing the differences between the air and space communities within the Air Force, as long as space is fully integrated with air operations and land and sea operations. I had the opportunity to meet with General Mike Hamel late last spring. General Hamel's job in the Air Force is to facilitate that integration. I think he is fighting a good fight, but we are still losing the battle. For example, our strategic B–2 bomber does not have the satellite communications it needs when it dies away from the base around the world—that does not make sense.

What would you do to help someone like General Hamel ensure space systems get integrated onto our warfighting capabilities?

Mr. TEETS. Space systems already are very much integrated into our warfighting capabilities right now. We're building on our current capability by aggressively testing new and emerging space capabilities and incorporating them into our vision of the 21st century air and space force. If confirmed, I will continue to ensure these efforts continue.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

FUTURE AIRCRAFT PROCUREMENT

13. Senator SESSIONS. Mr. Teets, the Quadrennial Defense Review was recently published and it emphasizes the need for forward basing. The wisdom of this is clearly apparent from our current conflict in Afghanistan.

Given the fact that we have had difficulty in obtaining basing rights for our Air Force's tactical aircraft fleet and have had to rely on our long range bombers and Naval Aviation, what is your vision for future aircraft procurement?

Mr. TEETS. Bomber modernization is critical to maintaining our ability to project air power around the world. The Air Force will continue upgrading bomber lethality, survivability, and responsiveness. In addition, we are engaged in studies to identify what our next long-range strike capability should be and when it needs to be fielded. If confirmed, I look forward to working with the Secretary of the Air Force and his staff to integrate the lessons learned from OPERATION ENDURING FREEDOM into our future long-range strike procurement plans.

JOINT STRIKE FORCE (JSF) AND F–22 EMPLOYMENT

14. Senator SESSIONS. If the Air Force had the JSF and F–22 today could you tell me if they could be fully employed in Afghanistan today?

Mr. TEETS. Yes. The JSF will eventually replace the F–16 and the F/A–18A/C/D, currently in use in Afghanistan today. The JSF will be capable of performing the same roles and missions. The F–22 will augment those aircraft with its inherent air-to-ground capability, while maintaining air supremacy for coalition forces.

INTER-SERVICE RIVALRY

15. Senator SESSIONS. I was very disturbed to read in the *Washington Times* yesterday that the Air Force is resisting the Navy's request for a transfer of the special kits to turn dumb bombs into smart bombs.

I hope this is not true, but if it is I want your promise that if confirmed you will immediately put an end to this ridiculous inter-service rivalry, which can only help Al-Qaeda and the Taliban, and see to it that the Air Force deliver to the Navy any assistance the Navy might need to support Central Command's combat efforts.

Mr. TEETS. I assure you this is not true. The day prior to the article Air Force and Navy representatives had already worked a transfer of munitions, including these special kits, to support our warfighters. This was the second such transfer, and the fact is, that all of the services are working together to support the warfighters whether they are Navy, Army, Marine, or Air Force. As both the Chief of Naval Operations (CNO) and the Chief have publicly stated, our services have never worked closer. If confirmed, I will ensure all services work together to support our national goals.

HEAVY LIFT PROCUREMENT

16. Senator SESSIONS. We have all heard of the enormous quantity of food supplies the Air Force has delivered to the Afghan refugees. I suspect the current operational tempo has tested our heavy airlift fleet.

Give us a status report on our C–5 and C–17 fleet. Has our recent experience given you any new insight into the direction of our heavy lift procurement plans?

Mr. TEETS. The Air Force's heavy-lift modernization plan calls for both the modernization of the C–5 fleet and procuring additional C–17s. This plan has been proven by Operation Enduring Freedom, with both the C–5s and C–17s unique and complementary capabilities making outstanding contributions to the war effort.

HEAVY LIFT NEEDS

17. Senator SESSIONS. During this period of conflict in Afghanistan are our other regional commands' heavy lift needs still being met?

Mr. TEETS. Yes. Despite enormous lift requirements we are meeting the other regional commands' lift requirements by utilizing USAF and commercial assets. If confirmed I will work to ensure our heavy lift needs are met.

[The nomination reference of Peter B. Teets follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
October 30, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Peter B. Teets, of Maryland, to be Under Secretary of the Air Force, vice Carol DiBattiste.

[The biographical sketch of Peter B. Teets, which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF PETER B. TEETS

Peter B. Teets is the retired president and chief operating officer of Lockheed Martin Corporation, a position he held from 1997 through 1999. Teets previously served as president and chief operating officer of the Corporation's Information and Services Sector, a post he held since the Lockheed Martin merger in 1995. Prior to the merger, he was president of Martin Marietta Space Group.

Teets joined Martin Marietta in 1963 as an engineer in flight control analysis and held progressively responsible positions since that time. From 1970 to 1975, he managed the integration of a new inertial guidance system to the Titan IIIC launch vehicle. Between 1975 and 1980, Teets served as program manager of the Transtage project and later as the director of Space Systems. From 1980 until 1982, he was vice president of Business Development for Denver Aerospace and from 1982 to 1985, he was the vice president and general manager of Denver Aerospace's Strategic and Launch Systems division. In 1985, he was named president of Martin Marietta Denver Aerospace, which became Martin Marietta Astronautics Group in 1987.

Born in Denver in 1942, Teets received his bachelor and master of science degrees in applied mathematics from the University of Colorado, which also presented him with an honorary doctor of science degree in 1990. In addition, Teets was named a Sloan Fellow and received a master's degree in management from the Massachusetts Institute of Technology.

He is a Fellow of the American Institute of Aeronautics and Astronautics and the American Astronautical Society and was inducted into the National Academy of Engineering in 1999. Teets is also a member of the Board of Directors of the Charles Stark Draper Laboratory.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Peter B. Teets in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Peter B. Teets.

2. **Position to which nominated:**
Under Secretary of the Air Force, and Director, National Reconnaissance Office.

3. **Date of nomination:**
October 30, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
February 12, 1942; Denver, Colorado.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Vivian Brearley Teets.

7. **Names and ages of children:**
Karen K. Avery, 36; David E. Teets (Deceased, 2001); Jennifer L. Teets, 32; Kevin J. Teets, 31; Matthew L. Teets, 19; Christopher K. Teets, 17.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
East Denver High School, Sept. 1956–June 1959, High School Diploma.
University of Colorado, Boulder, CO, Sept. 1959–June 1963, B.S. Applied Mathematics.
University of Colorado, Denver, CO, Sept. 1963–June 1965, M.S. Applied Mathematics.
Massachusetts Institute of Technology, Cambridge, MA, June 1977–June 1978, M.S., Management.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
President and COO, Lockheed Martin Corporation, Bethesda, MD; July 1997–February 2000.
President and COO, Information and Services Sector, Lockheed Martin Corporation, Bethesda, MD; March 1995–July 1997.
President, Martin Marietta Space Group, Martin Marietta Corporation, Bethesda, MD; May 1993–March 1995.
President, Martin Marietta Astronautics, Martin Marietta Corporation, Denver, CO; June 1963–May 1993.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
None.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.
Director, The Draper Laboratory, Cambridge, MA.
Director, PRWT Services, Inc., Philadelphia, PA.
Director, Alumbre Technologies, Inc., Rockville, MD.
Member of Executive Committee, Next Gen. Capital Fund II, Fairfax, VA.
Trustee, Immediate Family Trusts.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.
Member, Potomac Presbyterian Church, Potomac, Maryland; since 1993.
Member, First Presbyterian Church of Littleton, Colorado; 1983–1993.
Member, Cherry Hills Country Club, Englewood, Colorado; since 1988.
Member, Columbia Country Club, Chevy Chase, Maryland; since 1996.
Member Congressional Country Club, Bethesda, Maryland; since 1997.
Member, Phi Gamma Delta social fraternity since 1960; and President of Beta Kappa Chapter in 1962.
Member, Tau Beta Pi Engineering Honorary Association since 1963.
Member, Republican Party since approximately 1980.
Member, American Institute of Aeronautics and Astronautics since 1960, and a Fellow of the Institute since 1993.
Member, American Astronautics Society since 1980, and a Fellow of the Society since 1985.
Member, National Academy of Engineering since 1998.

Member, CATO Institute since 2000.
Member, Conquistadores de Cielo since 1998.
Trustee, Falcon Foundation since 1980.
Member, National Western Stock Show Association since 1986.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

Member, Republican Party.
Member, Republican National Committee, 2001.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

2/18/99, $1,000 to Friends of Conrad Burns (Sen. MT).
7/19/00, $1,000 to Republican National Committee.
10/10/00, $1,000 to Republican National Committee.
1/3/01, $1,000 to Republican National Committee.
1996 thru 1999, $1,040 per year to Lockheed Martin Political Action Committee.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Tau Beta Pi; Engineering Honorary Association.
Fellow, AIAA.
Fellow, AAS.
Member, National Academy of Engineering.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Technical Articles in Journals prior to 1980.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Speeches

"The Next Challenge for Missile Defense." Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before "Ballistic Missile Defense: Requirements & Contracting For Joint Mission Area Acquisition." A *Defense Week/BMD Monitor* Conference. Holiday Inn Rosslyn Westpark, Arlington, Virginia: February 23, 1999.

"The New Sinews of Peace." Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before a meeting of the British-American Business Association. Willard Inter-Continental Hotel, Washington, DC: October 13, 1999.

"Educating to Meet the Knowledge Explosion." Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before the 50th Anniversary Celebration. University of Maryland University College, College Park, Maryland: May 1, 1997.

"America's Technology Incubator." Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before the Naval Research Laboratory Diamond Jubilee Celebrating the 75th Anniversary of Its Founding. Naval Research Laboratory, Washington, DC: June 19, 1998.

"Does America Need an Aerospace Industry?" Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before a meeting of The Economic Club of Colorado. Westin Hotel, Denver, Colorado: October 1, 1998.

Acceptance Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation upon receiving the 1998 American Business Ethics Award at the American Society of CLU & CFC National Conference. Philadelphia Marriott Hotel, Philadelphia, Pennsylvania: October 4, 1998.

"Investing in Intellectual Capital–The Key to Engineering Achievement in the 21st Century." Remarks by Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before the Aviation Week/CEF AeroEngineering Conference: AeroExpo 98, Long Beach, California: November 17, 1998.

Congressional Testimony

Testimony of Peter B. Teets, President and Chief Operating Officer, Lockheed Martin Corporation before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, And Transportation: May 20, 1999

Testimony of Peter B. Teets, President, Martin Marietta Space Group before the Select Committee on Intelligence of the United States Senate: November 17, 1993.

Testimony of Peter B. Teets, Vice President and General Manager, Space Launch Systems Division of Martin Marietta Denver Aerospace before the Subcommittee on Space Science and Applications of the Committee on Science and Technology, United States House of Representatives: May 18, 1983.

17. **Commitment to Testify Before Senate Committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?
Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth

in the Appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

PETER B. TEETS.

This 31st day of October, 2001.

[The nomination of Peter B. Teets was reported to the Senate by Chairman Levin on December 6, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 7, 2001.]

NOMINATION OF MAJ. GEN. CLAUDE M. BOLTON, JR., USAF, TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY

TUESDAY, DECEMBER 4, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m. in room SR–222, Russell Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Landrieu, E. Benjamin Nelson, Warner, Smith, Inhofe, and Bunning.

Committee staff members present: David S. Lyles, staff director; Christine E. Cowart, chief clerk; Gabriella Eisen, nominations clerk; and Bridget M. Whalan, special assistant.

Majority staff members present: Daniel J. Cox, Jr., professional staff member; Evelyn N. Farkas, professional staff member; Maren Leed, professional staff member; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; and Arun A. Seraphin, professional staff member.

Minority staff members present: Judith A. Ansley, Republican staff director; Brian R. Green, professional staff member; William C. Greenwalt, professional staff member; Mary Alice A. Hayward, professional staff member; Ambrose R. Hock, professional staff member; George W. Lauffer, professional staff member; Thomas L. MacKenzie, professional staff member; Suzanne K.L. Ross, research assistant; Scott W. Stucky, minority counsel; and Richard F. Walsh, minority counsel.

Staff assistants present: Dara R. Alpert and Daniel K. Goldsmith.

Committee members' assistants present: Andrew Vanlandingham, assistant to Senator Cleland; Marshall A. Hevron and Jeffrey S. Wiener, assistants to Senator Landrieu; William K. Sutey, assistant to Senator Bill Nelson; Mark Salter, assistant to Senator McCain; John A. Bonsell, assistant to Senator Inhofe; George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Charles Cogar, assistant to Senator Allard; and Derek Maurer, assistant to Senator Bunning.

STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning everybody. The committee meets today to consider the nomination of Major General Claude Bolton,

Jr. to be the Assistant Secretary of the Army for Acquisition, Logistics, and Technology. General Bolton, on behalf of the entire committee I would like to welcome you and your family to the Armed Services Committee. We have a tradition here of asking our nominees to introduce any family members that they have with them. If you have family here, please introduce them at this time, if you would.

General BOLTON. Mr. Chairman, good morning, and thank you very much for that pleasure. I would like to introduce my wife of almost 33 years, Linda, who is with me today. We have two lovely daughters. Our older daughter lives in Manhattan, New York, and is unable to be with us today, but our younger daughter, Jennifer, who lives in Virginia, is with us this morning. Thank you, sir.

Chairman LEVIN. Well, perhaps you could wave at us and we will wave back at you. Nice to have you all with us.

We always make it a point to thank family members for the support that they give to the nominee. It makes a huge difference. You are truly serving your country as well as the nominee by giving him the kind of support that he needs in this position, and I know you have done that for a long time in his military career, so that will be nothing new to you.

General Bolton has worn the uniform of this Nation for some 32 years, most recently as Commander of the Air Force Security Assistance Center at Wright-Patterson Air Force Base in Ohio, where he manages Air Force foreign military sales in the Air Force Materiel Command's international cooperative programs. He has served as the program executive officer for Air Force fighter and bomber programs, the first program manager for what became the F–22 office, a test pilot, and a decorated veteran of Vietnam combat missions.

If confirmed as Assistant Secretary of the Army for Acquisition, Logistics, and Technology, General Bolton will oversee the Army's complex acquisition contracting procurement and logistics systems. He will be responsible for assuring that our soldiers are equipped with the most advanced tools and technologies in the quickest, most cost-effective manner possible. He is well-qualified for this position. We look forward to asking questions of him.

I would also note for the members and staff that are here that, following this open session, we will be moving to executive session to discuss a number of military nominations which have been pending before this committee.

Is there an opening statement that you have, Senator Inhofe, Senator Bunning, Senator Warner?

STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Mr. Chairman, I will put my full statement in the record. I had a very nice interview with this distinguished nominee, and one of the areas we discussed was how the President and the Secretary of Defense persuaded him to come back to public service. I am not sure, but he said his family could explain it better than he. I welcome you, sir, you have had a quite a distinguished career.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Thank you, Senator Levin.

I join you in welcoming General Bolton and his family. I note that there have been a series of nominations by Secretary Rumsfeld and the Bush administration that place well-qualified nominees with background in one particular military service into senior positions in another service. While this may appear curious at first glance, I think our Secretary of Defense is sending the message that the best people and ideas will thrive in any service. I am convinced after meeting with General Bolton last week that he is the right person, at the right time for this job.

General Bolton has had a remarkable career of military service. Commissioned in 1969, he qualified as a fighter pilot and, over the course of his distinguished career, he compiled over 2,700 flying hours in more than 30 different types of aircraft. During the Vietnam war, he flew 232 combat missions, including 40 over North Vietnam.

General Bolton has also had a very impressive acquisition background, serving as the first program manager for the Advanced Tactical Fighter Technologies Program, which evolved into the F–22 System Program Office. He went on to serve as the Deputy Program Director for the B–2 System Program Office; Program Director for the Advanced Cruise Missile System Program Office; and from 1998 to 2000 as Program Executive Officer for the Air Force fighter and bomber programs within the Office of the Assistant Secretary of the Air Force for Acquisition.

General Bolton is nominated at a time of new emphasis on transformation. The recently completed Quadrennial Defense Review concluded that terrorism, chemical and biological weapons, cyberattacks and missile threats—so-called asymmetric threats—would transform the strategic landscape. The tragic events of September 11, sadly, confirmed that view.

The Department of Defense needs a responsive and capable acquisition system to develop the capabilities required to counter these emerging threats. Secretary Rumsfeld has repeatedly identified the need to streamline acquisitions practices and policies to promote the more rapid development and acquisition of cutting-edge technological capabilities.

The Department of the Army is no stranger to transformation with its vision of moving to a force that is more strategically responsive and dominant across the full spectrum of military operations. General Bolton's extensive background will surely assist the Army in its many challenges of balancing readiness and modernization against investment in future capabilities.

General Bolton, I congratulate you on your nomination and look forward to working together to ensure we have the best possible equipment and forces for our Nation.

Senator Levin.

General BOLTON. Thank you very much, Senator Warner.

Senator WARNER. I remember your service very well. You might share with the committee your wife's response at an appropriate time in the hearing.

General BOLTON. Yes, sir, I will. Thank you, and it is good seeing you again.

Chairman LEVIN. Well, I guess you wanted to sample the Army——[Laughter.]

General BOLTON. Yes, sir.

Chairman LEVIN.—after all those years in the Air Force, right? You want to figure out what is going on over there.

At this time, I would like to include Senator Thurmond's complete statement in the record, as he is not able to be here today.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I join you in welcoming General Bolton as we consider his nomination to be the Assistant Secretary of the Army for Acquisition, Logistics, and Technology. I am pleased that we are considering an individual with his superb qualifications at the time the Army is transforming its forces to meet the challenges of this century.

General Bolton, congratulations on your nomination. Your biography reflects a career that spans a period of great turmoil in our military. This background will serve

you well as you take on the challenges facing our Army as it transforms from a force to fight on the plains of Europe to the force that can fight all spectrums of conflict. Your extensive experience as a program manager is especially noteworthy. It makes you uniquely qualified for the position and will allow you to quickly take charge of the Army's acquisition program. I support your nomination and wish you success.

Thank you, Mr. Chairman.

Chairman LEVIN. The committee has received the required paperwork on General Bolton, and will be reviewing that paperwork to make sure it is in accordance with the committee's requirements. There are a number of standard questions that we ask every nominee who comes before the committee. General Bolton, in your response to advance policy questions you agreed to appear as a witness before congressional committees when called, and to ensure that briefings, testimony, and other communications are provided to Congress. You have already made those commitments, and I will now ask you a series of questions.

Have you adhered to applicable laws and regulations governing conflict of interest?

General BOLTON. Yes, Mr. Chairman, I have.

Chairman LEVIN. Have you assumed any duties or undertaken any actions which would appear to presume the outcome of the confirmation process?

General BOLTON. No, Mr. Chairman, I have not.

Chairman LEVIN. Will you ensure that the Department complies with deadlines that are established for requested communications, including prepared testimony and questions for the record in hearings?

General BOLTON. Yes, Mr. Chairman, I will.

Chairman LEVIN. Will you cooperate in providing witnesses and briefers in response to congressional requests?

General BOLTON. Yes, Mr. Chairman.

Chairman LEVIN. Finally, will those witnesses be protected from reprisal for their testimony?

General BOLTON. Yes, Mr. Chairman.

Chairman LEVIN. General Bolton, do you have any opening remarks that you would like to make at this point?

STATEMENT OF MAJ. GEN. CLAUDE M. BOLTON, JR., USAF, NOMINEE TO BE ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY

General BOLTON. Mr. Chairman, I do. I have some prepared remarks that I would like to read and then offer them for the record.

Chairman Levin, Senator Warner, members of the Armed Services Committee, I am deeply honored and privileged to appear before this committee. I am also extremely grateful to the President and to the Secretary of Defense for the confidence and trust they have shown in me by nominating me to serve in this important position. If confirmed, I am fortunate to have had other valuable experiences in the Air Force that will allow me to bring a thorough knowledge of the Department of Defense and an understanding of best business practices to the very important responsibilities of the office for which I have been nominated.

During the confirmation hearings, both Secretary Rumsfeld and Secretary White described the President's national security goals and key objectives of the Department of Defense and the Army. I

am fully committed to these goals and objectives. If confirmed, I will work hard to support Secretary White's key goals to invest in people, to assure readiness, to transform the Army, and to adopt sound business practices. If I am confirmed, I will do all that I can to keep our Army the most effective fighting force in the world, and to ensure it is prepared to meet our important responsibilities for the security of this Nation in the new century.

I intend to work closely with the Department of Defense leadership and Congress, including all members of this committee, as we work together to meet the great challenges facing the Army in balancing today's readiness and tomorrow's modernization requirements within allowable resources.

Mr. Chairman, I want to thank you for the opportunity to testify, and for the committee's consideration of my nomination. Let me close by saying once again how honored I am to have been nominated by President Bush for this position. If confirmed, I pledge to do my utmost to fulfill the trust and confidence placed in me by the President, the Secretary of Defense, the Secretary of the Army, and the men and women of our Army.

Thank you, Mr. Chairman. I am ready for your questions.

[The prepared statement of Major General Bolton follows:]

PREPARED STATEMENT BY MAJ. GEN. CLAUDE M. BOLTON, JR., USAF

Chairman Levin, Senator Warner, members of the Armed Services Committee, I am deeply honored and privileged to appear before this committee. I am also extremely grateful to the President and Secretary of Defense for the confidence and trust they have shown in me by nominating me to serve in this important position.

If confirmed, I am fortunate to have had other valuable experiences in the Air Force that will allow me to bring a thorough knowledge of the Department of Defense and an understanding of best business practices to the very important responsibilities of the office for which I have been nominated.

During their confirmation hearings, both Secretary Rumsfeld and Secretary White described the President's national security goals and the key objectives of the Department of Defense, and the Army. I am fully committed to these goals and objectives.

If confirmed, I will work hard to support Secretary White's key goals: to invest in people, to assure readiness, to transform the Army, and to adopt sound business practices. If I am confirmed, I will do all that I can to keep our Army the most effective fighting force in the world, and to ensure it is prepared to meet our important responsibilities for the security of this Nation in the new century.

I intend to work closely with the Department of Defense leadership, and Congress including all the members of this committee, as we work together to meet the great challenges facing the Army in balancing today's readiness and tomorrow's modernization requirements within available resources.

Mr. Chairman, I thank you for the opportunity to testify today and for the committee's consideration of my nomination. Let me close by saying once again how honored I am to have been nominated by President Bush for this position. If confirmed, I pledge to do my utmost to fulfill the trust and confidence placed in me by the President, the Secretary of Defense, the Secretary of the Army, and the men and women of our Army.

Chairman LEVIN. Thank you, General Bolton. We will start with a 6-minute round. General Bolton, you are still on active duty in the Air Force. I understand that, if confirmed, you will resign from the Air Force before the formal appointment is signed by the President for this position, is that correct?

General BOLTON. Mr. Chairman, that is correct.

Chairman LEVIN. You spent your entire career in the Air Force, and now you are looking to be an important part of the Army. Can you tell us how you plan on doing that, what challenges you think

that raises which may be novel or unique, given your Air Force experience, or whether that experience may help you in some ways?

General BOLTON. Mr. Chairman, I think the experience that I have gained over the past 25 years in this endeavor is very transportable to the Army. The time that I spent as a test pilot, as a program manager on three major programs for the Air Force, as an inspector general, as an educator, and as a program executive, give me the background and experience in the various processes, the tools that are available to manage weapons system programs, as well as to look after the sustainment of those weapons systems and, of course, the science and technologies that go into them.

In addition, the one thing I have had, I guess I have been fortunate throughout my career, is good health—a lot of energy, zest, and a sense of purpose, and I bring that as well to this important position. The bottom line has always been for me, and now, if I am confirmed in the Army, to make sure that our fighting force, in this case the Army, remains the most capable, the most powerful, and the most respected Army that we have ever seen. I look forward to that, sir, if confirmed.

Chairman LEVIN. Thank you.

General Bolton, the Army's transformation effort involves modernizing the existing legacy force to maintain current operational readiness, fielding an interim force capability, and conducting a robust research and development effort that is needed to create a lighter and more mobile objective force by the year 2012. Could you tell us what, in your opinion, are the highest priority modernization programs that the Army has?

General BOLTON. As I understand it, under the banner and the initiative of transformation of the Army there are some key programs and priorities, not the least of which is the cornerstone of the major combat systems that will be required in order to make the Army lighter, faster, at least as lethal, if not more so.

From a technology standpoint, I see that a logistics system will have to be more agile and perhaps get away from what we have done in all the services, and that is to have redundancy en masse and get into mobility and situation awareness. I believe, from what I have been told, the Army is moving in that direction. It is making strides, (1) to get on with the interim as well as the objective force, and (2) working very hard on its key initiative, its key programs associated with the major combat systems. I think those things are important if you are going to transform the Army.

Chairman LEVIN. Based on your long experience in the Air Force, particularly in the acquisition part of the Air Force, do you have any specific recommendations on how the Army can streamline the acquisition process?

General BOLTON. From what I have been told, and obviously if I am confirmed I would have to look at this in greater detail, I think the Army is responding first of all to how it is doing its requirements process and streamlining that, and reducing, or increasing the stability in the requirements process.

I think that is key for any development in any system program. If we do not get the requirement right, we cannot write it down. If we do not do it in a disciplined fashion then I do not care how good a program is, you are going to run into some problems, and

I think the Army is taking strides to do that. In addition, I understand that if I am confirmed, the office I would be going into has also been reorganized with an aim toward streamlining and putting into essentially one office, or one person, the entire life cycle of a weapons system if you will, from the cradle to the grave. I think that is a step in the right direction, and then aligning the various authorities and responsibilities. I think those are all important, to get the requirement right, to get the organization right.

There are some other things that I believe the Army is doing that we may want to touch on later, that revolve around the people and how they are trained, educated, recruited and retained, and then the industrial base. But I believe the Army is moving in the right direction and, if confirmed, those are the things that I will be looking at to make sure they are streamlined and supportive of the Army of the future.

Chairman LEVIN. Do you have any specific recommendations, General, on how the Air Force and the Army can cooperate more closely in the development of combat capabilities?

General BOLTON. Yes, sir, and I think we have seen some examples of that. Plugger, for example, which is a lightweight GPS produced by the Army, bought by the Air Force some years ago, took what was then acquisition reform initiatives, with the help of Congress and this committee, given some relief. We were able to take a unit that basically was well over $3,000 per unit and get it down to $400 or $500, $800 the initial lot.

I think there are plenty of opportunities, if not for the weapon systems per se, certainly for the technologies. When we look at how we get systems, how we work together, how we communicate together, how we use information technology, I think all of those things are transferable between not only the Air Force and the Army, but all the services, and in fact a good share of industry as well. If confirmed, those are the types of things I will be looking for. I do not believe—I know it has been my experience, I do not have all the answers. My service does not have all the answers. You go where you have to to get the right answers to do the right thing at the right time.

Chairman LEVIN. Senator Warner.

Senator WARNER. Mr. Chairman, I will defer to my colleagues now and do a wrap-up later.

Chairman LEVIN. Senator Bunning is next on an early bird basis. I should have announced we are going to go by the early bird rule, as always.

Senator BUNNING. Thank you. Thank you, Mr. Chairman. I welcome you, General.

General BOLTON. Thank you, Senator.

Senator BUNNING. I used to have a very good friend that was the commanding officer at Wright-Pat, General Earl O'Laughlin. I do not know if you know him.

General BOLTON. Yes, sir, I know him.

Senator BUNNING. He was the logistics commander for a long time.

General BOLTON. Yes, sir.

Senator BUNNING. He is a good golfer. [Laughter.]

He took money away from me on that course at Wright-Pat. That is how I know that.

General BOLTON. He could probably take a lot of money from me as well, Senator.

Senator BUNNING. We are glad that you have decided to come back again to serve your country with the Army.

General BOLTON. Yes, sir.

Senator BUNNING. I cannot believe that an Air Force man would come back with the Army, but I will do it.

Let me ask you just a couple of questions from some of your testimony that you have written. You have had considerable acquisition experience. Based on that experience, are there any problems that you saw in the acquisition process that are not being addressed by the Department's restructuring plan and, if so, what are they, and how would you address them?

General BOLTON. It may be a little premature for me, particularly in terms of why we are here, for my confirmation, because I just do not have enough details or information with regard to what the Army is doing. But what I have seen from my own service and seen from other services from afar, I think we are moving in the right direction.

This is a period of change. Secretary White has indicated that. All the services are in a transformation, and I think doing as well as we can, to transform ourselves into a fighting force that can meet not only the interim threats that we have, current and interim, but also future threats, and stay within the resources constraints that we have.

Senator BUNNING. In your responses to the advance questions you were given, you highlighted the importance of integrating the programs earlier into the development process. This will streamline the acquisition system without reducing the testing necessary to ensure a full, capable system. What reorganization do you believe will be needed to accomplish that fact?

General BOLTON. Senator, I do not believe reorganization is needed. There may be from time to time emphasis needed to ensure that testing starts, literally from day one in the requirements process, through the development, and certainly into what we traditionally think of as tests, and development testing, and initial operational testing and evaluation and follow-on. But I believe it ought to be an integral process, done from the beginning of the program. In addition, we must remember what test is all about. Test, in and of itself, I think, is not the wisest thing to do, and it is a waste of time and money. But tests used to reduce risk on a program, and used as a tool, that is what test is all about, and I think you can well integrate that throughout a program life cycle.

Senator BUNNING. In your responses to the advance questions you mentioned that the infrastructure for the DOD test range and the Army's instrumentation needs to be upgraded and replaced, to keep in place with advancements of the systems being tested. What is the Army's plan to support that instrumentation, and do you believe it is adequate to meet the requirements for testing of the future combat systems the Army is currently developing?

General BOLTON. Senator, I have not been privy to, nor do I understand what support the Army will give in the future in its budgets. I simply have not seen that.

My indication from some of the initial briefings are that the infrastructure could stand recapitalization, as I think is true for all services—it certainly is true for mine. If confirmed I believe that is well within my job description, to understand what tests and structure we have, and to make sure that we have appropriate infrastructures to do the testing of the future. That testing in the future will revolve more and more around systems and systems within and between services, and perhaps even with other countries, and certainly have heavy emphasis on information and information technology, and how best to go about doing those tests. So if confirmed I look forward to seeing what our baseline is, and then advising the leadership of the Army where we need to go in the future with resources.

Senator BUNNING. Last question. Are any of these testing ranges suffering reduced capability as a result of encroachment either from the civilian population or from the environmental restrictions and, if so, how do you plan to deal with it?

General BOLTON. To my knowledge, sir, that is true for all ranges.

Senator BUNNING. All ranges?

General BOLTON. All ranges that I am aware of. I do not know the specific ones for the Army, but it has been my observation in looking at this over the years that it has been an issue. I do not think there is a simple solution across the board, one solution for all the issues that I am sure are there. But if confirmed I intend to look at each one of those to see how best we can use the ranges and to use other ranges, i.e., other services, and other agencies.

Senator BUNNING. Fort Knox has that specific problem. That is why I am asking.

General BOLTON. Yes, sir, I have heard that. I simply do not know the details on that, but my intention is, if confirmed, to work with you, with other members, and certainly with the Army leadership to see what we can do to arrive at solutions that are in the best interests of the Army, the best interests of the American citizens—we live around those ranges—and for the taxpayers at large.

Senator BUNNING. Thank you.

Mr. Chairman, I have an opening statement I would like to put in the record also. Thank you.

[The prepared statement of Senator Bunning follows:]

PREPARED STATEMENT BY SENATOR JIM BUNNING

Thank you Mr. Chairman. General Bolton, I would like to welcome you and your family and thank you for coming before us today. We all appreciate your continued willingness to serve your country, particularly during this time of great crisis.

The job you have before you would be difficult during normal times. As we all know, these are not normal times. I look forward to working with you to ensure that our Army has the best equipment possible.

Senator BUNNING. Thank you very much, General.

General BOLTON. You are welcome.

Chairman LEVIN. Senator Landrieu has yielded to Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. First of all, I am looking forward to our visit that is coming up. We have not had a chance to do that yet, but I know you by reputation, and I am very excited about the new position you are going to be assuming. I kind of like the idea of getting someone from a different service. This administration, you will be the third one they have done this way.

General BOLTON. Yes, sir.

Senator INHOFE. I think you offer a different perspective. Many things are the same. General, we have undergone a very serious problem for the last 10 years, underfunding in every area, RPM accounts, modernization, and it has taken its toll in terms of retention, and I see us turning that corner now. You have suffered through the last 10 years, and now you are going to be in on the rebuilding, very similar to what we found ourselves in 20 years ago.

We had a hearing the other day and I had a man that was up here from Oklahoma. His name is Charles Sudlett. He had the same kind of parallel career in the Air Force that you had, and something occurred to me. I remember I singled him out—he was in the audience, and I said—he had flown about the same number of missions in Vietnam that you had in the same kind of vehicles, and I said, all during the time that you were in at that time, people questioned, perhaps, the war, the motivation, but in terms of equipment, we had the best of everything, whether it was the F–100s, the F–105s, the F–4s, and the Navy had the A–4s and the A–6s, and they were better than anything that the other side had, and he agreed with that.

Today, that is not true. We are dealing now with equipment—our best air-to-air is the F–15, our best air-to-ground is the F–16, and yet the SU–27s in terms of detectable range and other areas are superior in some ways, and the SU–30s. Now they are coming in with the advanced equipment.

You are going to find, I am sure you agree with that, that we have gotten to a point where we do not have the best of everything today in the Air Force, and that same thing is true in the Army. I remember back when I was in the Army, many, many years ago, we did have the best artillery. We had the best that there was, and that is something that has kind of been our hallmark ever since World War II.

Well, it is not true today, and if you take one vehicle that we have in the Army that you are going to be dealing directly with probably as much as anything else, it is going to be the Crusader. Right now, our Paladin is inferior in terms of rapid fire and range, to artillery pieces that are made in four different countries. So no matter who the adversary is, the likelihood is that they are going to have something better than we have in terms of an artillery piece.

So the first question I would like to ask you is, do you agree with the Secretary of the Army, General Shinseki, and all of the rest of them that when we have asked this question as to the necessity of getting into the Paladin as quickly as possible? I am sorry, into the Crusader, and upgrading that capability?

General BOLTON. I certainly would defer to their judgment on that, since they have much more than I currently do. I am not ex-

perienced on that program. I have not been thoroughly briefed on that program.

To your comments on capability, I certainly agree that we need to increase our capabilities across the board in all the services.

Senator INHOFE. The point I want to make, General, is we have always had the best of everything.

General BOLTON. Yes, sir.

Senator INHOFE. We have had our kids over there and we have tried to give them the best training and the best equipment to use, and as of this moment today, they do not have the best of everything, so as you get into the ground end of our military, I hope you will do that, and actually start with the Crusader, because I think each nominee that we have asked who has been before this committee for the last 3 or 4 years has said, if you could single out one crown jewel that we really need to advance on, it would be—or where we are the furthest behind, it would be in our artillery capability.

I make it a point to get around to a lot of the installations of all the military. I was at Fort Lewis, Washington, during the August recess, and they showed me the interim armored vehicle that we are talking about having the side by-side test in with the existing M–113. Now, I know you have not had time to get into some of the details of this, but it is my understanding that we are going to do two brigades, but before we go to the third brigade, we are going to have this side-by-side competition. It is my understanding that will cost about $28 million.

Well, I can save you $28 million, General, because I have already done the competition. I have been in both vehicles, and it is my understanding that as of yesterday there seems to be a change. People are recognizing the fact that the IAV is going to be something that is far superior, something we need to get into and not delay, and not spend a lot of money making that decision.

I would like to ask you first of all if you have any thoughts about that, getting into that modernization, and second, if not, would you go to Fort Lewis and do what I did, and take a ride in both of them?

General BOLTON. Well, Senator, let me see if I cannot do both. [Laughter.]

Senator INHOFE. All right.

General BOLTON. First of all, I do agree with the notion of modernization, whether it is the IAV, or the other programs, weapons systems that are under consideration and development by the Army. If confirmed, those are cornerstones, jewels, if you like, that I will spend a good deal of time understanding the capability we are looking for and how best to get it, and how quickly we can get it, and so I look forward to getting into the details, working with the leadership and working with you and other members here in this committee and with Congress to get the capability of the Army needs and wants very quickly.

I, too, was at Fort Lewis. My wife and I were on vacation. We left on 10 September, and obviously when the attacks occurred on the 11th we were not able to get back. We were just a few miles from Fort Lewis, and we had an opportunity to go out to that post and view what was going on there. There were a lot stories, as you

might imagine, on the interim force and what was going on in the prototype phase at Fort Lewis, so I am very anxious to get back and understand what is going on there. If confirmed, I will be up there.

Senator INHOFE. I appreciate that.

Mr. Chairman, I know my time has expired. I would like to ask him one question just so he can answer it for the record, because it is going to be a rather lengthy answer, and it has to do with our depot capability. I know that you are more familiar, as am I, with the depots and air logistics, and the depots in the Air Force, but some of the problems are the same in the Army depots that we have.

They are a very viable part of our fighting force in terms of the public depots function and mission, but they are very antiquated, poorly designed, poorly equipped, and I would like to have you for the record—not today, but for the record give me a pretty in-depth answer as to what you believe the future of our public depots are, and then, if it is to continue as we have in the past, what plans we have to bring them up to date so that they can do the job that they were—many of them were operating with the same technologies and the same equipment they were using back in World War II, so if you could do that for the record I would appreciate it, and I look forward to serving with you in this capacity.

General BOLTON. If confirmed, I will be more than happy to take that for the record and provide you that answer.

[The information follows:]

FUTURE OF ARMY DEPOTS

Our depots are a vital link in our ability to support the Army in transition as well as the future Objective Force. We see our depots not only supporting the long term strategic readiness of our weapons systems, but becoming a full time partner supporting the near term readiness of the transforming Army and the Objective Force. The Army will maintain an organic depot base with multi-functional and multi-capable facilities and personnel trained and equipped to work on the systems that will be in the force between now and beyond 2025. This multi-functional approach will provide us with a built-in surge capability that will be responsive to the needs of our more capable force.

Senator INHOFE. Thank you.

General BOLTON. I look forward to it as well, sir. Thank you.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you. Senator Landrieu.

Senator LANDRIEU. Thank you, Mr. Chairman. Mr. Chairman, I would like to request that my full opening statement be inserted in the record.

[The prepared statement of Senator Landrieu follows:]

PREPARED STATEMENT BY SENATOR MARY L. LANDRIEU

Thank you, Mr. Chairman, for conducting this hearing today. General Bolton, it is nice to see you here today, and you are certainly a well qualified nominee. The Armed Services Committee must confirm scores of nominations to serve key posts within the Department of Defense, but few are as vital as the position before us at this time—the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA(ALT)).

As the chair of the Emerging Threats and Capabilities Subcommittee, I am most interested in seeing that those in charge of acquisition, logistics, and technology are highly qualified and competent. After all, the primary aim of the Assistant Secretary is to ensure that the Army best uses ever-changing science and technology

to obtain the necessary capabilities for warfighting and protection of our Nation's security. As you stated in your responses to the committee's questions, the ASA(ALT)'s "primary duties are to ensure the Army's soldiers are provided with the most capable and sustainable equipment and to wisely shepherd all available resources to provide that capability in the most cost effective manner." Therefore, our men and women in the Army are truly dependent on the Assistant Secretary for their safety and to have a competitive advantage against any possible enemy they may face on the battlefield.

I am encouraged to see that you are an advocate for the Army's transformation. I appreciate your statement, "The Army must leverage new science and technology programs and initiatives to capitalize on emerging trends and breakthroughs. The Army must ensure it transforms into a force that will have the ability to respond effectively not only against today's terrorism and force protection threats, but also tomorrow's unknown threats." For too long those in the Department of Defense have beheld antiquated notions of management and warfighting, but the time has come to make a paradigm shift. I have lauded General Shinseki for his vision and commitment to transforming the Army to make it a leaner, swifter, and more lethal force capable of victory against the unknown enemies we will face in the 21st century. As this committee deliberated the Defense Authorization Bill for Fiscal Year 2002, the Secretary of Defense argued for a delay in transforming the Department of Defense in fiscal year 2002. We must avoid further delays and make necessary changes to improve our Nation's defenses.

Not only do I see a need for the ASA(ALT) to be an advocate for transformation, but the ASA(ALT) must champion each day the transformation push for tangible and cognizable changes in the way the Army operates. The ASA(ALT) must show a dedication to science and technology. With such a devotion, the ASA(ALT) must see that this science and technology are truly catalysts for the research, development, test, and evaluation process and the procurement process. Pragmatism must win out so that worthwhile ideas receive the funding to become the next generation of weapons and equipment, while white elephants are sent out to pasture. Procurement must be streamlined so that those new ideas that are successful can get into the field faster. It takes entirely too long for new equipment to reach the field. Too often, new concepts and innovations are scuttled in favor of the status quo. Where the status quo imposes a danger to our soldiers or our way of life, we must shake the trees at the Pentagon to eliminate out of date and out of touch operating procedures.

In conclusion, I concur in your vision that the Army's transformation and move toward modernization "will enable the Army to field a force that is more responsive, deployable, agile, versatile, lethal, survivable, and sustainable." I hope those in positions higher than yours share your thoughts. Should you be confirmed, I also hope you understand and grasp both the enormity of the task ahead and the opportunity you have to leave a lasting and meaningful impression on the Army for years to come.

Senator LANDRIEU. General Bolton, congratulations on your nomination.

General BOLTON. Thank you, ma'am.

Senator LANDRIEU. I look forward to working with you in a variety of capacities, but particularly in regards to my chairmanship of the Emerging Threats and Capabilities Subcommittee. In our subcommittee we are very focused and very interested in all aspects of acquisition for research and development, particularly in protecting us in these new asymmetrical threats.

Let me say that I was particularly impressed with your opening statement. You said the Army must leverage new science and technology programs and initiatives to capitalize on emerging trends and breakthroughs. You go on to say, the Army must ensure it transforms into a force that will have the capability to respond effectively not only against today's terrorism and force protection threats, but also tomorrow's unknown threats, and I appreciate that emphasis, and want to work with you.

But one question I have regarding that is the conflicting information I am receiving about a peacekeeping vehicle that has per-

formed extraordinarily well, and that is our armored security vehicle (ASV). When General Shinseki testified before our committee not too long ago, I asked him a question in regards to this particular vehicle and its continued production. General Shinseki replied that the Army does not have plans to terminate the ASV program at the end of 2002. The current plan is to continue to field the armored security vehicle to Military Police (MP) units.

Then, however, we read in *Jane's Defense Weekly* in November, "the Army has canceled the ASV vehicle used by military police."

Now, this is my question. Can I count on the statement that General Shinseki made before this committee? Can I count on your support and, if not, what are you going to recommend as a proper substitute for the only vehicle in the Army that can protect, to my knowledge, our forces in a hostile peacekeeping situation?

General BOLTON. Senator, I wish I could give you an answer this morning. I simply do not have the information, other than what you know, about the cancellation of that program. If confirmed, and if you still desire, I certainly will take that for the record and provide you an answer. At the moment, I just do not know. I am sorry.

[The information follows:]

Yes, you can count on the support of General Shinseki and myself. Regarding the status of ASV, the Army is currently procuring the ASV under a 5-year multiyear contract with Textron Marine and Land Systems. The fiscal year 2002 President's Budget includes funding for the fourth year of the contract. The Army's intent is to support the ASV through to the conclusion of the multiyear at the end of fiscal year 2003.

Senator LANDRIEU. Well, I would like to call to the chairman's attention and to our ranking member that to my knowledge, the ASV is the only vehicle fit for the MPs. That is why this is a very serious issue, not simply because its production line is in Louisiana. My staff has researched this pretty thoroughly, and in the Army's whole procurement line there does not seem to be a comparable vehicle. I mean, HMMWVs are, of course, something that our Army uses, but they have a relatively open driver's compartment. Our forces need the proper protection in a peacekeeping environment.

This particular vehicle not only has four-wheel drive capability, a 50 caliber machine gun, and a 40mm grenade launcher, but it can withstand the direct impact of a land mine. If the wheels are shot out by a rifle, it has new technology that continues to inflate the tire and keep our forces in the fight. I would argue that with these new and emerging threats, the back end of these conflicts are going to be as important as the front end. We are going to need a vehicle, either this one or something very similar, to complete our mission.

So I bring that to your attention, and I am going to be working very closely with you. If you can produce something else that is better, then I would be the first to say, well, let us save money where we can, but to take out something that seems so essential, to try to find other essential things just is not the way we should be going.

So I will leave it at that, but I want to work closely with you on that.

General BOLTON. Yes, Senator.

Senator LANDRIEU. Second, since your position will have oversight over Army science and technology (S&T) programs, do you feel the Army is currently investing enough in research and development (R&D)? If not, what are some of your specific plans, and would they include a goal similar to the Secretary of Defense's goal of 3 percent for the DOD budget overall?

General BOLTON. The goal of 3 percent I think is appropriate. Certainly, if I am confirmed, that is what I would recommend to the leadership of the Army. I am led to believe, and looked at some of the figures over the last few years, that the request that the Army has made has been increasing in this area. It is certainly not close to the 3 percent we would like to have, but if confirmed, that is what I believe should be done, and that is what I will support.

Senator LANDRIEU. Finally, the Army plays an important role in performing vital medical, chemical, and biological research for our country. It has been most evident, of course, with our recent anthrax attack—Fort Detrick in Maryland has been a real leader working with us on this attack. How will you work to ensure the Army's expertise is available to our first responders, the Center for Disease Control, and the Office of Homeland Security? Do you have any specific ideas on the subject as you have been thinking about your confirmation process?

General BOLTON. Well, not only for the subject that you have just indicated, but for our entire workforce. As you may know, over the next 2 to 5 years, 50 percent of our civilian workforce is eligible to retire, including those in the area that you just addressed. If confirmed, that is one of my priority areas, to look at how we go about recruiting, retaining, training, motivating, and challenging that workforce.

It is not just true for the Army. It is true across the Department of Defense, and I think that is very important. I will work that very, very hard, and I look forward to working with you and other members here to see what we can do about that.

Senator LANDRIEU. Did you just testify that 50 percent of that workforce is near retirement?

General BOLTON. Yes, ma'am, that is true.

Senator LANDRIEU. Within what, 5 years?

General BOLTON. 2 to 5 years.

Senator LANDRIEU. 2 to 5 years, OK.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Landrieu.

Senator Warner.

Senator WARNER. Mr. Chairman, I am going to put my questions into the record. Also, I am going to put into the record excerpts from the *Congressional Record* when the Senate considered the nomination of General Bolton. The committee examined the allegations with regard to the cruise missile program over which you were the manager at one time. That matter was thoroughly explored by the committee. Comments by Chairman Nunn very clearly indicate that it was the committee's finding that there was no culpability on your part whatsoever.

[The information referred to follows:]

[Page: S14977]

The PRESIDING OFFICER. The clerk will now report executive calendar number 1281.

The bill clerk read as follows:

The nomination of Col. Claude M. Bolton, Jr. to be Brigadier General.

The PRESIDING OFFICER. Is there further debate on the nomination?

If not, the question is on agreeing to the nomination.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. **Pryor**). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, first of all, I want to thank the large number of people that voted against the promotion of General Glosson. As I said so many times, I have been, over the last year, spending a great deal of time studying various reports, particularly those of the inspectors general, to bring the public's attention and this body's attention to things that are wrong in the Defense Department--maybe not worse than other bureaucracies, but I have been concentrating on the Defense Department--in an effort to bring some accountability to an accountability of the expenditure of the taxpayers' money, better management by people who are responsible to carry out their duties according to their responsibility, and if they are not responsible, to hold them accountable.

I think with the waste of taxpayers' money, these next two nominations are perfect examples of people who should be held responsible. In the case of the Glosson nomination, it dealt with the responsibility and accountability, not necessarily on the expenditure, of taxpayers' money. I have a long case to lay out in both the Barry nomination and the Bolton nomination. But I have been discussing, at least in the case

of Colonel Bolton, some followup that has been suggested to me by staff of the Armed Services Committee that appears to be a reasonable approach to fixing responsibility.

In the case of Colonel Bolton and the waste of $300 million of the taxpayers' money, and 60 cruise missiles laying on the floor of a production plant in California, and some possible violations of the Antideficiency Act, and with Colonel Bolton being the program manager, I think we should pinpoint responsibility.

The Senator from Georgia says that it should not be pinpointed toward Colonel Bolton. Well, then where should it be pinpointed?

So I have suggested to the chairman of the Armed Services Committee that if he, in his capacity--and certainly in the oversight powers and responsibilities of his committee--would, through correspondence, request of the inspector general--the committee has already followed up on the mismanagement of the program, there is no doubt about that. They have done a good job in that regard. But we need to pinpoint responsibility. Somebody has to be held responsible. It seems to me that if the committee is willing to do that, there would not be any reason for us to have a vote on the Colonel Bolton nomination, and we would move forward then to the Barry nomination.

I will discuss that in a minute, after the results of this discussion with the distinguished chairman of the Armed Services Committee. If we decide we are not going to have to have a vote on Bolton, I would then still lay out my case sometime when it is not going to interfere with the work of the Senate. I will stay around to do that.

I yield to the Senator for comment, or whatever he can say at this point.

[Page: S14978]

Mr. NUNN. Mr. President, I thank my friend from Iowa. I will follow his request, and I will join with Senator **Thurmond**, assuming Senator **Thurmond** will concur; I have not had a chance to talk to him about this. I believe that instead of writing the IG of the Air Force, it would be more appropriate to write the top official in charge of acquisition, Mr. Komiskey, who is an expert in this area. He is at the DOD level and can review it there, rather than at the Air Force level. I will work with the Senator on that. We will ask him to trace the history of this advance cruise missile program and ask him to assess the things that went wrong, and we will ask him to also assess the responsibility for those things that went wrong.

I have to say, as I said last night, that Colonel Bolton did not take over the management of this program until 1989. The program was started in the Carter administration--at the end of it--under the team there then, and Bill Perry was one of those people. It was developed during the whole Reagan administration. It was a revolutionary technology program involving stealthy characteristics. The program, as many other revolutionary technology programs, ran into overruns and difficulties. The numbers of missiles came down. As the numbers come down, the price goes up. That is what happened. After you wind down a 40-year cold war, you reduce the numbers dramatically, and instead of building a thousand of something, you build a hundred of something, and the price goes up. So that is one of the big problems.

But on Colonel Bolton himself, there is no evidence that he did anything wrong. He took over a program that was already having serious problems. It turned out to be a successful program overall, because it produced a very successful defense capability. But in the process of developing that revolutionary technology, there were cost overruns and technical problems.

The question is, Who is accountable? I am not going to say to the Senator from Iowa that we are going to

get an answer that tells you exactly who should be taken out and flogged in a 12-year program of this nature. But I will do my dead level best, and I will work with Senator **Thurmond** to frame a letter and work with the Senator from Iowa and his staff to frame a letter that would direct the questions at the appropriate people at the DOD level.

If the Senator wants the Air Force level, we can do that, but it is hard for them to look at their own program. Most of these decisions where made by the Secretary of the Air Force, and there were two or three different ones. They are all gone now. So once you assess the accountability, Congress does not have any power to bring them back and flog them, or do anything to them. I am not sure we are going to satisfy the Senator's obvious desire to see someone punished. But I will certainly write that letter, and I will certainly get him the information in good faith, and I will followthrough and get as much information as we can about what went wrong and who is responsible for it.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, that is satisfactory as long as we have the Department of Defense inspector general involved in the process, because of the independent status of the inspector general to make sure that we have an independent person making a judgment and also because the DOD inspector general in 1991, 2 years after the Senator said that Colonel Bolton took over, said that there was a violation of the Anti-Deficiency Act. That is the Department of Defense inspector general 2 years after Colonel Bolton became program manager.

That is where responsibility to me is fixed.

Mr. NUNN. Mr. President, I will say to the Senator on that point there is a dispute about whether there was an Anti-Deficiency Act violation. The Senator is correct in that I said that. That decision was not made by Colonel Bolton. That was referred by Colonel Bolton to his superior, and it went to the Secretary of the Air Force. That decision on how to fund that program was made by the Secretary of the Air Force, now retired.

There is no doubt about the fact there was a dispute between the Department of Defense IG and the Department of the Air Force on that. There is no doubt about the fact that Colonel Bolton did what he should have done on that, referred it up the line, and he got his orders from the Secretary of the Air Force.

Mr. GRASSLEY. Mr. President, let me ask the question: Would the Senator from Georgia be willing to include the DOD IG?

Mr. NUNN. I am glad to do that. If he prefers the DOD IG I am glad to do that.

Mr. GRASSLEY. I have one more comment before I ask two more questions. Then I think we are done on this point.

First, I think it is a sad commentary that we have a system of acquisitions that, using the Senator's word, we cannot take someone to take out and flog. I am not suggesting we flog someone. But is it not a terrible system that we cannot pinpoint responsibility? And to me that is a major problem.

I know the Senator has been working for 5 years to get acquisition reform and all that, and the Senator may have a lot of things in place so that this will not be repeated down the road. But it seems to me that there has to be a constant vigil to make sure that we can pinpoint responsibility or else we are not going

to have accountability. We are not going to have proper expenditures of money.

On the last point, I would only, if I could, through you, Mr. President, ask my friend from South Carolina, who has listened to this entirely, would he join Senator **Nunn** in making this request?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have heard the discussion, and I think what has been said here is proper. I will be glad to join in with the distinguished chairman of the committee on this and the distinguished Senator from Iowa.

Mr. GRASSLEY. OK.

Then, Mr. President, I would not request a vote on Colonel Bolton.

At the same time, I will say this: I am going to make a case on General Barry. I will not request a vote on General Barry, and if the floor leader with his power wants to vitiate the cloture vote, then he will have my assent.

Mr. MITCHELL. Mr. President, I thank my colleague very much for his comments and cooperation.

Do I understand correctly now just so there can be no misunderstanding that the Senator is prepared to not have a vote on either the Bolton or the Barry nomination?

Mr. GRASSLEY. And no cloture will be necessary.

Mr. MITCHELL. Cloture will not be necessary.

Mr. GRASSLEY. Yes. But I do want time to speak.

Mr. MITCHELL. The Senator will have as much time as he wishes.

So, again, I want it understood, that there will be no cloture vote; there will be no rollcall vote at all on either nomination.

Mr. GRASSLEY. The Senator is correct.

Mr. MITCHELL. They will be approved by voice vote.

Mr. GRASSLEY. Yes.

Mr. MITCHELL. So there is no misunderstanding.

Mr. GRASSLEY. Yes.

ORDER TO VITIATE THE CLOTURE VOTES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture votes now scheduled on the Bolton and Barry nominations be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Accordingly, Mr. President, in view of the statement by the distinguished Senator from Iowa for which I thank him, it is my understanding now that these two nominations will be approved by voice vote, no rollcall vote will be necessary on them; therefore, there will be no further rollcall votes.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Iowa. He is conscientious on these matters. He looks at them in detail. We do need careful oversight of the procurement system. In fact, we need careful oversight of every facet of Government, not just the Department of Defense now that we are in a different era. I can say we were a long time in the cold war era. There was almost a compulsion to push the edge of the envelope in terms of technology, and many times in pushing the edge of the envelope programs developed technical flaws. And without any doubt our system of procurement produced the best systems in the world, but many times it did so at a very high cost, and many times there was a lot of inefficiency.

I believe that the new procurement system, which got no attention, I must say, in this Congress, and I read all the critics about nothing accomplished in this Congress. Of course, we did bog down on some items at the end. I have no doubt about that.

But one of the major achievements of this Congress took 5 years to produce and was produced with the cooperation from both the legislative and executive branches, Democrats and Republicans. One of the major achievements had been the overhaul of the acquisition system. It should be a much better system. But it is going to take 5 to 10 years to implement.

We should have a much better procurement system as one of the major accomplishments, in my view, of this Congress and really one of the major accomplishments in the last 15 or 20 years in the Department of Defense.

We will work with the Senator from Iowa on these matters, and I commend him for making this decision and allowing these two officers to be confirmed, one of them retired and one of them promoted, because the committee unanimously decided that though they were in troubled programs they themselves handled themselves superbly and they bore no part of the responsibility in terms of the program problems, that they did what they should have done and when they should have done it. That was the committee judgment by unanimous view.

I thank the Senator from Iowa for his cooperation.

The PRESIDING OFFICER. The Senator from Iowa.

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Mr. GRASSLEY. Mr. President, I want to not only thank the chairman of the Committee of Armed Services for his remarks now but I want to thank him and Senator **Thurmond** for their cooperation on this last effort.

Also I want to say that over a long period of time, now probably 15 months, I have been working with either Senator **Nunn** and/or his committee on my interest in these nominations and the whole subject of

accountability, including several amendments on which he cooperated with me getting on various Armed Services Committees.

I thank him for not only his cooperation but he in every respect was a gentleman as he had to deal with me, and I do not suppose it is always easy to deal with.

Mr. NUNN. I thank the Senator from Iowa.

Mr. President, if I could say one more word, I thank the Senator from Iowa. He has my pledge to continue to work with him on whatever questions he has.

Mr. President, I want to just make one point. I am going to make a more lengthy presentation about the role **George Mitchell**, our majority leader, played here during his career in the Senate and particularly majority leader.

I think it ought to be noted on at least the closing part of this session. We will come back in a few days in November on the trade bill, and I will make my lengthy remarks then. But Senator **Mitchell** cares about fairness and justice.

Just a moment ago this nomination was about to go through. He favored the nomination. Senator **Grassley** and I were having a conversation. He came over to alert Senator **Grassley** to make sure it did not go through without his knowing about it.

That is the kind of a majority leader we have. That is the reason he has the reputation for fairness, and I think we ought to all note that.

The other thing I want to note, in the closing moments of this session, is that the majority leader could have pulled the plug on all three of these nominations. Everyone knows people are ready to get out of town. He cares about fairness to the individuals involved. He cared enough to schedule all three of these and to make sure that they were dealt with one way or the other by the U.S. Senate.

So **George Mitchell** has many attributes, but I think in these closing moments we ought to note that kind of leadership, and it will be sorely missed. He will be very difficult to replace, and we all know that.

So I thank the majority leader. I thank the Senator from Iowa. And I thank my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to express my appreciation to the able Senator from Iowa and the fair manner in which he has handled this matter. It was a delicate matter, and I am very pleased it has been handled as it has been done in a satisfactory manner.

These officers now will be approved and other steps will be taken to improve the process here.

And I express my appreciation to the able chairman of the Armed Services Committee too for his part in helping to resolve this delicate situation. I think it has been handled in a very fine manner.

The PRESIDING OFFICER. Is there further debate on the nomination?

Mr. GRASSLEY. Mr. President, I would like to start debating the nomination, but if there are people who wanted to speak, I would give deference to them if they want to get out of town.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President I have a statement, if the Senator would yield to me.

Mr. GRASSLEY. I yield to the Senator.

ANTIDEFICIENCY ACT VIOLATIONS (Senate - July 22, 1993)

[Page: S9230]

Mr. GRASSLEY. Mr. President, I would like to take just a few minutes this morning to discuss, once again, something that I discussed a couple times earlier this year: The pending promotion of an Air Force Col. Claude M. Bolton, Jr. It may sound insignificant to discuss this before the Senate, but this is an example of a person being recommended for promotion to brigadier general and the fact that this individual was involved in what I would consider a waste of taxpayers' money.

This promotion is now before the Armed Services Committee, and I have formally requested that I be notified before the Senate proceeds to the final approval of Colonel Bolton's promotion. Obviously, there have been some questions raised about my interest in this, and I am very happy to answer those questions. I want to clarify that position, even though I think I have stated it very clearly several times before.

Colonel Bolton's promotion to brigadier general should not be approved, at least it should not be approved until we have all the facts bearing on his role in the Antideficiency Act violations and the reprocurement scheme while program manager. He was the program manager for the advanced cruise missile, the ACM.

There are too many unanswered questions at this juncture. We need more information before we make a final decision on his promotion.

First, I shared my concern about Colonel Bolton in a letter to the chairman of the Committee on Armed Services back on March 29 of this year. I have that letter and some other inserts that I want to put in at the end of my remarks. I ask unanimous consent to do that.

The PRESIDING OFFICER (Mr. **Wofford**). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I also shared on two other occasions my concern about Colonel Bolton in floor statements on April 30 of this year and May 28 of this year. Colonel Bolton was a program manager of the ACM from September 1, 1989 to September 20, 1992. As program manager, Colonel Bolton was in charge and he must, therefore, bear chief responsibility for what happened. I fear that Colonel Bolton may have engaged in either illegal or improper conduct while ACM program manager.

My suspicions are based largely on the audit and investigative work of the Department of Defense inspector general. The results of the IG's work are contained in a report entitled `Missile Procurement Appropriations, Air Force, Audit Report No. 93-053,' dated February 12 of this year. The Department of Defense IG assessment is buttressed by other damaging evidence. The Senate Armed Services

Committee has

given the ACM program thumbs down for poor performance and for mismanagement.

The committee's evaluation is contained in Senate Report No. 102-352, pages 55 to 57, dated July 23, 1992. The conference committee on the fiscal year 1993 defense appropriations bill has given the ACM also thumbs down for poor performance and mismanagement. Its assessment is presented in House Report No. 102-966, page 538, dated October 1, 1992.

The General Accounting Office has also expressed concern about--their terms--`legal issues' and mismanagement of the ACM program. Some of the GAO's findings are contained in Report No. NSIAD-92-154. The GAO investigative work is continuing and more damaging information will be presented in September of this year.

So, Mr. President, I think the ACM program has come to a disastrous end, as the Armed Services Committee feared, and we need to know who is responsible for the mess and the evident waste of taxpayers' money. Who should be held accountable for what happened? I happen to believe that my concerns about Colonel Bolton rest on solid ground, but I want to be absolutely certain about those facts, as I should be certain about those facts. His career is at stake, and he should not be falsely accused. There can be no room for error.

I want to briefly tell you about the issues against Colonel Bolton, as I understand it today. There are three major allegations:

No. 1, the ACM program violated the Antideficiency Act while Colonel Bolton was program manager.

No. 2, Colonel Bolton and others failed to report a known violation of the Antideficiency Act.

And, No. 3, Colonel Bolton acquiesced in the illegal and destructive reprocurement scheme to conceal and to cover up a violation of the Antideficiency Act.

I will discuss this in two parts. In the first case, I would like to review the facts bearing on the violation of the Antideficiency Act and, second, to discuss the facts bearing on the reprocurement scheme to hide the violation of the Antideficency Act.

The IG of DOD uncovered the facts that gave rise to these allegations. The IG charges that the ACM program violated the Antideficiency Act and that program officials knew of the violation in July 1991, but failed to report it. Colonel Bolton was the ACM program manager in July 1991.

Reading from that report, it says:

The Antideficiency Act was violated when the Air Force
recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue.

The Antideficiency Act has been violated, and the Air Force has incurred additional costs by not reporting Antideficiency Act violations and requesting congressional relief.

Now, what did Colonel Bolton know, when did he know it, and what did he do? We can safely assume that he knew in July 1991 that the cost to complete the ACM exceeded amounts available for obligation.

Money is a lifeblood of any program. As program manager, he had to know exactly how much money he had and what he owed. He had to know that he was about $100 million short, and the shortage was increasing every day. He had $100 million in bills from General Dynamics/Convair but no money to pay those bills.

Colonel Bolton was faced with two difficult choices: Stop work, report the violation, and request relief, or pursue illegal funding solutions.

Colonel Bolton chose to pursue the illegal option, no doubt with the approval and guidance from his superiors, including former Secretary of the Air Force Donald Rice.

With Colonel Bolton's career on the line, we cannot proceed on mere assumptions. We need hard evidence. We need to know exactly what Colonel Bolton knew and when he knew it.

Toward that end, I sent a series of questions to Colonel Bolton in a letter on April 29, 1993. I have yet to receive a response. A nonanswer came from the Assistant Secretary of Air Force for Financial Management, Mr. John Beach. Mr. Beach's nonanswer was dated May 13, 1993. Mr. Beach essentially told me, and the Congress, to take a hike. Mr. Beach said that my letter to Colonel Bolton had been referred to him for a response and that there would be no response.

Mr. President, I included that in what I received unanimous consent to submit.

So, Mr. President, I hate to say it, but Mr. Beach is not to be trusted in this matter. He has no credibility. Mr. Beach is up to his ears in the ACM Antideficiency Act violation, and I have documents to prove it. Both Mr. Beach and his boss at the time, Mr. Michael B. Donley, who has been Acting Secretary of the Air Force until recently, knew the ACM was in violation of the Antideficiency Act but failed to report it, as required by law.

I have a document that bears Mr. Donley's title `SAF/FM.' It is dated March 1, 1992. On that date, Mr. Donley was SAF/FM.

The document was presented at a worldwide conference of Air Force financial managers at Melbourne, FL, on March 4, 1992.

Mr. Donley was present and spoke about it.

This documents states flat out that three Air Force missile programs--ACM, Titan IV, and, AMRAAM--have antideficiency violations.

This entire matter was clearly within the cognizance of Mr. Beach's office at the time.

To this day, only two of the three violations have been reported. Titan IV and AMRAAM took direct hits. ACM skated. ACM was inoculated--immunized against the dreaded disease. Was this done to save Colonel Bolton's promotion?

The March 1992 document, when coupled with other damaging evidence, tells me that Mr. Donley, Mr. Beach, Colonel Bolton, and a number of other officials all knew that the ACM program was in violation of the law. The documentary evidence is overwhelming.

Mr. President, that concludes my statement for today, but I have much more to say on the matter and will

continue the discussion either tomorrow or next week.

Mr. President, I am also placing in the **Record** at this point an excellent article by Mr. George Wilson on the ACM procurement fiasco. This is a wakeup call in the current issue of the Air Force's hometown newspaper, the Air Force Times.

There being no objection, the material was ordered to be printed in the **Record,** as follows:

[Page: S9231]

AF Handling of Procurement Disaster Damage

(BY GEORGE C. WILSON)

Defense Secretary Les Aspin has called the Air Force's advanced cruise missile program `a procurement disaster.'

Yet one of the colonels who managed it is now up for promotion to brigadier general. Therein lies an enlightening tale of why Congress gets mad at the military.

The other services dare not snicker too loudly because they took many of the same wrong turns on their weapons programs.

The Army tried for everything on its LHX helicopter and still has nothing, the Navy will never recover from its A-12 attack aircraft fiasco, and the Marine Corps stands accused of having a champagne taste but a beer pocketbook for its new aerial taxi, the V-22 Osprey tilt-rotor aircraft.

But the AGM-129A advanced cruise missile--or ACM--is worth singling out because it is a classic case of how not to handle procurement.

It is bound to make more bad news soon because the Air Force has chosen confrontation over cooperation in dealing with questioning lawmakers.

The ACM was born during the Cold War. The Air Force wanted a missile that could be fired farther out from Soviet defenses than the AGM-86B air-launched cruise missile aboard B-52 Stratofortress bombers.

The Air Force put the ACM in the Pentagon's black budget--the one where mistakes are often hidden so long that they cannot be corrected, as was the case with the Navy A-12, which former Defense Secretary Dick Cheney canceled.

The Air Force, rather than try for modest improvements in its existing penetrating missile went for broke--and got there financially, if not technologically.

By 1988, Aspin, as chairman of the House Armed Services Committee, heard the ACM was in trouble and investigated. He waved the first big, red flag at the Air Force with these words spoken on the House floor April 21, 1988:

`It is a procurement disaster. The ACM is the worst of the programs the committee has looked at. High classification has proved no barrier to bad management.'

But Air Force program managers pressed on, throwing more millions at the technical problems. Its prime contractor, General Dynamics Corp., geared up for production. Costs skyrocketed. The Air Force ACM bank account went dry.

When a Pentagon program runs out of money, `anti-deficiency' rules require the service to notify the President and Congress. Congress usually will approve a request to raid another account for money if the service submits a reprogramming request.

The Air Force ignored both of those standard procedures and opted for an end run. It canceled existing contracts on the ACM with the idea of covering more than $100 million in old costs under a new contract This angered another one of its usual allies, the Senate Armed Service Committee.

`Had new contracts been completed,' the Senate committee scolded in a report, `the Air Force have had to pay both more profit to the contractor than would have been provided under the original contracts, and more than the ceiling amounts in the original contracts.'

As it turned out, President Bush last year decided that with the end of the Cold War the United States could safely halt production on the ACM and Congress refused to appropriate new money for the missile. So the Air Force still has old ACM bills piling up.

ACM project leaders this year are adding insult to injury.

The Air Force is asking the Senate to approve the promotion of Col. Claude M. Bolton Jr., the project manager on the ACM from Sept. 1, 1989, to Sept. 20, 1992, to brigadier general.

At the same time, the Air Force is stonewalling Sen. Charles E. Grassley as he demands to know the role of Bolton and other officials in what the Pentagon's inspector general views as law-breaking on the ACM procurement.

The Iowa Republican has proved numerous times that he can make life miserable for the Pentagon. He already is armed with the IG's report on how the Air Force broke the rules on the ACM, has put a hold on Bolton's promotion and launched a sweeping General Accounting Office investigation.

All this has not been enough to make the Air Force change course, even though the Senate-Armed Services Committee, given its criticism of ACM management, has no choice but to hold up Bolton's nomination.

Grassley sent a list of questions to the Air Force about the role of Bolton and other officials on the ACM and got back from John W. Beach, the assistant Air Force secretary for financial management a one-paragraph, saying-nothing response.

`Mr. Beach essentially told me to take a hike,' a furious Grassley fumed.

Aspin is hardly in a position to come to the aid of Bolton and the Air Force on the ACM. Not only did Congressman Aspin call the ACM a disaster, but Defense Secretary Aspin during the C-17 Globemaster III cargo plane flap vowed that poor managers would not be promoted.

In short, by refusing to be accountable on how it handled the taxpayers' money on the ACM project, Air Force leaders continue to make a bad situation worse.

It is long past time for Air Force leaders to change course and provide accountability on the ACM and other projects in this new era of hard choices.

As a wise man once said, `Bad news does not get better with age.'

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Exhibit 1

U.S. Senate,
Washington, DC, March 29, 1993.

Hon. Sam Nunn,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Sam: I am writing to you about the proposed promotion of Colonel Claude Bolton, U.S. Air Force, to the rank of brigadier general.

Colonel Bolton's nomination has been submitted to the Senate and referred to your Committee for confirmation.

Sam, I have good reason to believe that Colonel Bolton may have engaged in either illegal or improper conduct while program manager of the Advanced Cruise Missile (ACM) program. My suspicions are based on information contained in a recent Department of Defense (DOD) Inspector General (IG) report. That report is entitled `Missile Procurement Appropriations, Air Force,' Audit Report No. 93-053, dated February 12, 1993. A copy is attached for your consideration.

Based on the contents of the IG's report, I respectfully request that Colonel Bolton's promotion not be approved--until I am able to verify whether he bears any responsibility for the misconduct described in that report. I have asked the IG to provide the information that I think I need to make a final decision on this matter.

A brief summary of the contents of the IG's report helps to put my concerns about Colonel Bolton's conduct in better perspective.

I am most disturbed over the revelations outlined in the section on `Reprocurement of the Advanced Cruise Missile (ACM).' The information presented in this section suggests a total disregard for the laws governing the use of appropriations.

In a nutshell, this is what the IG found:

ACM program is in violation of the Antideficiency Act.

Air Force failed to report and investigate known ACM violation of Antideficiency Act as required by law.

Air Force attempted to `avoid' or possibly conceal violation by failing to record obligations and

terminating and re-awarding contracts.

Air Force failed to record ACM obligations of $112.2 million in accounting records for more than two years.

Air Force terminated fixed-price FY 1987 and 1988 ACM contracts for `government's convenience' and immediately re-awarded contracts to same company, committing government to pay contractor's share of the cost overrun plns additional liabilities.

Inspector General estimates that termination and reprocurement action could cost taxpayers an extra $79.7 million.

Cost overrun on FY 1987 and 1988 ACM contracts were improperly charged to FY 1992 appropriations--a potential violation of 31 USC 1502.

Sam, the Air Force's handling of the ACM `reprocurement' was dishonest from beginning to end.

The General Counsel at the General Accounting Office (GAO) has rendered a legal opinion on the central issue addressed in the Inspector General's report--the failure to report and investigate known violations of the Antideficiency Act.

The GAO opinion is embodied in a report entitled `Analysis of Agency Authority to Pay Overobligations in Expired Accounts and Comments on DOD IG's Proposal to Amend the Antideficiency Act.' The GAO document is dated August 11, 1992, and is identified by the number B-245856.7. It includes a section on `Current Criminal Penalties for Nondisclosure' of Antideficiency Act violations. A copy is attached.

The failure to report known violations of the Antideficiency Act is a violation of federal criminal law--18 USC 4. The Comptroller General report states: `the failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary action.' With regard to a failure to record `upward obligation adjustments', the Comptroller General states: `the knowing and willful failure to record an overobligation in an account to conceal a violation of the antideficiency act would be an offense under existing law.'

Sam, the IG states unequivocally that the ACM program was and is in violation of the Antideficiency Act. Why have responsible Air Force officials failed to report and investigate this matter as required by law?

The Inspector General's report states:

`The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue.'

Sam, exactly when did Colonel Bolton know that incurred obligations against the FY 1987 and 1988 ACM contracts exceeded available funds in the missile procurement accounts for FY 1987 and 1988? On what date did he acquire that knowledge? What steps did he take to report the Antideficiency Act violation to the proper authorities as required by law? Why did he allow work to continue on the contracts once he knew there was insufficient money remaining to pay outstanding bills? Did Colonel Bolton recommend that the ACM cost overrun be handled in more appropriate ways?

I would like to have answers to these questions before I vote on Colonel Bolton's promotion.

Surely, as ACM program manager, he bears some responsibility for what happened to his program.

Your consideration of my request would be appreciated.

Sincerely,

Charles E. Grassley,
U.S. Senator.

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U.S. Senate,
Washington DC, April 29, 1993.

Col. **Claude M. Bolton,** Jr.,
Commandant, Defense Systems Management College, Fort Belvoir, VA.

Dear Colonel Bolton: I am writing to inquire about your knowledge and awareness of a violation of the Antideficiency Act (31 USC 1341) by the Advanced Cruise Missile program.

I have 7 questions I would like to ask you about a violation of the Antideficiency Act by the Advanced Cruise Missile program during your tenure as program manager. The questions follow:

When did you recognize that the cost to complete the FY 1987 and 1988 ACM contracts exceeded the amounts available in the FY 1987 and 1988 missile procurement appropriations accounts?

When did the dollar value of `contract work authorized' exceed `funding authorized' on either contract?

What steps did you take to obtain additional funding?

What actions did you take to report the violation of the Antideficiency Act `through official channels to the head of the DOD component involved' as required by DOD Directive 7200.1 and statutory law (31 USC 1351)? (Provide a list of persons you contacted)

Why did you allow work to continue on the FY 1987 and 1988 contracts once you realized there was insufficient money available to pay outstanding bills?

Were you aware of the potential for incurring additional costs to the government through cancellation and reprocurement of the ACM contracts and to whom did you report that concern?

On March 25, 1992, Secretary Rice approved the ACM reprocurement plan to cover the cost overrun on the old contracts with FY 1992 appropriations. At any point, did you recommend that the ACM cost overrun be handled in more appropriate ways?

A written, signed response to these questions is requested by May 7, 1993.

Your cooperation would be appreciated.

Sincerely,

Charles E. Grassley,
U.S. Senator.

Department of the Air Force,
Washington, DC, May 13, 1993.

Hon. Charles E. Grassley,
U.S. Senate, Senate Hart Building, Washington, DC.

Dear Senator Grassley: Your letters to Colonel Bolton and Mr. Smith, both dated April 29, 1993, have been referred to this office for response. In an effort to ensure that all the facts and relevant decisions on the Advanced Cruise Missile (ACM) program are made known, the Acting Secretary of the Air Force has directed a full review of potential violations of the Anti-Deficiency Act in accordance with the law and implementing regulations. The results of this investigation and any recommendations will be provided to the appropriate officials in the Administration and Congress. The investigation results should provide the information you requested of Colonel Bolton and Mr. Smith.

Sincerely,
JOHN W. BEACH,

Principal Deputy Assistant Secretary
of the Air Force (Financial Management).

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR. (Senate - July 23, 1993)

[Page: S9355]

Mr. GRASSLEY. Mr. President, I wish to take a few minutes of the Senate's time to clarify my position and express my concerns about the pending promotion of Col. Claude M. Bolton, Jr., to the rank of brigadier general.

I wish to discuss that some more this morning, Mr. President, because I think it is very important to let my colleagues know what I am up to. It is a rather unusual thing when we discuss somebody being promoted from colonel to brigadier general.

My position is this: We should not proceed with Colonel Bolton's promotion until we have all the facts bearing upon his role in the advanced cruise missile, or ACM, procurement disaster. Colonel Bolton was the program manager from September 1989 to September 1992. There are too many unanswered questions and we need more information.

At the end of yesterday's statement, I concluded with this assertion: All the documentary evidence suggests that the ACM program violated the Antideficiency Act, and that Colonel Bolton and other more senior officials further up the chain of command knew this but failed to act on that information in appropriate ways.

Now, Mr. President, what were Mr. Donley, Mr. Beach, and Colonel Bolton supposed to do in order to comply with the law of the land? That is, after all, what public officials are supposed to do. We are all supposed to comply with the law of the land. They should have reported, these individuals should have reported the violation immediately up the chain of command to the Department of Defense Comptroller, and also to the President, as well as to those of us in the Congress.

Under the law, which is 31 U.S.C. 1351, an Antideficiency

Act violation must be reported `immediately to the President and Congress' along with what are referred to as all relevant facts and a statement of action taken.

That is Federal statutory law. Under Department of Defense directive 7200.1, which establishes procedures for reporting Antideficiency Act violations, Colonel Bolton had a duty as the `head of the organizational unit' involved, the ACM program office, to `investigate the circumstances surrounding the violation immediately and report the violation through official channels to the Secretary of the Air Force.'

That is a direct quote from the DOD directive 7200.1. Colonel Bolton was required to file a formal written report. This he never did.

Colonel Bolton, I would ask you, please answer the questions in my letter to you of April 29, 1993. What actions did you take to report the violations up the chain of command as required by Department of Defense regulation and law?

Colonel Bolton, if you attempted to report the violation, please provide a list of persons that you contacted. Was Mr. Beach or any of his subordinates among those persons you contacted? What direction or guidance, if any, were you given regarding the violation?

Perhaps Mr. Beach has good reason to keep Colonel Bolton quiet. Is Mr. Beach trying to silence Colonel Bolton because he knows too much, because he told Mr. Beach about the violation?

Mr. President, I think Mr. Beach needs to be questioned about his knowledge of the ACM Antideficiency Act violation.

Mr. President, I submitted questions to Mr. Beach in a letter dated May 14, 1993, but Mr. Beach also refuses to answer these questions. Mr. Beach's fear of the truth helped to generate another nonanswer from the Air Force. This one came from Maj. Gen. Paul E. Stein, director of legislative liaison. The Air Force is engaged, then, as a result of not answering these questions, in a classic stonewalling operation.

At this point, Mr. President, we do not know what Colonel Bolton did or did not do. But one thing remains crystal clear. The violation was never reported as required by law. Mr. Donley, Mr. Beach, and Colonel Bolton never complied with the law. In fact, they showed contempt for the law.

Mr. President, I wish to discuss issues surrounding the reprocurement scheme, which is nothing more than a bureaucratic trick designed to conceal this Antideficiency Act violation. Instead of reporting the violation and requesting a deficiency appropriation, as is provided by law and is quite appropriate for this Congress to respond to when money is short for a program, Colonel Bolton, Mr. Beach, Mr. Donley, and others acted in concert to devise a crooked reprocurement scheme to cover up the violation.

The reprocurement scheme had one purpose and only one purpose, and that was to generate cash outside the law to get around the Antideficiency Act without coming to Congress. The Air Force should have asked Congress for the money. It is as simple as that.

The Air Force attempted to use contracts to supersede statutory law, to overturn the laws passed by Congress. In the old days, there was a way that the Air Force could simply take care of this, and that would be to go to the M accounts for the money. The M accounts were beyond the purview of Congress. But the M accounts were legal. The M accounts have now been done away with, or they will be done away with very shortly. They are legislatively out of existence, but they are going to be phased out. And that time, I think, is about now to be done with them.

If they had gone to the M account, the problem would have

been solved quickly and quietly and improperly. Those days are over now. The doors to the magic vault are about to slam shut forever. If the Air Force needs money, the Air Force must now request it from Congress.

I hope the ACM reprocurement scheme is not a prototype for solving funding shortages in a post-M-account era. If it is, then they are still violating the spirit of our enactment doing away with the M accounts. If it is, then of course the taxpayers in this country are in for a rough ride.

To get the money needed to hide the cost overrun and cover up the Antideficiency Act violation, the Air Force systematically destroyed the ACM program. The Air Force officially launched the reprocurement operation in April 1992 by decimating the fiscal year 1992 ACM missile production contract. But the mission had to be aborted in midstream, because then Congress pulled the rug right out from under their plan. Congress unexpectedly rescinded $344 million in fiscal year 1992 ACM missile procurement money. We did that on June 4, 1992, under Public Law 102-298, just as Air Force officials were about to get their hands on that money.

Congress had appropriated $522 million to buy 120 more ACM missiles in fiscal year 1992, bringing the total ACM buy to 640 missiles. The rescission reduced the total ACM buy back to that 520 original missiles. Since Congress appropriated $522 million, why was only $344 million rescinded? What happened to the remaining $178 million?

Mr. President, that is what we need answers to.

When Congress denied access to the fiscal 1992 money, the Air Force then turned on the program with a vengeance and terminated fiscal year 1990 and fiscal year 1991 production contracts to get the money. Presumably, they got it this time.

As I understand it, three old contracts were terminated, and these are the words in the law, `for convenience of the Government,' and then immediately rewarded to the same company but under terms that were most unfavorable to the taxpayers.

The result was predictable and the result was devastating. Missiles were left in pieces on factory floors for scrap. The Air Force claims that the net additional cost of this reprocurement scheme was minimal--$600,000--somehow just to relabel 120 ACM missiles.

That sounds very fishy. It has a very bad odor. In plain language, it stinks, Mr. President. The DOD IG estimated that the additional costs resulting from the fiscal year 1992 contract termination alone would be $79.7 million. Mr. President, I think the figure will go much higher. The final price tag could be staggering.

A July 2, 1993, Air Force report indicates that the net cost to the taxpayers could be $483 million, or close to one-half billion dollars. I will have more to say about this next week. But the full impact, in terms of dollars wasted and wasted materiel, has yet to be determined. But the estimates keep climbing.

I asked the GAO, on June 1, 1993, to conduct a full review of the ACM reprocurement scheme and to address all of the unresolved issues.

The President GAO's investigation is ongoing. The GAO has promised to provide the needed information by September 1993.

Mr. President, I request unanimous consent to have my letter to the GAO printed in the Record.

There being no objection, the material was ordered to be printed in the **Record,** as follows:

U.S. Senate,
Washington, DC, May 14, 1993.

Mr. **John W. Beach,**

Principal Deputy Assistant Secretary for Financial Management, Department of the Air Force, Pentagon, Washington, DC.

[Page: S9356]

Dear Mr. Beach: I am writing in response to your letter of May 13, 1993, regarding the current disposition of my letters of April 29, 1993, to Mr. E. Ray Smith and Colonel Claude M. Bolton, Jr.

The two above-mentioned letters were directed to Mr. Smith and Colonel Bolton and not to your office. I expect a written, signed response from both officials. Anything short of that is unacceptable.

At the same time, I would like to urge you to proceed with a vigorous and thorough investigation of the Antideficiency Act violation by the Advanced Cruise Missile (ACM) program and fix responsibility as required by law.

Since directing my letter to Mr. Smith, I have come to the realization that his organization falls under the purview of your office. That being the case, I would like to inquire about your knowledge and awareness of a violation of the Antideficiency Act by the ACM program in November 1991 or at any other time.

I have two questions I would like you to answer: At or about the time Mr. Smith signed the attached memoranda, were you aware of any discussion about the need to report a violation of the Antideficiency Act by the ACM program? If so, please provide the names of the persons involved in those discussions or the violation itself, and what direction, if any, was given as a result of those discussions?

A written, signed response to my questions is requested by May 21, 1993.

I would like to remind you that certain financial officers remain pecuniarily liable under the law (31 USC 3528) for illegal or improper payments from accounts entrusted to their care.

I would also like to inform you that during my meeting with Mr. Donley yesterday, he indicated that Colonel Bolton is not solely responsible for the decisions taken to resolve the ACM funding deficiencies in 1991-92. Mr. Donley indicated that there were a number of more senior officials further up the chain of command who bear responsibility for those actions. I asked him to provide that and any other information that might help me reach a final decision in this matter. He agreed to do that.

Your cooperation would be appreciated.

Sincerely,

Charles E. Grassley,
U.S. Senator.

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Department of the Air Force,
Washington, DC, November 26, 1991.
Memorandum for SAF/FMBMC.
Subject: Request for Approval To Cite Expired Funds--Action Memorandum.

This office has received the attached request for funding and approval to cite $71,500,000.00 of FY 87 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. Ray Smith,

Special Programs Office, Deputy for Budget Management and Execution.

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Department of the Air Force,
Washington, DC, November 26, 1991.
Memorandum for SAF/FMBMC.
Subject: Request for Approval To Cite Expired Funds--Action Memorandum.

This office has received the attached request for funding and approval to cite $27,100,000.00 of FY 88 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. Ray Smith,

Special Programs Office, Deputy for Budget Management and Execution.

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Department of the Air Force,
Washington, DC, May 24, 1993.

Hon. Charles E. Grassley,
U.S. Senate, Washington, DC.

Dear Senator Grassley: This correspondence further responds to your letter of 29 April to Colonel Claude M. Bolton Jr. and Mr. E. Ray Smith, and to your 14 May letter to Mr. John W. Beach. As Mr. Beach pointed out in his letter, the Acting Secretary of the Air Force has directed a full review of alleged violations of the Antideficiency Act in the Advanced Cruise Missile program in accordance with the law. As we're sure you will agree, we do not want to jeopardize this ongoing investigation or prejudice its

results. In the interest of achieving a fair and complete investigation, we believe the Antideficiency Act review itself should be the sole fact gathering process.

At the conclusion of the official inquiry, we will ensure that your concerns are addressed and responses are provided to your questions. However, until the investigation is concluded we would respectfully seek agreement that Colonel Bolton and Mr. Smith refrain from answering questions on this subject outside of the investigative process. Allowing the investigation to proceed without outside influence is the best method of ascertaining the facts, while protecting the rights of the individuals involved.

Sincerely,
PAUL E. STEIN,

Major General, USAF,
Director, Legislative Liaison.

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U.S. Senate,
Washington, DC, June 1, 1993.

Hon. Charles A. Bowsher,
Comptroller General, General Accounting Office, Washington, DC.

Dear Mr. Bowsher: I am writing to request that your report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD-92-154, be updated.

I would like your office to conduct an audit of all ACM production contracts. Was the money spent in accordance with the laws of the land, and what has been provided in return for the money spent? Is all the money accounted for?

In the process of conducting the audit, I would like the following questions answered:

How much money was obligated against each ACM production contract, how much was spent, and how much remains unobligated?

How many ACM missiles were placed on contract, and how many of those missiles are operational, and how many operational missiles are defective?

How much did the decision to terminate FY87, FY88, FY90, and FY91 contracts for `convenience' of the government cost the taxpayers? Did the Air Force incur contract termination costs, penalties, or other liabilities as a result of these contract actions?

What happened to the work-in-progress and other inventories following termination of the four production contracts (FY87-88 and FY90-91)? How many missiles remain incomplete? How much was scrapped? Did the government receive credit for scrapped materials? Were follow-on contract prices adjusted accordingly?

How much money was actually shifted from three contracts--FY90-92--to cover cost overruns and a shortage of cash on earlier contracts?

Congress provided $127.1 million in FY93 procurement funds for `a 450-missile' ACM program. How was that money used? What is the total cost to complete the 450-missile program?

What was the dollar value of the reduction in missile quantities that resulted from these contract actions?

Mr. Bowsher, your last report on the ACM program seemed to express some apprehension or uneasiness about what was unfolding in the ACM program in early 1992. Your report contains this statement in two different places: `We are concerned about the potential for cost increases, as well as the legal and programmatic issues that may arise from their actions. We plan to continue to review these matters.' (See pages 1 and 5)

Mr. Bowsher, which legal issues were you concerned about? Were any laws violated? If so, which laws were violated, and who was responsible for violating them?

As you proceed with your audit of ACM production contracts, I request that you coordinate your efforts with those of the Inspector General at the Department of Defense. Mr. Vander Schaaf's effort is focusing on the failure of the Air Force to report and investigate a known violation of the Antideficiency Act and not contract actions, so there should be no duplication or overlap between your review and his on ACM issues.

I ask that this work be completed as soon as possible.

Your cooperation would be appreciated.

Sincerely,

Charles E. Grassley,
U.S. Senator.

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General Accounting Office,
Washington, DC, June 3, 1993.

Hon. Charles E. Grassley,
U.S. Senate.

[Page: S9357]

Dear Senator Grassley: We have received your letter dated June 1, 1993, requesting an update of our report on the Air Force Advanced Cruise Missile (ACM) program, NSIAD 92-154.

We have forwarded your letter to our National Security and International Affairs Division. Staff from that Division will be in touch with Charlie Murphy if they have any questions.

Sincerely yours,

Richard P. Roscoe,
Legislative Advisor.

Mr. GRASSLEY. I yield the floor.

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR. (Senate - July 26, 1993)

[Page: S9406]

Mr. GRASSLEY. Mr. President, last week, I came to the floor on Thursday and Friday to clarify my position and to express concern about the pending promotion of Air Force Col. Claude M. Bolton, Jr., to the rank of brigadier general.

Colonel Bolton was program manager of the advanced cruise missile or ACM from September 1989 to September 1992.

Mr. President, the ACM Program has come to a disastrous end, and we need to know who should be held accountable for what happened.

The DOD IG charges that the ACM Program violated the Antideficiency Act while Colonel Bolton was in charge.

The Armed Services Committees and the GAO have uncovered gross mismanagement in the program during Colonel Bolton's tenure as program manager.

We need to assemble all the facts and evaluate all the evidence before making a final decision on Colonel Bolton's promotion.

Mr. President, I would now like to resume my discussion of the ACM reprocurement scheme.

Mr. President, I would like to briefly review the facts bearing on the reprocurement scheme.

`In July 1991,' according to the DOD IG, `program officials determined that the cost of the fiscal year 1987 and 1988 ACM contracts would exceed budgeted targets and would approach or exceed ceiling costs.'

The Air Force had two big problems. First, the Air Force had only enough money to cover the target price in the contract, and no more.

Second, the Air Force was locked into a fixed-price contract with the contractor--General Dynamics/Convair. Under the contract, the Air Force paid 100 percent of all costs to the target price.

If costs exceeded the target price, then the Air Force paid 70 percent of those costs and the contractor paid 30 percent. The contractor was liable for all costs over the ceiling price.

How did the Air Force solve the problem?

The Air Force tore up those contracts for the convenience of the Government and instantaneously rewarded new ones to the same company, using money previously authorized and appropriated to buy other ACM missiles.

The terms and conditions in the new contracts were not favorable to the Government.

Mr. President, this was the essence of the reprocurement scheme, and the Senate Armed Services Committee took a dim view of it.

The committee's critical assessment of the ACM Program appears on pages 55 to 57 of the report on the fiscal year 1993 Defense authorization bill (Rept. No. 102-352).

The Senate Armed Services Committee's appraisal of the reprocurement scheme is very honest but damaging.

The committee is distressed by what has happened to the ACM Program. While the committee never mentions Colonel Bolton by name, the mismanagement described in the report clearly occurred on his watch.

The Senate Armed Services Committee said `the Air Force both gave up its negotiated ceiling cost cap and jeopardized the warranties on partially completed ACM's.'

The Senate Armed Services Committee said: `had new contracts been completed, the Air Force would have had to pay both more profit to the contractor than would have been provided under the original contracts, and more than the ceiling amounts in the original contracts.'

Mr. President, we do not yet know how all this finally played out, but it does not sound like a very good deal to me.

Listen to this. Here is some more from the Senate Armed Services Committee report.

This is the Senate Armed Services Committee talking: `the Air Force has dug itself a deep hole on the ACM program, and the committee does not intend to extricate the Air Force from its current predicament.'

The committee expressed fear that the program would `end in expensive and wasteful disarray.'

Those same concerns were echoed in last year's conference report on the Defense authorization bill--on page 538 of House Report No. 102-966--where ACM got another thumbs down appraisal.

The conferees expressed frustration and concern about the possibility of `repetitions of the ACM fiasco' in the future? Those are the conferees, exact words: `Repetitions of the ACM fiasco.' That is how the conferees saw the ACM Program. It was a fiasco. A fiasco is a complete failure.

Those are strong words for the Armed Services Committees.

Even though the conference looked down on ACM as a fiasco, they were generous with the money.

The conference gave the Air Force another $127.1 million in fiscal year 1993 money `to deliver 450 operational ACM missiles to the using command.'

I am puzzled by that move.

Why would Congress provide another $127.1 million to buy 450 ACM's when Congress had already authorized and appropriated enough money to buy 520 ACM missiles?

Guess what?

The taxpayers should be happy to hear this. They better grab their wallets.

The Air Force now wants another $482.9 million, one-half a billion dollars, to complete those 520 ACM missiles.

The extra one-half billion dollars is needed to finish the last 60 ACM missiles that are lying in pieces--abandoned--on a factory floor in San Diego, CA.

Those 60 ACM's are lying in pieces on the factory floor because the Air Force ripped the program apart to get some money.

The 60 missiles, which may never be delivered, are from the fiscal year 1990 and 1991 contracts. Those contracts were torn apart by Air Force officials to finish 120 missiles from the fiscal year 1987 and 1988 contracts.

Is this how the Air Force will raise money in the post-M account era.

They should have asked Congress for the money, but they did not. Instead, they chose to raise the money outside of the law. To do that, they had to rip the ACM Program apart.

Mr. President, we already paid for those 60 missiles. How many times over do we have to pay for those missiles?

The reprocurement scheme was not only very destructive and wasteful, it was also illegal.

It violated another very basic rule to control the use of public money.

It violated section 1502 of title 31 of the United States Code.

Section 1502 is the companion piece to the Antideficiency Act. The two statues work together to ensure that agencies maintain fiscal discipline and stay within funding limits set by Congress.

The Antideficiency Act and section 1502 are supposed to provide leak-proof control financial control.

If you run out of money as Colonel Bolton did then you come back to Congress with hat in hand and request legislative relief.

There is no escape clause.

You cannot draw on appropriations provided for other purposes and fiscal years to bail yourself out of trouble.

Once again the Air Force tried to use contracts to overturn the law of the land.

The Air Force attempted to make an end-run around Congress.

A distorted interpretation of section 1502 was the philosophical underpinning for the reprocurement scheme.

The Air Force attempted to launder old bills and old work through the reprocurement scheme to make them look new.

Well, the deception failed.

The nature of the underlying work never changed: man-hours and money were needed to complete work-in-progress--120 unfiuished missiles from the fiscal year 1987 and 1988 contracts. That is old work.

No matter how you slice it, Mr. President, new money was used for old work.

Mr. President, why would the Air Force need to spend $600,000 to `relabel 120 fiscal year 1987 and 1988 ACM's?

I will tell you why.

Air Force officials spent $600,000 to make old missiles look like new missiles, like cosmetic surgery.

They had to make the year of manufacture match up with the money.

If this was indeed new work, there would have been no need to relabel. There would have been nothing to relabel.

Mr. President, the relabeling of the ACM missiles reeks of fraud.

Section 1502 specifies that appropriations can be used only to cover obligations properly incurred during their period of availability.

The reprocurement scheme, which was cooked up by Mr. Donely and Mr. Beach and carried out by Colonel Bolton, initially used fiscal year 1992 but eventually 1990 and 1991 money to cover obligations incurred in fiscal year 1987 and 1988--a clearcut violation of section 1502.

I have documents that show the Air Force officials knew they had to use fiscal year 1987 and 1988 funds to cover the ACM cost overrun. They knew it was wrong to use other moneys for that purpose.

DOD Comptroller O'Keefe disapproved the reprocurement scheme on March 31, 1992, because it was illegal.

But the Air Force went ahead and did it anyway.

Mr. President, I ask unanimous consent to have three documents printed in the **Record**: First, Mr. O'Keefe's March 31, 1992, memo to Mr. Donley; and second, two Air Force documents, dated October 1991, that show Air Force official knew that they had to use fiscal year 1987 and 1988 money to fund

the ACM cost overrun.

There being no objection, the documents were ordered to be printed in the **Record**, as follows:
COMPTROLLER OF THE

Department of Defense,
Washington, DC, March 31, 1992.

[Page: S9407]

Memorandum: For the Assistant Secretary of the Air Force (Financial Management and Comptroller).
Subject: Advanced Cruise Missile Program Funding.

It is evident from your memorandum of March 27, 1992, that you have not been kept informed of the ongoing staff level discussions relative to the appropriate use of prior and current year funds. In these discussions it has been clear that prior year contract adjustments to cover target to ceiling cost adjustments are chargeable only to the fiscal year appropriation of the contract.

Your staff has been asked on several occasions, to develop a paper supporting the position that the FY 1992 ACM program funds could be appropriately charged to cover the cost of the prior year programs. Until such time as a legal determination, based on the facts peculiar to this program, is approved by Counsel, you should not proceed to charge current year funds as proposed.
Sean O'Keefe.

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DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AERONAUTICAL SYSTEMS DIVISION (AFSC), WRIGHT-PATTERSON AIR FORCE BASE, OH,
October 30, 1991.
Subject: Request for Expired Appropriations for Contract Overrun (FY88, Appn: 3020).
To SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $27,100,000 (FY88, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractual documents processed: May 1992.

c. Date approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through June 1992. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5783020 158 6045 20CLPG 010100 00000 659900 F59900.

f. Contract Number: F33657-88-C-0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30 percent overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM-129A) in the FY88 procurement contract.

j. Date of the original contract: 30 January 1990.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY88 funds previously deobligated from the contract: None.

m. Within scope certification: This requirement is within the scope of the original contract.

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4 November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the original effort (i.e., FY88/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172-14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications or quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery.

p. Amount originally obligated for the contract: $133,603,000 (excludes $98,130,000, FY87 Advance Buy funds obligated for this purchase).

q. Program name: Advanced Cruise Missile (AGM-129).

r. Cumulative amount of restorations approved for program: None known at field level (i.e., ASD/VC). Appropriation records kept at SAF/FMBM.

s. Total amount obligated from FY88 for the program: Appn: 3020; BPAC: Multiple; Amount: $144,294,950.

t. Amount previously deobligated from FY88 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785-7879.
MARK V. DAVIDSON,

Director of Program Control,
Advanced Cruise Missile SPC.

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DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AERONAUTICAL SYSTEMS DIVISION (AFSC), WRIGHT-PATTERSON AIR FORCE BASE, OH
October 28, 1991.
Request for Expired Appropriations for Contract Overrun (FY87, Appn: 3020).
To: SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $71,500,000 (FY87, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractural documents processed: 16 December 1991.

c. Date approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through December 1991. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5773020 157 6045 20CLPG 0012 659900.

f. Contract Number: F33657-88-C-0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30 percent overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM-129A) in the FY87 procurement contract.

j. Date of the original contract: 25 September 1989.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY87 funds previously deobligated from the contract: None.

m. Within scope certification. This requirement is within the scope of the original contract.

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4

November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the effort (i.e., FY87/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172-14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications or quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery. The attached explanation of the overrun chronology is for your information.

p. Amount originally obligated for the contract: $537,200,000 (9/25/89).

q. Program name: Advanced Cruise Missile (AGM-129).

r. Cumulative amount of restorations approved for program: $2,524,950 was returned to the program via Amendment 11, OA-760-027, on 6 March 91. $3,236,000 was issued via Budget Authorization #35, issued 30 September 1991. These additions were provided for payment of Award Fee liabilities.

s. Total amount obligated from FY87 for the program: Appn: 3020; BPAC: Multiple; Amount: $555,600,000.

t. Amount previously deobligated from FY87 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

[Page: S9408]

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785-7879.
MARK V. DAVIDSON,

Director of Program Control,
Advanced Cruise Missile SPC.

Mr. GRASSLEY. I yield the floor. I believe, Mr. President, that there is no quorum present, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROMOTION OF AIR FORCE COL. CLAUDE M. BOLTON, JR. (Senate - July 29, 1993)

[Page: S9775]

Mr. GRASSLEY. Mr. President, I have come to the Senate floor four times in the last week to express my concern about the pending promotion of Air Force Colonel Claude M. Bolton, Jr., to the rank of brigadier general.

Colonel Bolton was program manager of the advanced cruise missile, or the ACM, as we call it, from September 1989 to September 1992. The ACM has come to a disastrous end. So it is not really before us as an instrument, but we do need to be concerned about holding people accountable for what happened in this disastrous program. We should not proceed with Colonel Bolton's promotion until we have a firm grasp of all the facts bearing on unresolved issues with the ACM. There are simply too many unanswered questions at this juncture.

We need to know and we need to understand what these questions are and what happened to this program. At this point all we have is a barebones outline of what took place. We have no more than a thumbnail sketch.

We can see the results of the reprocurement scheme. Those results are these, Mr. President: That we have 60 ACM missiles that were left for scrap, abandoned on the factory floor in San Diego, CA. It is going to cost one-half billion dollars to finish those 60 ACM missiles, missiles that were authorized and appropriated by Congress. In other words, it is like paying for them twice, or more.

These are missiles that the Congress and the taxpayers have, as I said, already paid for.

Why did the Air Force waste $500 million to cover up the Antideficiency Act violation? That is an old law on the books to protect the taxpayers. This $500 million mistake defies reason, and it defies understanding. All the Air Force had to do was report the violation and come to Congress for relief. There would be no potential for demotion, there would be no potential for going to jail, just come to Congress and explain it to us. Need more money, get more money. Do not play games.

There may be more to the ACM story, though, than we know. We need to keep digging, we need the Department of Defense, inspector general, and the GAO to fill in the blanks.

Mr. President, what is the bottom line of the ACM reprocurement scheme?

First, there has been gross mismanagement in the ACM Program.

Huge sums of money have been wasted. Vital military materiel has been left for scrap.

Second, there has been patent disregard for the spirit and the letter of the law, and, I think, even

contempt for the law.

The Air Force, it seems, has tried to use contracts to overturn and circumvent the law of the land.

I also believe that senior Air Force officials have attempted to cover up violations of law with the deceptive and dishonest reprocurement scheme.

Senior Air Force officials did not want to report a known violation of the Antideficiency Act. They tried to avoid it--even if it cost the taxpayers $500 million.

Those who 'knowingly and willfully' violate the Antideficiency Act--section 1341 of title 31 of the United States Code--can be fined and sent to jail.

They may be suspended from duty without pay or removed from office.

A violation of the Antideficiency Act is a class E felony. That is serious.

Though rarely, if ever enforced to the point of imprisonment, many a fine career has been ruined by such transgressions.

Government officials, who manage public money, still have to worry about getting caught violating the Antideficiency Act.

The Comptroller General has rendered an important legal opinion on the central issue in the ACM procurement disaster--the consequences of failing to report a violation of the Antideficiency Act.

In a document dated August 11, 1992, and identified by the numbers B-245856.7, the Comptroller General answered the question:

[Page: S9776]

The failure to disclose known violations of the Antideficiency Act is a felony and can be the object of disciplinary actions.

Under section 4 of title 18 of the United States Code, the failure to report a known violation of the Antideficiency Act can bring a $500 fine or up to 3 years in jail.

The Comptroller General goes on to say this:

The knowing and willful failure to record an obligation in an account in order to conceal a violation of the Antideficiency Act would be an offense under existing law.

Mr. President, I fear that Mr. Donley, Mr. Beach, and Colonel Bolton and others may have acted in concert to conceal a violation of the Antideficiency Act by:

First, failing to record an overobligation in the books; and, second, by attempting to conceal it through the reprocurement scheme.

The DOD IG charges that the ACM program violated the Antideficiency Act while Colonel Bolton was in charge.

The DOD IG says the law `was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations.'

The DOD IG also says that `program officials' knew in July 1991 that critical funding limits were breached.

Colonel Bolton was ACM Program manager in July 1991.

Surely, Colonel Bolton knew that he had $100 million in bills from the contractor--General Dynamics/Convair. But no money to pay them.

How could you, if you were a program manager, not know if you were $100 million short?

He must have known he was $100 million short and in serious trouble.

Mr. President, as I have said before, we cannot proceed on mere assumptions. Colonel Bolton's career is at stake. We must verify every shred of evidence.

All allegations must be addressed and resolved in an appropriate way.

Mr. President, at this point in our inquiry, we do not have all the facts.

We need more information before we can resolve all the issues surrounding Colonel Bolton's promotion.

The DOD IG, the GAO, and the Air Force need to complete their investigations.

We still need the following:

First, the Air Force should complete its investigation of the Antideficiency Act violation in a timely way and fix responsibility where it belongs--all the way up to the Secretary of the Air Force--if necessary.

Second, the DOD IG should follow through on its recommendations and ensure that the Air Force investigation is thorough and that responsible officials are held accountable.

Third, the GAO should determine the total cost--in terms of dollars and materiel wasted--of the reprocurement scheme.

I would like to know if Colonel Bolton is in any way responsible for misuse or waste of precious ACM program resources, beside the fact that a program manager should know if a program comes up $100 million short.

Mr. President, with this information in hand, I will be in a position to make a reasoned judgment about Colonel Bolton's promotion.

Those responsible for such abuses must be held accountable and above all mnst never be rewarded with promotions.

A good dose of accountability here will take us a long way down the road to acquisition reform. Acquisition reform without accountability is a nonstarter.

Promoting somebody that is responsible for the waste of $100 billion of the taxpayers' money is not a way to encourage careful use of the taxpayers money.

Mr. President, before concluding my statement today, I would like to talk briefly about the importance of the Antideficiency Act.

I know some of my colleagues are wondering why the Senator from Iowa is so upset about a violation of the Antideficiency Act.

Well, I am upset, and I will tell you why.

Any representative of the taxpayers should be upset when this kind of money is being wasted.

The Antideficiency Act is a very important control mechanism governing the use of public money. It was enacted nearly 100 years ago.

It is broad and general, and it constitutes one of the few controls that has teeth.

Sadly, recent audit reports emanating from the GAO and the office of the DOD IG suggest that this law is being violated with impunity.

Nobody seems to care. Nothing is being done about it.

Mr. President, when the Antideficiency Act is violated, it means the agency involved is conducting unauthorized business.

It means legal spending limits set by Congress have been exceeded.

In the case of the ACM, obligations exceeded amounts available for obligation in the appropriations accounts.

The Air Force had bills to pay, but no money to pay them.

Instead of coming to Congress for relief, the Air Force used money provided by Congress for other purposes. The Air Force misappropriated that money. That money was not used for the purposes for which it was appropriated.

Mr. President, controlling the purse strings is one of Congress' most sacred constitutional responsibilities.

The public's money must never be taken from the Treasury without proper authorization from Congress.

Well, Mr. President, when we have a violation of the Antideficiency Act, money is being used for unauthorized purposes. Money has been taken from the Treasury without the approval of Congress.

Access to the Treasury must be carefully guarded by Congress.

We must find a way to enforce the Antideficiency Act. Without it, there will be no discipline and integrity in the management of the public's money.

Comptroller General Bowsher and agency inspector generals, like Mr. Derek Vander Schaaf at DOD, have auditors poring over the Government's books every day. They know that those books are in total disarray and that congressional spending limits are exceeded with disgraceful regularity. The abuse must stop. They need to speak out forcefully. I hope they are not afraid to do this.

We cannot ask the people of this country to pay higher taxes and at the same time tell them that we do not know how the money was used, that we are unable to control its use or to provide an accurate accounting of how it was spent.

That would be a denial of our responsibility as representatives of the taxpayers, watching how the taxpayers' money is spent.

How long will the people of this country tolerate that kind of behavior on the part of their governmental leaders?

I yield the floor.

I notice other Senators here so I will not suggest the absence of a quorum.

General BOLTON. Thank you, Senator.

Senator WARNER. These records sometimes are examined by others and in the years to come someone might make reference to it. This is a matter which you and I discussed in our meeting together, and I think the record should reflect the findings of the committee on this issue.

General BOLTON. Thank you very much.

Senator WARNER. I just wanted to share a few thoughts with you philosophically. Senator Levin and I had the real privilege of visiting with our troops during the course of Thanksgiving in the AOR about Afghanistan. We are coming up on December 7 soon, and I am old enough to remember a good deal of that period. There is a story I think may be partially true that within a week after Pearl Harbor the Army Chief of Staff ordered 20,000 horses and 10,000 mules to gear up for the next conflict. There may be some truth in it, because the cavalry really dominated the Army in those days in terms of promotions and one thing and another.

As we visited over there, I looked at these special operations teams going in and we met with them. You could not tell, of course, from the uniforms what their mission was or what their specialties might be. They were dressed in a certain appropriate way for the operations they were about to perform. I cannot talk about it in open session, but what I observed was all the services coming together, one officer and a dozen sergeants. They just have performed magnificently. I think some in the Army still may linger on the dream of every West Point graduate and others, that some day they will be a corps commander, and will have a command post. They envision a battle with two divisions up and one division in reserve, and all of that history.

I do not think this Nation and the world is going to revisit those chapters of military history, but our future configuration of the Armed Forces have to move in the direction of the extraordinary heroism and ingenuity and technology that is being employed at this very minute in that AOR.

Now, I would hope, since you are going to, I am certain, be confirmed by the Senate, that you will push the technology that our distinguished chairwoman of the Emerging Threats and Capabili-

ties Subcommittee just alluded to, and grapple with that mentality which still lingers in the Department of the Army, and try and move them more and more, and help those in the Army.

Try and move them into more and more innovation and away from the concept of having so many divisions. They have to move toward the direction of where these young Army officers and sergeants are performing brilliantly in this conflict today.

General BOLTON. Yes, sir.

Senator WARNER. They have to rely less and less on the concept of two up and one back in every fight to come, and the ability to coordinate with the air and the sea elements, all pulling together in this particular conflict.

General BOLTON. Absolutely.

Senator WARNER. You are a man of vision, and this cross-pollenization of the Secretary of Defense and others that are putting the Army with the Navy and the Navy with the Army, I thought was somewhat unusual in the beginning, but I am beginning to think it is a darned good idea, so go for it.

General BOLTON. Yes, sir, I will. Thank you.

Senator WARNER. Just think, a fighter pilot amidst all of those men who spent their lives, most of them, running around knee deep in the mud or snow somewhere. Good luck to you.

General BOLTON. Thank you, sir.

Senator WARNER. Thank you, and thank you for the support that your family is giving you as you undertake another great challenging chapter in your distinguished career.

General BOLTON. Thank you, Senator Warner, I appreciate that.

Senator WARNER. The questions that I put in the record, just go ahead and drop me the answers as soon as you can.

Thank you, Mr. Chairman.

General BOLTON. Thank you.

Chairman LEVIN. Senator Warner, when you started off recounting that story about horses and mules, I thought you were going to lead to the point we could have used some of those horses in Afghanistan. [Laughter.]

Senator WARNER. You are absolutely right.

Chairman LEVIN. That is where I thought you were going with that, you were going to ask whether he had any experience in the acquisition of horses.

General BOLTON. No, sir, not in the Air Force.

Chairman LEVIN. That is part of the ingenuity that Senator Warner was talking about, though, that those special forces, some of them learning how to ride, literally, on the job, learning how to ride.

Senator WARNER. We have to share a story—I have forgotten whether it was you or Judy, but someone asked the question: how many of you have had any experience riding? They all had taken a crash course, and one sergeant stood up and he really had a scar laid right down across his forehead. He said, yeah, this is testimony that I know how to ride now, but I did not know how a month or so ago.

Chairman LEVIN. Calling in air strikes from horseback is not in any manual I know about at any rate.

Senator Ben Nelson is next.

Senator BEN NELSON. Well, thank you, Mr. Chairman. I always enjoy welcoming nominees to the Armed Services Committee, but particularly when they are graduates from the University of Nebraska.

General BOLTON. Yes, sir.

Senator BEN NELSON. I understand your wife, Linda, is from Alma, which is near my hometown on the Republican River in Harlan County. I would like to extend my welcome to both of you and your family for being here.

General BOLTON. Thank you, Senator.

Senator BEN NELSON. As a distinguished graduate of the Air Force ROTC program at the University of Nebraska, I know that you received an excellent education and a good start in the Air Force, and you have been able to take that good start and have a very strong career in the Air Force. As I was looking over your resume in anticipation of this hearing this morning, there was just one question that I have that I think you might be able to help us with, and that is in the area of science and engineering.

As an electrical engineer, I think you not only have the experience that it takes in this field, but you may have some serious thoughts about what we can do to solve one of the problems. I notice that you mentioned that one of the challenges which the Army faces is, in your words, impending loss through retirement of a significant percentage of resident expertise and corporate knowledge in the science and engineering workforce, and the shortage of younger S&Es to whom this experience would normally be transferred through training and monitoring.

I wonder if you can address this challenge, and also what impact, if any, this could have on the Army's goal of the transformation, especially of Future Combat Systems, as you take on your new duties.

General BOLTON. Well, Senator, if I could answer those maybe in reverse. First of all, the impact of not having these people. It has been my observation over the years that the reason the United States is a great country, the greatest democracy, the greatest economy, the greatest military, has absolutely nothing to do with what I call natural laws. It has everything to do with people, people who have vision, energies, abilities, capabilities, bringing those together to reach those visions. In our military, that has certainly been the case. The reason we are as good as we are is because of the people who had the ideas, who could write requirements, who could transform those into technology challenges, and then meet those challenges, put those into weapons systems, field those weapons systems, and sustain those weapons systems.

Now we are going to lose those people. I am told—and this is not only true for the Army, it is true for the Air Force, and I presume it is true for the other services—in the civilian workforce we could lose as many as 50 percent between now and the year 2005 or 2006. I am told the Army has a number of programs. If confirmed, I am going to look at those programs, personnel and recruitment programs, to see how we go about enticing people to come in to replace those who are leaving, how to keep the workforce that we have, and how to shape that workforce.

That is going to require a lot of energy on the part of the Army leadership, as well as working with members of Congress and certainly this committee to make that happen. But I see that as a short-term solution, short-term being 5, 6, maybe as long as 10 years.

The longer-term is, how do you do the things that need to be done, but with fewer people? We do not know how to do that yet, but we are going to have to figure that out 10 or 15 years from now, because the pool we are drawing from is the same talented pool that industry is drawing from, and particularly the commercial sector. So they, too, are trying to figure out how to do it with fewer people. We need to do the same thing.

But in the interim, I do not see how we can do that. We simply have to work through the personnel programs and make that work for us.

Senator BEN NELSON. We have to be competitive, is what I hear you saying, and innovative as circumstances change.

General BOLTON. Yes, Senator.

Senator BEN NELSON. I appreciate very much what your commitment will be to that endeavor, and I am very encouraged by someone of your caliber being nominated for this position. I look forward to your serving in the role. Thank you very much.

General BOLTON. Thank you.

Chairman LEVIN. Senator Nelson, thank you.

Senator Smith.

Senator SMITH. No questions, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Smith. I just have a few additional questions. Senator Inhofe made reference to the interim armored vehicle, the IAV. I have a couple of questions relative to what has been decided on that, which is to do a low-rate initial production (LRIP) of that vehicle, but about 50 percent of all the vehicles to be built would be included in that low-rate initial production, which is not really low-rate.

My question is, do you have any concerns about such a large initial production of the IAV? I also would ask relative to the testing of the IAV, the initial production will not be subject to the initial operational test and evaluation until after three of the interim brigade combat teams are fielded, and I am wondering if you see risks in that, and if so, how we could mitigate those risks.

General BOLTON. Senator, obviously I do not know all the details on that. There are risks involved. If confirmed, I intend to understand the full details of what the risks are and how well our risk management program is addressing mitigating those risks.

There are always a number of reasons why we want to increase the quantities under LRIP. I am not familiar with the Army's rationale yet, so I cannot tell you whether or not that is a good rationale, but I can assure you that, if confirmed, we will look at the details. We will figure out whether or not we have the adequate testing, the information, the data to convince you and other members, as well as ourselves, whether or not it is a wise thing to do, whether this version of the acquisition strategy for that vehicle is the wise thing to do.

Chairman LEVIN. When you become familiar with those issues which I have just identified, would you get us a report or a letter to this committee about that subject?

General BOLTON. Yes, Mr. Chairman, I will.

Chairman LEVIN. After you are familiar with it. Even with a transformation effort, the Army is going to continue to require a heavy counterattack corps, including combat support vehicles such as the Grizzly, the obstacle breacher, the Hercules, the recovery vehicle, and the Wolverine heavy assault bridge. All those programs historically have been underfunded, subject to cancellations, and frequent changes that have undermined those programs. Will you take a good look, a hard look at each of those programs and report back to us on how you intend to address the problems that I have just identified, the funding permutations, cancellations, and restarts in those three programs?

General BOLTON. Mr. Chairman, if confirmed I will, indeed.

Chairman LEVIN. OK, thank you.

I think Senator Bunning is next. Senator Bunning.

Senator BUNNING. I have no more questions.

Chairman LEVIN. Thank you.

Senator Landrieu, any more questions? Senator Smith? Senator Nelson?

Senator BEN NELSON. No more, thank you.

Chairman LEVIN. OK. I think we are all set. Thank you again for your service. Congratulations on your appointment. Thanks to your family for their support, and we hope that we can get this to the floor very quickly.

General BOLTON. Mr. Chairman, thank you again, and to each and every one of you, the best of the season's greetings from the Bolton family.

Chairman LEVIN. Thank you.

General BOLTON. Thank you, sir.

Chairman LEVIN. I remind colleagues and staff, we are going immediately into executive session.

[Whereupon, at 10:32 a.m., the committee adjourned.]

[Prepared questions submitted to Maj. Gen. Claude M. Bolton, Jr., by Chairman Levin prior to the hearing with answers supplied follow:]

November 29, 2001.

Honorable CARL LEVIN, *Chairman,*
Committee on Armed Services,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN: I respectfully forward for your consideration my responses to the advance policy questions put to me by the committee. I look forward to appearing before you when the committee considers my nomination to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

Sincerely,

MAJ. GEN. CLAUDE M. BOLTON, JR.

Copy furnished:
Honorable John Warner,
Ranking Member.

QUESTIONS AND RESPONSES

DEFENSE REFORMS

Question. Almost 15 years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the special operations reforms.

Do you support full implementation of these defense reforms?

Answer. Yes, I fully support the Department of Defense Reorganization Act of 1986 and related special operations initiatives for defense reform.

Question. What is your view of the extent to which these defense reforms have been implemented?

Answer. From what I have learned to date, these defense reforms have been implemented and have achieved the desired results. Having said that, I believe it is important, and consistent with the intent of the reform legislation, that the Army continues to assess and modify its operations and internal procedures to meet the challenges of a dynamic security environment.

Question. What do you consider to be the most important aspects of these defense reforms?

Answer. The most important aspects of these reforms were strengthening civilian control; streamlining the operational chain of command, improving the efficiency in the use of defense resources, improving the military advice provided to the National Command Authorities, clarifying authority for combatant commanders, and enhancing the effectiveness of military operations.

Question. The goals of Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; and enhancing the effectiveness of military operations and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Answer. I fully support the congressional goals reflected in the Department of Defense Reorganization Act of 1986 and other related defense reform legislation.

Question. Recently, there have been articles that indicate an interest within the Department of Defense in modifying Goldwater-Nichols in light of the changing environment and possible revisions to the National strategy.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Answer. I am not aware of any current proposals to amend Goldwater-Nichols. It is too early for me to comment without additional evaluation and insight to address any proposals.

DUTIES

Question. What is your understanding of the duties and functions of the Assistant Secretary of the Army for Acquisition, Logistics and Technology?

Answer. The Assistant Secretary of the Army for Acquisition, Logistics, and Technology's (ASA(ALT)) primary duties are to ensure the Army's soldiers are provided with the most capable and sustainable equipment and to wisely shepherd all available resources to provide that capability in the most cost effective manner. The ASA(ALT) serves, when delegated, as the Army Acquisition Executive, the Senior Procurement Executive, the Science Advisor to the Secretary, and as the senior research and development official for the Department of the Army. The ASA(ALT) also has the principal responsibility for all Department of the Army matters related to logistics. In these capacities, the ASA(ALT) advises the Secretary on all matters relating to acquisition and logistics management, and executes the acquisition functions and the acquisition management system of the Department of the Army. He appoints, manages, and evaluates program executive officers and direct-reporting program managers and managing the Army Acquisition Corps and the Army Acquisition Workforce. The ASA(ALT) executes the DA procurement and contracting functions, including exercising the authorities of the agency head for contracting, procurement, and acquisition matters pursuant to laws and regulations, the delegation of contracting authority; and the designation of contracting activities. He oversees the Army Industrial Base and Industrial Preparedness Programs and ensures the production readiness of weapon systems. The ASA(ALT) oversees all DA logistics

management functions, including readiness, supply, services, maintenance, transportation, and related automated logistics systems management.

Question. What background and experience do you possess that you believe qualifies you to perform these duties?

Answer. I bring nearly a quarter century of relevant experience as a successful test pilot, program manager of three major Air Force programs, an educator, an Inspector General and a Program Executive Officer. I fully understand the key processes employed within the Department of Defense, particularly in programmatic discipline, planning, resource allocation and acquisition. This in-depth understanding is derived from knowledge and experience, both in theory and in practice. I have successfully demonstrated this at all levels of government and industry, domestically and globally.

I have an excitement of purpose, untiring energy, and a keen desire to continue to serve my country in this important capacity. If confirmed, my priority will be to ensure that the United States Army continues to be the most powerful, capable, and most respected Army the world has ever seen.

Question. Do you believe that there are actions you need to take to enhance your ability to perform the duties of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology?

Answer. I am unaware of any actions that I need to take at this time.

Question. Assuming you are confirmed, what duties and functions do you expect that the Secretary of the Army would prescribe for you?

Answer. If confirmed, I expect the Secretary of the Army will delegate to me and expect me to fully perform the functions of the Army Acquisition Executive, as well as the full complement of responsibilities previously described.

MAJOR CHALLENGES AND PROBLEMS

Question. In *your* view, what are the *major* challenges that will confront the Assistant Secretary of the Army for Acquisition, Logistics, and Technology?

Answer. I believe that a successful transformation strategy and execution is one of the most significant challenges that faces the Army today. We must ensure that we meet the Army's needs to develop, acquire, and field the critical elements of the Objective Force, particularly its cornerstone, the Future Combat Systems (FCS). While this continues, the Army must maintain and sustain its current and near-term capability to meet contingencies. Another major challenge for the Army is posed by the impending loss, through retirements, of a significant percentage of resident expertise and corporate knowledge in the scientist and engineer (S&E) workforce, and the shortage of younger S&Es to whom this expertise would normally be transferred through training and mentoring.

I agree with the Secretary of the Army that the greatest challenge the Army faces is change. The challenges the Army faces are similar to those of the other services as the Army collectively repositions organizations to overcome the threats our country faces. I feel that the Army must manage and maintain the momentum of the changes it has undertaken to assure its international preeminence in the 21st century. This will ensure America's ability to deter threats and defend our National security interests and to do it within the joint community.

Question. Assuming you are confirmed, what plans do you have for addressing these challenges?

Answer. With regard to transformation, I believe that a focused, productive science and technology program is a prerequisite. The Army must maintain an adequately funded S&T program to focus on achieving the Army's transformation to the Objective Force. I understand that the single largest investment in S&T is for Future Combat Systems (FCS) with the goal to field FCS by the end of this decade. I have no preconceived plans for addressing these challenges. However, if confirmed, I will work closely with the Secretary of the Army, the Assistant Secretaries, and the Office of the Secretary of Defense (OSD) in a unified effort to transform the Army to meet America's future security needs. This includes attracting, training, and retaining America's best and brightest. It also mandates that we provide for their quality of life and well-being. The Army must assure its daily readiness, while transforming itself into an Army capable of dominance along the full spectrum of military operations in the 21st century.

Question. What do you consider to be the most serious problems in the performance of the functions of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology?

Answer. If confirmed, I would evaluate the specific roles and functions within the Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology. It is premature to identify potential problems at this time.

Question. If confirmed, what management actions and time lines would you establish to address these problems?

Answer. If confirmed, I will need to evaluate the specific issues and work with the Army staff and Secretariat as well as DOD to establish time lines as appropriate.

PRIORITIES

Question. If confirmed, what broad priorities would you establish in terms of issues, which must be addressed by the Assistant Secretary of the Army for Acquisition, Logistics, and Technology?

Answer. I see three very broad priorities. Clearly, Army transformation is the keystone to maintaining and improving the Army's warfighting capability in the 21st century. That is the Army's paramount consideration. Within the transformation the Army must leverage new science and technology programs and initiatives to capitalize on emerging trends and breakthroughs. The Army must ensure it transforms into a force that will have the ability to respond effectively not only against today's terrorism and force protection threats, but also tomorrow's unknown threats.

Underpinning this effort is the Army's Acquisition Corps. It must stand ready to assist in the transformation by developing new systems and capabilities in a timely manner while recapitalizing the Legacy Force. This will assure that the Army is able to project an ever-improving full-spectrum combat capability. Critical to the Army's ability to effect this transformation is the health of the Army's Acquisition Corps. If confirmed, I must work to ensure the Army recruits, trains, and retains the required expertise, both military and civilian, that will support the transformation plan while positioning the workforce to successfully meet the challenges of the 21st century. I think the Army must also closely examine the continued viability of the United States industrial base to ensure that it does and will continue to meet current and potential wartime requirements.

ARMY ACQUISITION SYSTEM

Question. The Army recently approved a plan to reorganize its acquisition structure to centralize oversight of all Army program executive officers and program managers under the military deputy and the Army Acquisition Executive.

What is your opinion of the Army plan to restructure its acquisition system? Do you have any specific concerns with the intended changes?

Answer. I have only received an initial briefing on the acquisition reorganization plan, but I am pleased with the approach. One of the primary goals is to ensure a single manager is assigned to develop, produce, field, and sustain all systems in the Active and Reserve components, and to realign programs along commodity lines. For instance, the PEO for aviation will be responsible for the life cycle management of all aviation assets—not just those in active development. This focuses fiscal and manpower resources to develop and manage the fleet in the most cost effective manner. This appears to be a healthy approach to streamline the overall process and reduce redundant reporting and oversight layers in management. I have no specific concerns with the intended changes, and if confirmed, would continue to develop and refine the process.

Question. Given your experience with other services' systems, would you, if confirmed, anticipate making any specific recommendations for further changes? If so, what changes would you recommend?

Answer. I have a broad base of experience in the DOD acquisition process and major system acquisitions. If confirmed, I intend to apply that experience across the board, where it makes sense, to improve the Army processes and take advantage of other service successes, but at this time I have no specific recommendations for changes.

STREAMLINING THE ACQUISITION PROCESS

Question. Both Secretary of Defense Donald Rumsfeld and Under Secretary of Defense Pete Aldridge have indicated that they believe that there is a compelling need to streamline the acquisition process to further reduce the fielding time for new weapons systems and capabilities.

In your view, what role should realistic testing play in the acquisition process prior to any decision to enter into high-rate production?

Answer. I am concerned with the length of time that it takes to field new equipment. I agree that the acquisition process has to be streamlined. Likewise the way in which we integrate test and evaluation into this process must be improved. The way to accelerate acquisition programs is to integrate testing earlier in the development of new systems. In essence, we need to make testing part of the development

process and not an addendum that scores the results of completed programs. Testing must be designed to examine design options, reduce risk and help move systems forward to successfully accelerate fielding.

At each step in a progressive test process, the test conditions should be as realistic as possible consistent with the test objectives. Many years of experience attest to the fact that there is no substitute for realistic operational testing by real soldiers in a combat-like environment. This is what has led us today to an Army that has the best ground combat systems in the world. I understand the Abrams tank, the Bradley Fighting Vehicle and the Multiple Launch Rocket System (MLRS) are successes because the Army shook out the design and manufacturing problems in realistic operational tests before the systems went into full-rate production.

Question. If you are confirmed as the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, how would you propose to achieve an appropriate balance between the desire to reduce acquisition cycle times and the need to perform adequate operational testing?

Answer. I do not see a conflict between reforming the acquisition process to accelerate fielding and the need to conduct realistic operational testing. A careful look at past programs will show that the conduct of operational testing consumes only a very short period in the development and fielding process. All early testing goes on concurrent with other development activities, and only the initial operational test and evaluation (IOT&E) must wait for a fully production-representative system. With carefully laid out acquisition programs, operational testing need not cause delays in transitioning from low-rate initial production to full-rate production.

Question. How would you assess that the balance achieved is the appropriate one?

Answer. I am not sure that a precise balance can be found, but I would measure the rates at which problems are being found. The degree to which problems are found early and do not occur later is the degree to which we are improving on the balance. If the occurrence of problems accelerates later in the program development, then we are clearly missing the mark.

While we will never abandon realistic operational testing, we also know that we must fully integrate technical testing, modeling and simulation and other data sources to resolve as many issues as possible before we get to the IOT&E. If confirmed, I would try to leverage early and continuous testing and evaluation to make sure that systems are properly postured for success long before they are ready for fielding.

Question. In comparison to other services with which you are familiar, do you believe that the Army has adequately funded its testing activities?

Answer. It is premature for me to comment on the funding adequacy of the Army's comprehensive testing activities but I am aware that the funding profile for T&E in the Army has improved in the past 10 years. The infrastructure for DOD test ranges and much of the Army's instrumentation is aging and needs to be upgraded or replaced. Instrumentation must keep pace with the complexity and technical advances of the systems being tested. New instrumentation and test tools are needed to adequately test today's complex systems. Almost every major system now operates in a complex system of systems environment. This means that more sophisticated tests are required to truly create a "realistic" operational environment for validating system capabilities. We are relying heavily on models and simulations to help us create the realistic environments for these tests, but these new tools all take resources to develop and maintain. Balanced against its other priorities, I believe the Army is resourcing T&E as well as the other services.

COMANCHE

Question. Press reports indicate that the Army has decided to restructure the RAH–66 Comanche helicopter program, delaying initial operational capability by 2 years. If these reports are true, what is your understanding of:

The new schedule?

Answer. I understand that recent reviews of the Comanche Engineering and Manufacturing Development (EMD) program indicated that the program was experiencing both cost and schedule problems. I am told that the Army is currently in the process of developing alternatives that would implement a block upgrade strategy, maintain Objective Force linkages and address these concerns. Although adjustments to the program are imminent, I understand the Army leadership has not yet decided on a course of action, and remains firmly committed to the success of the Comanche program. I agree that it is a critical component in the Army transformation and the Objective Force.

Question. The programmatic reasons for such a restructure?

Answer. I am told the EMD contract is experiencing difficulties driven by system concurrency, system integration challenges, and underestimation of risk.

Question. Any additional costs involved, and how the Army will pay for those costs?

Answer. As stated previously, I understand the cost of the Comanche program adjustments may be resourced from within the current approved Comanche funding by using the delay in the production program to fund the increased development effort.

I look forward to reviewing and contributing to this critical program, if confirmed.

FUTURE COMBAT SYSTEM

Question. The Army currently has four teams working on the Future Combat System (FCS) under concept design agreements. The Army has announced its intention to solicit for a single lead systems integrator to take the system to a fiscal year 2006 production decision.

In your opinion, what are the advantages and disadvantages of the Army's new acquisition approach for FCS?

Answer. I understand there are two facets to the new acquisition approach—accelerating Milestone B by 3 years from fiscal year 2006 to fiscal year 2003, and placing the effort under Lead Systems Integrator (LSI) management. I agree that the major advantage of the program acceleration is that the Army may be able to field revolutionary new capabilities by the end of the decade. The FCS LSI will provide the Government with a capable industry partner, having total systems integration responsibility for designing, developing, producing, fielding and supporting the FCS system of systems.

I agree that the disadvantage of program acceleration is that it may limit the Army's technology options for the Block I concept and increase program risk, but I believe this disadvantage can be mitigated by an iterative upgrade plan, providing enhancements for lethality, survivability, and so on. A potential disadvantage in having a single LSI is that the selection of an LSI can limit competition for new ideas from other major defense contractors in later phases of the program. I understand DARPA and the Army are addressing this issue by requiring a rigorous best value competition process for the selection of systems and subsystems, with government access to all data and concurrence in decisions.

Question. In your opinion, how much risk is involved in such an acquisition schedule?

Answer. DARPA and the Army have, in effect, asked the firms pursuing the Lead Systems Integrator role to balance technical and schedule risk in their proposed concepts in order to achieve an IOC within this decade. The winning LSI's concepts will mature in parallel with the evolving Operational Requirements Document to provide acceptable risk at MS B and beyond. If none of the answers meet the needs of the Army transformation, the Army should reconsider the Army's requirements.

Question. If confirmed, how would you propose to divide the responsibilities for the FCS program between yourself and the Director of the Objective Force Task Force?

Answer. The responsibilities of the Objective Force Task Force are spelled out by the Secretary of the Army—I do not believe there is duplication. ASA(ALT) is responsible for overall execution of the FCS acquisition program, to include science and technology efforts. The task force integrates, coordinates, and assesses efforts in concepts and requirements, S&T (including DARPA), and acquisition. Task force findings are provided to ASA(ALT) for consideration and action. If confirmed, I propose to continue, develop, and refine this relationship.

LOGISTICS REFORM

Question. The 2001 Report to the President and Congress stated that logistics reform must move toward performance-based support and must link modern warfighting and business practices. To accomplish this fundamental transformation, the Department has developed a long-term logistics reform strategic plan, established a logistics architect to help guide the transformation effort, and begun the process of implementing new business strategies.

In your view, what are the key factors shaping Army logistic modernization?

Answer. The Army is in the process of transformation. As the Army moves toward an Objective Force, logistics modernization will enable the Army to field a force that is more responsive, deployable, agile, versatile, lethal, survivable, and sustainable. Army logistic modernization is a key component of that transformation process. The Army is changing the paradigm of a logistics system built on redundancy of mass to one based on velocity, mobility, and situational understanding. I understand

three objectives drive the Army's modernization process. The first is to enhance strategic responsiveness to meet the time lines outlined in the Army vision. This is key to the Army's future relevance. The second is to reduce the size of the Combat Support/Combat Service Support footprint in the combat zone; this will enable Joint Force Commanders to maneuver without being tethered to a large supporting structure. Third, the Army must reduce the cost of logistics without reducing warfighting capability or readiness. Decreasing logistics demand is a major element of cutting cost and improving flexibility. The Army should consider efficiency, reliability, and deployability key performance parameters as the Army designs and fields new combat systems. The application of information and communications technologies to weapon systems design and logistics business processes is a key component in the Army's effort to create a more responsive logistics system. As the Army looks at the magnitude of the Army's business from installation to foxhole these are significant challenges but I think the Army has a duty to get it done.

Question. In your view, what commercial market logistics practices should the Department of the Army consider in its logistics modernization program?

Answer. There are many. Nothing drives innovation like a competitive market and we can learn a great deal about efficiency and effectives from the commercial sector. Several promising practices do come to mind: the Army has to use a longer-term business model in the acquisition process; the Army has to invest up front in reliability and predictability to reduce the cost of maintaining Army systems; the Army has to look at the total life-cycle cost of equipment when it is designed. While the Army has really improved its supply chain management with the Single Stock Fund program, the addition of commercially available automatic identification technology can pay big dividends in efficiency. The Army needs to leverage commercial sector transportation efficiencies, particularly the use of multi-modal systems that can reduce repackaging, material handling, and en-route damage as well as the costs associated with them. The commercial sector is doing some exciting things with embedded diagnostics and prognostics that really save equipment repair costs. The list goes on, but I think we can learn a lot from the commercial market and I will continue to look to world-class businesses for their logistics lessons, if confirmed.

Question. In your view, is the privatization of the Army's logistics function a viable alternative?

Answer. I think there is value in privatizing some of the Army's logistics functions but I'm hesitant to endorse it as a rule. I firmly believe that we must preserve a National Military Capability in critical logistics functions. Here again, you have to take a business view. While there are many functions and services the private sector can provide at a lower cost, that's not the entire equation. In many instances, the Army owns infrastructure just for the purpose of performing those same functions and services. When we add the cost of maintaining that to the lower privatized cost, we don't always see a savings. You have to have a plan to divest that infrastructure prior to outsourcing. We have to ask two questions when we move to the private sector. First, is readiness retained or improved? Second, is the total Army cost reduced? If the objective answer is yes to both questions, privatization is an alternative that should be considered.

MUNITIONS PROGRAMS

Question. The Army is considering the cancellation of several munitions programs including the TOW missile, the Hydra–70 rocket, the Remote Area Denial Artillery Munition, and the antipersonnel land mine alternatives.

Given that the replacement systems to many of these programs are not yet fully developed and may not be available for many years, how would these cuts, if approved, impact the Army's ability to execute the National Military Strategy?

Answer. I understand the Army's ability to execute the National Military Strategy will not be impacted should any of these programs be cancelled. I am told the RADAM and APL–A programs do not provide an enhanced warfighting capability above and beyond when the Army has today. I understand the Army will continue to produce the Hydra–70 rocket in sufficient quantities to meet training requirements until the Advance Precision Kill Weapon System starts production in fiscal year 2005. I also understand the Army has begun a dedicated stockpile management program to retain sufficient TOW 2B in the inventory under the Common Missile program which begins production later this decade.

ARMY ACQUISITION SYSTEM

Question. If confirmed as the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, you will manage the Army Acquisition Corps and Army Acquisition Workforce.

In your view, what steps should the Army take to improve overall management of its acquisition personnel?

Answer. Simply put, I believe that we must refine the Army's existing management system to ensure the dedicated, professional members of the Army Acquisition Corps are fully trained, constantly challenged to innovate and streamline, rewarded for their efforts, and secure in their belief that we care about them and their families. We are all aware that this workforce has been significantly reduced over the past few years. While that was necessary and productive it also created a set of new challenges. For instance, I am concerned with the number of personnel that are or will be retirement eligible in the immediate future (2–5 years). In some career fields over 50 percent of the personnel fit this category. While the Army cannot say with certainty how many will actually retire, the potential loss of experience and expertise is enormous. This problem is further complicated because potential replacement personnel are reluctant to enter the Acquisition Corps because of the history of reductions. To answer these challenges, I understand the Army is working to stabilize the workforce, overcome the fear of further mass reductions, attract new employees from industry and academia, and, probably most important, enhance the training opportunities and professional growth of the current workforce. Lastly, in concert with DOD and the other services, I am gratified that the Army is developing a comprehensive strategic plan to address current problems and prepare the Army's acquisition workforce for the challenges of the 21st century.

Question. How do you plan to ensure that the Army recruits, trains, and retains an acquisition workforce that will be able to operate in a 21st century environment?

Answer. The Army has numerous programs that provide advanced training and education opportunities for the current workforce. If confirmed, I intend to review these and, in concert with the Defense Acquisition University, training managers, and private institutions, ensure these existing programs are providing the right focus, right perspective, and right tools required to support the fundamental tenets of acquisition excellence. This will ensure the Army Acquisition Corps is poised to support Army transformation and continually improve the Acquisition System.

We need to ensure that the Army's employees are working in a professional, safe and productive environment that enhances their desire to come to work. The Army, and indeed all the services, have an incredibly professional and dedicated workforce that continuously answers the call to public service. If confirmed, I intend to ensure the Army has the plans and programs that enhance skills, provide for the most effective and efficient use of resources and, most importantly, makes the Army's employees proud to be members of the U.S. Army.

I understand the Army Acquisition Corps has already begun to develop a comprehensive program to attract new military and civilian employees with the necessary skills to support transformation and lay the foundation for the Army of the 21st century. If confirmed, I will do my best to ensure that the program is fully resourced and complemented by a responsive management system that allows us to swiftly react to changing priorities and technological evolution.

INTERSERVICE RELATIONSHIPS

Question. In your view, are there areas in which the Department of the Army and the United States Marine Corps should more closely cooperate in the development of land and air capabilities?

Answer. I am not familiar with all functional areas where the Army and Marine Corps are able to cooperatively develop capabilities, but I am aware of several cooperative successes. This October the Army began procuring the Marine Corps developed M107, 50 caliber, Sniper Rifle. Both marines and soldiers are using this rifle in Afghanistan. An excellent example of ongoing cooperation between the marines and Army is the development of the Joint Lightweight 155mm Towed Howitzer. In this program, the marines are developing the basic Howitzer while the Army develops the digital fire control for the Howitzer. A memorandum of agreement governs the program with the Navy and Army sharing management responsibility. The Navy Acquisition Executive is the milestone decision authority while the Army functions as the head of contracting agency. Additionally, the Marine Corps product manager is located at the Army's Picatinny Arsenal and oversight is shared by the Army Program Executive for Ground Combat Support and the Marine Corps Systems Commander. This has been a successful arrangement for both services.

Question. If confirmed, what actions would you take to increase Army and Marine Corps joint program development?

Answer. If confirmed, I would build on the relationship with the Navy Acquisition Executive and the Marine Corps from the Joint Lightweight 155mm Howitzer and Sniper Rifle and proactively review similar requirements across the other services to identify additional areas for cooperation.

CONGRESSIONAL OVERSIGHT

Question. In order to exercise its legislative and oversight responsibilities, it is important that this committee and other appropriate committees of Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this committee and other appropriate committees of Congress?

Answer. Yes.

Question. Do you agree, if confirmed, to appear before this committee, or designated members of this committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Under Secretary of the Army?

Answer. Yes.

Question. Do you agree to ensure that testimony, briefings and other communications of information are provided to this committee and its staff and other appropriate committees?

Answer. Yes.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

ARMORED SECURITY VEHICLE (ASV) PROGRAM

1. Senator LANDRIEU. General Bolton, on July 10, 2001, I asked General Shinseki if media reports were true that the Army intended to terminate the armored security vehicle program at the end of fiscal year 2002.

General Shinseki replied, "The Army does not have plans to terminate the ASV program at the end of fiscal year 2002." Further, he stated, "The current plan is to continue to field the ASV to MP units."

On the other hand, the November 21, 2001, issue of *Jane's Defense Weekly* reported that the "Army canceled . . . the armored security vehicle, used by military police."

General Bolton, should I simply not trust everything I read from the British press; has the Army supplied me with improper information; or is this a sudden change of plans by the Army to finance the push toward transformation?

General BOLTON. The Army is currently procuring the ASV under a 5-year multiyear contract with Textron Marine and Land Systems. The fiscal year 2002 President's Budget includes funding for the fourth year of the contract. The Army's intent is to support the ASV through to the conclusion of the multiyear at the end of fiscal year 2003. It would appear that the source of the data for the British Press was inaccurate in their understanding of Army leadership's decision relative to ASV.

2. Senator LANDRIEU. What is the reason for the inconsistency?

General BOLTON. The Army's senior leadership has been consistent with Congress when asked its position concerning the ASV program—no contracts have been canceled.

SCIENCE AND TECHNOLOGY FUNDING

3. Senator LANDRIEU. The Army's transformation will be strongly dependent on science and technology (S&T) and the new capabilities that emerge from those programs.

Since your position will have oversight over Army science and technology programs, do you feel that the Army currently invests enough in research and development (R&D)?

General BOLTON. The Army has adequately funded its S&T program to focus on achieving the Army's transformation to the Objective Force. The Army's fiscal year 2002 budget request for S&T is $1.58 billion. This is an 18 percent increase over the fiscal year 2001 request and clear evidence of the Army's commitment to achieve Objective Force capabilities.

4. Senator LANDRIEU. Secretary Rumsfeld has established a goal for science and technology investments Department-wide at 3 percent of the total DOD budget.

Would you support the establishment of a similar goal for the Army?

General BOLTON. I support the DOD guidelines that have a goal of budgeting S&T as 3 percent of the overall DOD budget by 2007. The Army is committed to its transformation vision and S&T is at the center of our efforts to achieve Objective Force capabilities.

INTERAGENCY COORDINATION

5. Senator LANDRIEU. The Army plays an important role in performing vital medical, chemical, and biological research for our country. Your researchers at Fort Detrick, Maryland, have been key players in the ongoing anthrax investigation.

How will you work to ensure that the Army's expertise in these important scientific areas is available for our first responders, the Center for Disease Control, the Office of Homeland Security, and other Federal and local Government agencies?

General BOLTON. The Army coordinates with other Department of Defense, Federal, and local government agencies across all echelons. Army medical and scientific personnel are members of numerous response teams and interagency working groups. During the ongoing anthrax investigation, the scientists and command staff of the U.S. Army Medical Research Institute of Infectious Diseases at Fort Detrick actively participated in an interagency group formed to address the issues at hand. In addition, that organization and other Army laboratories have specific agreements with agencies such as the Centers for Disease Control and Prevention and the Federal Bureau of Investigation to provide expertise or perform analyses. Individual Army scientists routinely interact with colleagues throughout the scientific community by engaging in collaborative research efforts and participating in national and international scientific conferences. The Army medical community has been actively engaged in providing expertise to other agencies and to first responders through training and education courses such as the satellite broadcast of "Biological and Chemical Warfare and Terrorism: Medical Issues and Response." Over the past several years, Army experts have served on intergovernmental teams to provide training and support to local authorities for major events such as the 1996 Olympics in Atlanta, Georgia, presidential nominating conventions, and others. The Army will continue appropriate participation in numerous interagency groups, and provide its outstanding support and expertise to other agencies.

MOVING CRITICAL MEDICAL TECHNOLOGIES THROUGH REGULATORY PROCESSES

6. Senator LANDRIEU. The Army invests in a significant amount of research on new medical technologies—including bandages, drugs, vaccines, and decontamination agents. Some of these are especially critical as we work to improve our ability to respond to the threats of weapons of mass destruction. Unfortunately, many of our best technologies get caught up in slow and expensive regulatory processes established by the FDA and the EPA.

How will you work to ensure that Army investments in critical new medical technologies can be moved quickly through these regulatory processes, so they can be used by our troops and the general public as soon as possible?

General BOLTON. The Army continues to emphasize the need to comply with FDA and other governmental agency regulatory guidance within its programs. These agencies provide a necessary and important quality control function that the Army both respects and demands. We do not want policy or perception to lead the American public to believe that soldiers are an experimental population. Rather, we strictly wish to enforce the same health and safety standards for soldiers. Only in a time of warfare and extreme need do we willingly take the calculated risks of using non-fully approved products, although we still gain FDA guidance for clinical protocols and informed consent.

The best method to ensure we move quickly through the regulatory process is to communicate frequently with those agencies. The FDA is now a more open agency that supports frequent dialog. Through early discussions, such as pre-investigational new drug meetings, we can discuss our plans and trial methods with the FDA and modify them accordingly. This is especially important for products, such as critical chemical-biological defense drugs and vaccines that will rely on animal data and indirect measures, because human efficacy cannot be ethically obtained through clinical trials.

Another means to increase the speed of the process is to team with industrial partners with greater experience in developing medical products. In the aftermath

of September 11, 2001, the increased market potential for many of our medical product lines may provide greater financial incentive to more firms to develop and produce our products.

QUESTIONS SUBMITTED BY SENATOR JOHN WARNER

MISSILE DEFENSE PROGRAMS

7. Senator WARNER. General Bolton, the Ballistic Missile Defense Organization (BMDO) proposed to transfer the Patriot PAC–3 and Medium Extended Air Defense System (MEADS) programs to the Army and the Navy Area Defense to the Navy. Congress is likely to allow such transfers only after the director of BMDO establishes appropriate criteria to do so.

Do you support the transfer of PAC–3 and MEADS to the Army?

General BOLTON. Yes. The Army is excited about the opportunity to manage the Patriot PAC–3 program. This represents a significant enhancement to the fielded Patriot system. Passing management of the program to the Army is the right thing to do at this point in the program's lifecycle. One of the benefits of the PAC–3 program is the use of the PAC–3 missile as the missile for the MEADS program. By doing so, we reduce the risk of the MEADS program and take advantage of PAC–3's very capable and mature technology. However, the program must be fully funded before a transfer to the Army takes place. Specifically, the program must be funded to upgrade 10 active component Patriot Battalions and the Southwest Asia Patriot assets to the PAC–3 configuration. Currently, the program is funded to upgrade 7 active component Battalions and the Southwest Asia Patriot assets. Additionally, the program must be funded to procure the required 2200 PAC–3 missiles versus the 1159 for which the program is currently funded.

Transfer of the MEADS program to the Army at this time is not recommended. The MEADS program is currently insufficiently mature in its acquisition cycle, does not have an approved program baseline, is an unstable international program and likely will incur significant cost growth. However, once the program has successfully accomplished Milestone C and begins entering operational testing, the program should begin the transfer to the Army and be fully funded to procure the required number of fire units and missiles.

8. Senator WARNER. What criteria would you recommend to the director of BMDO to guide such transfers in the future?

General BOLTON. The BMDO should continue management and development for programs in the areas of spiral/evolutionary development, technical insertion, reliability improvements and sustainment initiatives (i.e., reducing the logistical footprint) and provide a coordinated investment plan to Congress prior to transfer.

BMDO, in coordination with the Army, should establish criteria for transition of programs to the services. Based upon cost, schedule, and technical risk/performance, BMDO should submit an agreed upon BMDO/Army transition plan to Congress prior to transfer. In the plan, BMDO should identify and fund any cost risk associated with the program.

DIRECTED ENERGY WEAPONS

9. Senator WARNER. The Army has been the lead agency in the development of the tactical high energy laser (THEL). Space and Missile Defense Command has expressed interest in pursuing a mobile version of THEL for air and missile defense, but the Army has not funded either THEL or a mobile THEL program.

In your view, how important are directed energy weapons to the future of the Army?

General BOLTON. I believe that directed energy (DE) weapons have the potential to provide significant technological opportunities for the warfighter. These opportunities may allow the warfighter to achieve new and improved capabilities across a broad spectrum of missions that support the Army transformation strategy. The Army is currently exploring the potential of DE weapons to meet the future United States Army needs and joint service requirements from both ground and airborne platforms. These needs may include space control, special operations (ultra-precision engagements), military operations on urban terrain, countermine operations, destruction of unexploded ordnance, improved lethality for artillery projectiles, disruption of command and control systems, survivability of ground and air systems, and the suppression of enemy air defense.

The Army has strategically invested in DE technologies that support our mission areas. We have developed a program plan to fund the follow-on effort for a mobile version of the THEL demonstrator with Israeli cooperation. We have funded a solid-state laser effort to demonstrate a 15-kilowatt high average power solid-state laser by 2004 and 100 kilowatt by 2007 that experienced a congressional cut this year. The Army is also funding efforts to develop high-powered microwave systems for non-lethal, countermine, and weapons application. These efforts provide significant developmental milestones for DE weapons technology candidates to meet the Future Combat Systems and other Objective Force requirements.

10. Senator WARNER. Is Army investment in this area adequate?

General BOLTON. Directed energy (DE) technologies have the potential to provide the Army with dramatic leap-ahead capabilities that support many of the joint and Army visions and warfighting concepts of the 21st century. We strive within the current Army budget constraints and priorities to develop and exploit DE technologies consistent with our other priorities for the Objective Force.

SCIENCE AND TECHNOLOGY INVESTMENT

11-12. Senator WARNER. Secretary of Defense Rumsfeld has established an investment goal for the defense science and technology program to reach 3 percent of the total defense budget.

If confirmed, would you set a similar goal for the Army science and technology program?

If so, what time frame would you place on reaching this investment goal?

General BOLTON. I support the Department of Defense's guidelines that have a goal of budgeting S&T as 3 percent of the overall Department of Defense budget by 2007.

FUTURE COMBAT SYSTEMS

13. Senator WARNER. The Army is currently partnering with DARPA to conceptualize, develop, and field the Future Combat System. The Army recently accelerated the FCS effort by 2 years with the goal of equipping the first unit by fiscal year 2008.

Is there adequate investment in the S&T program to meet this accelerated goal?

General BOLTON. Since the Army's decision to accelerate FCS post-dated the President's Budget, additional S&T funds are required to meet the aggressive accelerated schedule. In order to determine the technical and financial impact of the FCS acceleration, my Deputy for Research and Technology has had an Independent Technology Assessment performed by technical experts from government, academia, and industry. The assessment concluded that more funds are needed in fiscal year 2002 and 2003 to develop and mature critical technologies to achieve the initial capability desired (Block 1) for the First Unit Equipped in 2008. The Army is reviewing all options to fund those shortfalls.

COMANCHE RESTRUCTURING

14. Senator WARNER. The Army recently announced that it has decided to restructure the Comanche helicopter program because the program encountered "unacceptable risk" and may be underfunded by as much as $1.5 billion. As a result, the initial operating capability will be pushed back to December 2008, about the same time as the Army intends to field the Future Combat System. This also coincides with the projected fielding of the Crusader System. The fielding of all of these systems will obviously stress the Army's ability to fund these programs.

If confirmed, how will you deal with the Army's apparent funding shortfalls in these areas?

General BOLTON. This is probably the hardest question Secretary White and General Shinseki have to deal with in terms of balancing priorities. This is going to be a significant challenge for not only the Army, but also for the Department of Defense, because we are going to be competing with the other services for resources. I will work closely with the Army senior leadership to ensure we maintain a balance of our priorities that will permit the Army, to the greatest extent possible, to continue with the investments required to meet our future fielding commitments. It will be a significant challenge for the United States Army to achieve the balance of current readiness with the investments required for that future force. The Army must be prepared, with the support of Congress, to make those investments.

ARMY TRANSFORMATION (FUTURE COMBAT SYSTEM)

15. Senator WARNER. The Future Combat System (FCS) will be the centerpiece of the Army's Objective Force. Four industry teams are currently designing concepts and conducting technology assessments for FCS. Until recently, the Army was considering retaining two of the four teams to continue the design work and to build models until fiscal year 2006, when one team would be awarded a contract for development. Now, the Army has released a draft solicitation for a lead systems integrator to continue the work of the four industry teams.

Do you agree with this approach?

General BOLTON. Yes, I agree with the approach. The Army's decision to develop a new acquisition strategy and FCS solicitation was based on the need to accelerate transformation and field the FCS in 2008. The Army, through its memorandum of agreement with Defense Advanced Research Projects Agency, is seeking a lead system integrator to execute this accelerated program.

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

COMANCHE HELICOPTER PROGRAM

16. Senator THURMOND. General Bolton, a problem with the modernization of our Armed Forces is the time it takes to bring a new system into the inventory. A prime example is the Army's Comanche helicopter program which recently underwent its sixth major revision since they awarded the contractor the development contract in 1991.

What are your views regarding the Department's acquisition process and why does it take so long to bring a new system on line?

General BOLTON. The previous Under Secretary of Defense (Acquisition, Technology and Logistics), Dr. Gansler (among others within the Defense community), was also concerned about the length of time that it takes to bring a new system on line. To that end, in the latter half of 1999 he directed a complete rewrite of our Defense acquisition policies as contained within the Department of Defense (DOD) 5000-series set of documents. That effort took almost 2 years. It was completed in June 2001 with the final approval of the regulation, DOD 5000.2–R.

Historically, it has taken all the services longer than anyone would wish to bring major systems to the field. However, given the initiatives (*e.g.,* blocked requirements, evolutionary acquisition, and the use of more mature technology) incorporated in the new defense acquisition polices, I believe that we will begin to see a substantial improvement in those fielding times.

INDUSTRIAL BASE

17-18. Senator THURMOND. The United States' defense industrial base has undergone a significant reduction since the end of the Cold War era. This shrinkage has occurred not only in the major weapons systems such as aircraft, but also in the small arms production base which now consists of only two major producers.

Do you consider the decline of our defense industrial base an acceptable risk?

What steps, if any, should we take to protect our industrial base?

General BOLTON. Yes, the consolidation has been necessary. The post-Cold War defense budget drawdown of the 1990s resulted in a significant consolidation of the U.S. defense industry—fewer prime contractors, rationalization of capacity in the industrial base, and substantial cost savings for the Department of Defense. The central tenet of my industrial capabilities-related policy is to seek to maintain a sufficient number of capable defense firms in core market sectors to ensure the competition critical to providing affordable, innovative defense products that meet the needs of the 21st century warfighter. It is a continuing challenge to meet this goal in today's smaller and more concentrated defense industrial structure. Prudent steps include a wide variety of actions. Examples include vigilant buying practices like limiting the use of restricted-source competitions. Instead we seek to attract more suppliers through reduced military specifications and use of broad market surveys. We can also oppose contractor teaming and formal business combinations, if that is in our best interest. On a case-by-case basis, when a thorough analysis supports it, we can intervene to protect critical, defense unique, endangered suppliers.

BUY AMERICA PROVISIONS

19. Senator THURMOND. What are your views on the role of the "Buy America" provisions in protecting the industrial base?

General BOLTON. Any preclusion of foreign firms from competing for Army contracts should only take place when U.S. national security interests would truly be threatened by foreign participation. We have adequate means to do this now on a case-by-case basis using exceptions to our requirements for full and open contracting. "Buy American" restrictions may invite retaliation and harm our industrial base. Finally, in all cases, I want to ensure that we access the very best technology for our soldiers.

TECHNOLOGY DEVELOPMENT

20. Senator THURMOND. Whenever the Army focuses on technology development, it is on the major weapons systems and not on the individual soldier's combat systems.

What will be your focus regarding equipping the individual soldier to meet future threats?

General BOLTON. The Army vision recognizes that the soldier is the centerpiece of our transformation to the Objective Force. As such, we have focused our soldier system developments on integrating emerging new technologies into a multi-function capability. The result will be a soldier more lethal, sustainable and survivable, with significantly less weight to carry. Less weight also means increased soldier mobility, another desirable outcome. Our developments will aggressively address both future threats as well as the soldier's currently large logistics tail. Included in the above are the modeling and simulation, human science, and manpower and personnel integration efforts to ensure that the human factors aspects are considered in the design from the beginning. The Army's warrior systems modernization strategy (WSMS) integrates program planning to connect the entire Army's research and development (R&D) investment (including Defense Advanced Research Projects Agency leveraging) related to soldier systems across all phases of the R&D life-cycle.

The Army strategy is highlighted by the Land Warrior (LW), a first generation integrated fighting system for the individual soldier that bridges to the Objective Force Warrior (OFW). The LW is an Acquisition Category II program designed to enhance the soldier's battlefield capabilities through the development and integration of a variety of Army components and technologies into a single "system." The LW includes: a computer/radio subsystem; a global positioning system receiver; VHF and UHF radios; video capture capability; an integrated helmet assembly subsystem with heads-up display and image intensifier for night operations; a weapon subsystem with thermal weapon sight, close combat optic, video camera, laser rangefinder/digital compass, and an infrared laser aiming light; and protective clothing and individual equipment subsystem with load carrying equipment, body armor, a chemical/biological mask, and a laser detector.

Emerging concepts for the Objective Force and the Future Combat Systems (FCS) recognize the soldier plays a central element in the FCS Unit of Action. The intent of OFW is to develop a formidable warrior in an invincible team, demonstrating unsurpassed individual and squad lethality; survivability; communications; and agility. The OFW science and technology program will provide the next generation of capabilities beyond LW. The OFW program uses a systems engineering, integrated approach to achieve new capabilities without overburdening the soldier. The program will develop a lightweight, stealthy soldier survivability system, integrated with multi-functional sensors, weapons and proactive medical capabilities. The OFW will have connectivity to other dismounted personnel and robotic air/ground platforms for improved situational understanding and effects. The OFW will be fully integrated with FCS. Additional benefits from applying a systems engineering approach to the soldier system are: shortened product development cycles; lower acquisition costs; and reductions in size, weight, and power requirements.

The integration of continuous technology advances in command and control, tactical mobility, intelligence capabilities, and survivability will enable full-spectrum dominance at the individual and small unit level. These efforts support the Army vision to field a force that is responsive, deployable, agile, versatile, lethal, survivable, sustainable, and dominant at every point along the spectrum of operations, anywhere in the world.

ARMY DEPOT SYSTEM

21. Senator THURMOND. The Army maintains a significant depot system to maintain aging weapons systems and equipment. As more equipment comes due for recapitalization, will the depots be able to handle the increased workload?

General BOLTON. Yes. The Army Recapitalization Program is a key enabler of Army transformation that will allow us to transition to the Objective Force while maintaining a capable Interim Force to meet the Army's non-negotiable contract with the American people. Our organic base is up to the mission assigned to it. Depot capacity was one of the many factors reviewed when presenting the fleet recapitalization options to the senior Army leadership.

22. Senator THURMOND. Would you consider transferring some of this work to the private sector?

General BOLTON. Those decisions have already been made. The VCSA directed early on in the Recapitalization Program to consider partnerships with industry. With public/private partnering, we get the best of both sectors, maintaining a viable industrial base in support of our weapon systems. Based on the end state capability required for the recapitalized systems and the time line needed to field the systems, public-private partnership arrangements were exploited and in some cases decisions were made to use the original equipment manufacturers. Some illustrative examples are the Bradley Fighting Vehicle and the Heavy Mobility Tactical Truck. Bottom line: the Recapitalization Program will aid in maintaining our skill levels in our depots, produce a stabilized workload, and foster sound government-industry partnerships.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

DOD/GAO INVESTIGATIONS

23. Senator SMITH. Your promotion to Brigadier General was held up by Congress because of apparent procurement irregularities which were examined by both Department of Defense (IG) and GAO investigations.

Can you comment on the results of both of those investigations, the issues at stake, your role in the controversy, what lessons you have drawn from this experience, and how this will affect your heading the Army procurement system?

General BOLTON. Much has been said about the allegations concerning my performance as the System Program Director of the Advanced Cruise Missile (ACM) System Program Office (SPO). During my Brigadier General Officer confirmation, an allegation was made that I had violated the Anti-Deficiency Act (ADA), and therefore should not be promoted to Brigadier General. Those allegations were made on the floor of the Senate in April/May 1993 and in several newspapers around the country. I became aware of this about the same time. It was alleged in a Department of Defense Inspector General (DOD IG) report and later by a member of the United States Senate, that I had violated the ADA. The report stated that when the ACM Program determined it would not have sufficient funds to complete the program, as planned several years in the future, it was antideficient. The Air Force did reclama the IG report and stated no ADA violation took place since the existing contract was fully funded for current activity and would be rebased for budget realities. The response was not accepted by the DOD IG.

Shortly after the allegations were made, in 1993, the Air Force General Counsel was asked to render an opinion on this matter. Each General Counsel involved in this review quickly dismissed the possibility of an ADA violation. Further, the rendered opinion documented that the DOD IG explanation and interpretation of the alleged ADA violation was in error. From that point until my confirmation hearing on October 8, 1994, the focus of two Air Force, one GAO and one Comptroller General investigation were not so much the review of an ADA violation (the original and only formal allegation), but an examination of virtually every decision I made in the ACM Program during my 3-year tenure. The results . . . Nothing! No ADA, no improprieties, nothing. While I was pleased with the eventual outcome, I was very disappointed in what the reports did not say. Few Government Program Managers (PM) had undergone such a review, and to have such a finding is extraordinary. The reports failed to note that perhaps this PM and in particular, his staff should be praised for what they did. In one year this Government/contractor team took a severely poor performing program, one directed by Congress in law to be terminated if it did not drastically improve, and turned it completely around. When all was said and done, the program met all cost, schedule and performance requirements. This team provided the warfighters the most advanced, most accurate, most

survivable cruise missile in the world. The ACM, I am led to believe, remains so today. Since none of the investigative reports recognized these achievements let me say at this time I am proud to have had the opportunity to lead such a fine team; both Government and contractor personnel. This team worked tirelessly to take a troubled program and turn it into a world-class military capability. It also demonstrated an age old lesson learned; namely, give good people a vision and the tools to reach it and anything is possible. Their effort is a model for the entire Department of Defense, and the reason I am where I am today. They are the finest, most dedicated and most professional people I have ever known. They and countless others like them throughout our acquisition, logistics and technology community, are the reason our United States Military remains the world's most capable, most powerful and most respected fighting force on the planet. It was my pleasure to serve them. I have continued to manage and lead as I did while in the ACM Program. I intend to do the same in the future for the Army.

INTERSERVICE EXPERIENCE

24. Senator SMITH. Have you had any interservice experience with the Army?

General BOLTON. I have been briefed on the current Army organizations and the ongoing reorganization. If I am confirmed, I will of course work closely with all of the Army in all facets as I perform my duties. To do that effectively will require I understand the relationships implied.

25. Senator SMITH. Do you have any knowledge of the relationships, policies, and organizational relationships existing today in the Army?

General BOLTON. I commanded the Defense Systems Management College at Fort Belvoir, Virginia for 3 years. I have gained good insight into the existing Army structures along with those of the other services and industry.

PROGRAM EXECUTIVE OFFICE (PEO) AIR AND MISSILE DEFENSE (AMD)

26. Senator SMITH. It is my understanding that the Army is considering double-hatting the PEO for Air and Missile Defense (PEO–AMD) as well as the Deputy Commander of Space and Missile Defense Command (SMDC).

Does this require a waiver of DOD regulations and has a waiver been granted?

General BOLTON. On 3 December 2001, General Shinseki approved the assignment of Brigadier General John Urias to the Program Executive Office for Air and Missile Defense in the position of Program Executive Officer, Air and Missile Defense/Deputy Commanding General for Research, Development and Acquisition, United States Army Space and Missile Defense Command. This was done in coordination with the acting Army Acquisition Executive and the Military Deputy; the Director, Ballistic Missile Defense Organization; and Commanding General United States Army (USASMDC). Due to the direct interdependency on USASMDC by PEO–AMD programs, this special arrangement was deemed to be in the best interest of both organizations. To help streamline his acquisition role as PEO, Brigadier General Urias' chain of supervision was designated as the ASA(ALT) MILDEP and ASA(ALT) (the normal rating chain for an Army PEO) with only letter input from the Commanding General, USASMDC. At the time, there was unanimous agreement that this assignment did not violate any statutory requirements, but there were varying opinions as to whether a waiver of Department of Defense (DOD) regulations was required. Having seen that this question still remains, I intend to formally seek DOD concurrence with this special arrangement.

27. Senator SMITH. Does this imply that the PEO–AMD is not a full-time job?

General BOLTON. No. If anything it shows the complexity of the duties associated with being a PEO who has ultimate responsibility for the acquisition programs assigned.

28. Senator SMITH. Will other Army PEOs be assigned additional responsibilities?

General BOLTON. Today's acquisition programs are directed, funded efforts designed to provide a new, improved, or continuing materiel, weapon or information system capability, or service, in response to a validated operational or business need. To facilitate decentralized decisionmaking, execution, and compliance with statutory requirements, the PEO structure aligns program management by weapon platform, recognizing customer base, equipment pairing and ultimate support to Army transformation. All PEOs are ultimately responsible for the life-cycle management of all the programs assigned to them. This encompasses a myriad of respon-

sibilities and duties. I do not consider these as "additional" duties. They are all interconnected and required for a PEO to successfully manage his systems. However, under the Secretary of the Army's Headquarters, Department of the Army (HQDA) realignment initiatives, the objective of aligning missions and functions, streamlining decisionmaking, and passing HQDA responsibilities to the field, may require the assigning of additional responsibilities to all Army PEOs.

QUESTION SUBMITTED BY SENATOR WAYNE ALLARD

ARMY GREEN AMMUNITION PROGRAM

29. Senator ALLARD. General Bolton, the Silver Cartridge Company of Arvada, Colorado, and the Army have had discussions regarding the Army's Green Bullet program. I would like to hear again your assurance that the Department of Defense will properly deal with the Green Bullet patents and any private sector companies.

General BOLTON. The Army met with representatives of the Silver Cartridge Company in August 2001. It is Army policy to deal fairly with all contractors and subcontractors. The Army has reviewed the Silver Cartridge Company patents and claims, has met with legal counsel representing the Department of Energy (the independent materiel patent holder), and has conducted an independent patent infringement study. Information regarding submission of claims of patent infringement has been provided to Silver Cartridge Company.

During prior meetings with Silver Cartridge Company and its legal counsel, Hogan and Hartson, Silver Cartridge Company agreed to forward, in writing, to the Army, specific information concerning alleged patent infringement. Once received, the Army will analyze that information, make new findings, and respond appropriately to Silver Cartridge Company.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN, ON BEHALF OF SENATOR RICHARD J. DURBIN

INTERNAL DEFENSE INDUSTRIAL CAPABILITIES

30. Senator DURBIN. General Bolton, do you believe that there is a minimum industrial capability that must be retained in-house so that the Defense Department can quickly respond to deployed forces and to provide the internal expertise to evaluate contractor proposals for industrial type work?

General BOLTON. The Department of Defense is authorized by law to retain a minimum essential nucleus of government-owned plants and production lines. The Army has been reducing this number since peaking during World War II. The Army will continue the review of its ordnance manufacturing centers to ensure we retain optimal capability.

INDUSTRIAL MOBILIZATION CAPACITY

31-32. Senator DURBIN. The Industrial Mobilization Capacity budget line acts as a premium on a mobilization capability "insurance policy" at Army arsenals. Last year's Defense Authorization Act directed the Army to budget fully for Industrial Mobilization Capability. In spite of this legal requirement, the fiscal year 2002 budget request did not fully fund Industrial Mobilization Capability. Do you support fully funding the Industrial Mobilization Capability budget line?

Will you work to follow the public law in this matter and ensure this line is fully funded?

General BOLTON. I understand the requirements of section 342 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, and I will comply with the law. I will ensure the Department of the Army properly budgets for the unutilized and underutilized plant-capacity costs of those facilities and equipment required for mobilization.

LIGHTWEIGHT 155MM HOWITZER

33. Senator DURBIN. The joint Army/Marine Corps lightweight 155mm Howitzer program is in the development phase. Two consecutive reports by the General Accounting Office have shown that this program is overbudget, behind schedule and beset by serious technical problems. The Engineering and Manufacturing Development (EMD) guns have been determined not to be suitable for operational testing.

Will you commit to review this program to see if you agree that it is time to pursue an alternative strategy, to include a side-by-side competition of existing Howitzers that offer a better chance of providing our fine soldiers with indirect fire power in a timely and cost effective manner?

General BOLTON. The Joint Lightweight 155 Millimeter Towed Howitzer is being developed in conjunction with the Marine Corps. Under the agreement between the two services governing this development program, the Marine Corps is responsible for development of the basic Howitzer and leads in procurement and the Army is responsible for developing and integrating the digital fire control onto the Howitzer and follows in production. Additionally, under the joint agreement, the Navy Acquisition Executive is the Milestone Decision Authority during the development. Because the Marine Corps is responsible for and solely funds the development of the basic Howitzer and decision authority resides with the Navy, I believe this question is more appropriately addressed by them.

ARSENAL ACT

34. Senator DURBIN. I am concerned that some recently drafted Army regulations (AR 700–90) may violate the Arsenal Act. I ask that you commit to investigate this issue and report back to the committee and to me within 2 months following your confirmation on whether the Army's regulations are in accordance with the Arsenal Act.

General BOLTON. All Army regulations undergo legal review before publication to ensure compliance with all statutory requirements, to include the Arsenal Act, Title 10. Pursuant to your request, I will look into the specific issues associated with the draft revision to AR 700–90 and report back to you within 2 months.

M67 GRENADES

35-37. Senator DURBIN. A few months ago, the Army Material Command awarded Rock Island Arsenal a contract for M67 grenades. That award has now been put on hold while the Army Secretariat reviews this procurement. I believe this decision may violate both the spirit and intent of the Arsenal Act. What is the basis for this review and when do you think it will be resolved?

What process and data will be used to make this decision?

Do you favor awarding this contract to Rock Island Arsenal?

General BOLTON. The Army is in the process of determining the appropriate method for obtaining M67 grenade metal bodies to meet its requirements. This part has not been manufactured since 1993. In accordance with the Arsenal Act, the out of pocket costs for making this part at Rock Island Arsenal will be compared to the price the Army would pay for industry to provide them. Neither Rock Island nor industry currently has a contract for this item. It is anticipated that the Army will be able to compare a neutrally developed independent Government cost estimate portraying Rock Island Arsenal's costs to those being offered by industry in response to an existing solicitation for the Marine Corps in late January 2002. At that time, if confirmed, I will provide you with an analysis and the Army's intent.

120MM MORTAR

38. Senator DURBIN. We understand that the Marine Corps is testing an existing rifled 120mm mortar system. We believe this new mortar would offer the new Army interim brigades more firepower combined with a much better shoot and scoot capability. Would you review this with the Marine Corps to see if you should change the currently planned mortar for the Army interim brigades?

General BOLTON. We completed our review with the Marine Corps and found the existing rifled mortar system did not meet our requirements.

39. Senator DURBIN. Would you inform Congress of the results of your review not later than February 1, 2002?

General BOLTON. Yes.

[The nomination reference of Maj. Gen. Claude M. Bolton, Jr., follows:]

NOMINATION REFERENCE AND REPORT

AS IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
November 8, 2001.

Ordered, that the following nomination be referred to the Committee on Armed Services:

Maj. Gen. Claude M. Bolton, Jr., of Florida, to be an Assistant Secretary of the Army, vice Paul J. Hoeper.

[The biographical sketch of Maj. Gen. Claude M. Bolton, Jr., which was transmitted to the committee at the time the nomination was referred, follows:]

BIOGRAPHICAL SKETCH OF MAJ. GEN. CLAUDE M. BOLTON, JR.

Claude M. Bolton, Jr., nominated by the President to be Assistant Secretary of the Army for Acquisition, Logistics, and Technology, served over 32 years on active duty with the United States Air Force. A command pilot with more than 2,700 flying hours in more than 40 different aircraft, Mr. Bolton flew 232 combat missions in the Vietnam War, 40 of them over North Vietnam. He was a test pilot for the F–4, F–111 and the F–16. Among his decorations are the Defense Distinguished Service Medal, the Legion of Merit, the Distinguished Flying Cross with oak leaf cluster, and Air Medal with 16 oak leaf clusters.

Mr. Bolton's last assignment was Commander, Air Force Security Assistance Center, Headquarters, Air Force Materiel Command, at Wright-Patterson Air Force Base, Ohio, where he managed foreign military sales programs exceeding $60 billion that supported more than 80 foreign countries. His responsibilities also included managing the command's international cooperative programs and its foreign disclosure policy.

Prior to commanding the Air Force Security Assistance Center, he was the program executive officer for Air Force fighter and bomber programs in the Office of the Assistant Secretary of the Air Force for Acquisition, where he served earlier in his career as a special assistant to the Assistant Secretary. Mr. Bolton was the first program manager for the Advanced Tactical Fighter Technologies Program which evolved into the F–22 System Program Office. His other acquisition assignments have included service as program director for the Advanced Cruise Missile System Program Office; deputy program director for the B–2 System Program Office; F–16 program element monitor and division chief, Low Observable Vehicle Division in the Office of Special Programs; AFMC director of requirements; and AFMC inspector general. A graduate of the program manager's course at the Defense Systems Management College, Mr. Bolton also served as its commandant.

Mr. Bolton graduated from the University of Nebraska in 1969, where he majored in electrical engineering and was a distinguished graduate in the Air Force ROTC program. He later earned a master's degree in management from Troy State University. He is a 1986 graduate of the Naval War College where he later earned a master's degree in national security and strategic studies.

Mr. Bolton is married to the former Linda Roll of Alma, Nebraska. They have two lovely daughters, Cynthia and Jennifer.

[The Committee on Armed Services requires all individuals nominated from civilian life by the President to positions requiring the advice and consent of the Senate to complete a form that details the biographical, financial, and other information of the nominee. The form executed by Maj. Gen. Claude M. Bolton, Jr., in connection with his nomination follows:]

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)
Claude M. Bolton, Jr.

2. **Position to which nominated:**
Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

3. **Date of nomination:**
November 8, 2001.

4. **Address:** (List current place of residence and office addresses.)
[Nominee responded and the information is contained in the committee's executive files.]

5. **Date and place of birth:**
December 13, 1945; Sioux City, IA.

6. **Marital Status:** (Include maiden name of wife or husband's name.)
Married to Linda I. Roll.

7. **Names and ages of children:**
Cynthia J. Bolton, 31; Jennifer A. Bolton, 28.

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.
University of Nebraska, 1964–1969, BS, Electrical Engineering.
Troy State University, 1975–1978, Masters, Management.
Naval War College, 1985–1986, Masters, National Security and Strategic Studies.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.
October 2000 to Present: Air Force Security Assistance Center Commander, Wright-Patterson AFB, OH (Major General, USAF).
June 1998 to October 2000: Program Executive Officer for Air Force Fighter and Bomber Programs, Pentagon, Washington, DC (Major General, USAF).
June 1996 to June 1998: Director of Requirements, Wright-Patterson AFB, OH (Major General, USAF).
March 1996 to June 1996: Special Assistant to Assistant Secretary of the Air Force for Acquisition, Pentagon, Washington, DC (Brigadier General, USAF).
March 1993 to March 1996: Defense Systems Management College Commandant, Fort Belvior, VA (Brigadier General, USAF).
September 1992 to March 1993: Inspector General, HQ Air Force Materiel Command, Wright-Patterson AFB, OH (Colonel, USAF).
August 1989 to September 1992: System Program Director, Advanced Cruise Missile Program, Wright-Patterson AFB, OH (Colonel, USAF).

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
No additional.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

Member of the Board of Trustees for Girls' and Boys' Town (The Original Father Flanagan's Boys' Home), Omaha, NE.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

None.

13. **Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

None.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Professional—Sigma Tau.

Honorary—Eta Kappa Nu, Pi Mu Epsilon, Phi Eta Sigma, Innocents Society.

Kappa Alpha Psi—Social.

Distinguished AFROTC Graduate.

Defense Distinguished Service Medal with oak leaf cluster.

Legion of Merit.

Distinguished Flying Cross with oak leaf cluster.

Meritorious Service Medal with two oak leaf clusters.

Air Medal with 16 oak leaf clusters.

Vietnam Service Medal with three service stars.

Republic of Vietnam Gallantry Cross.

Republic of Vietnam Campaign Medal.

Chuck Jones Development Planner Award winner, Wright-Patterson AFB.

Macolm Baldrige Quality Award/Finalist, Educational Pilot, Defense Systems Management College.

"Masters" Honoree, University of Nebraska, 1999.

Hall of Fame Inductee (first inductee), AFROTC, University of Nebraska.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Program Managers Magazine, Defense Systems Management College, Commandant's Commentary.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Commitment to Testify Before Senate Committees:** Do you agree, if confirmed, to respond to requests to appear and testify before any duly constituted committee of the Senate?

Yes.

[The nominee responded to the questions in Parts B–F of the committee questionnaire. The text of the questionnaire is set forth in the appendix to this volume. The nominee's answers to Parts B–F are contained in the committee's executive files.]

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

MAJ. GEN. CLAUDE M. BOLTON, JR.

This 9th day of November, 2001.

[The nomination of Maj. Gen. Claude M. Bolton, Jr., was reported to the Senate by Senator Ben Nelson on December 6, 2001, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on December 20, 2001.]

APPENDIX

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CIVILIAN NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

(202) 224–3871

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearing and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses.)

5. **Date and place of birth:**

6. **Marital Status:** (Include maiden name of wife or husband's name.)

7. **Names and ages of children:**

8. **Education:** List secondary and higher education institutions, dates attended, degree received, and date degree granted.

9. **Employment record:** List all jobs held since college or in the last 10 years, whichever is less, including the title or description of job, name of employer, location of work, and dates of employment.

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

11. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational, or other institution.

12. **Memberships:** List all memberships and offices currently held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

13. **Political affiliations and activities:**
(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 5 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $100 or more for the past 5 years.

14. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

16. **Speeches:** Provide the committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

17. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through F will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all business connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

5. Is your spouse employed and, if so, where?

6. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

6. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any legal impediments to your serving in this position?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

PART F—FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents.

1. Describe the terms of any beneficial trust or blind trust of which you, your spouse, or your dependents may be a beneficiary. In the case of a blind trust, provide the name of the trustee(s) and a copy of the trust agreement.

2. Provide a description of any fiduciary responsibility or power of attorney which you hold for or on behalf of any other person.

3. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, executory contracts and other future benefits which you expect to derive from current or previous business relationships, professional services and firm memberships, employers, clients and customers.

4. Have you filed a Federal income tax return for each of the past 10 years? If not, please explain.

5. Have your taxes always been paid on time?

6. Were all your taxes, Federal, State, and local, current (filed and paid) as of the date of your nomination?

7. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

8. Have any tax liens, either Federal, State, or local, been filed against you or against any real property or personal property which you own either individually, jointly, or in partnership?

(The committee may require that copies of your Federal income tax returns be provided to the committee. These documents will be made available only to Senators and the staff designated by the Chairman. They will not be available for public inspection.)

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 19____.

COMMITTEE ON ARMED SERVICES QUESTIONNAIRE ON BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF CERTAIN SENIOR MILITARY NOMINEES

UNITED STATES SENATE

COMMITTEE ON ARMED SERVICES

Room SR–228

Washington, DC 20510–6050

COMMITTEE ON ARMED SERVICES FORM

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES FOR CERTAIN SENIOR MILITARY POSITIONS

INSTRUCTIONS TO THE NOMINEE:

Complete all requested information. If more space is needed use an additional sheet and cite the part of the form and the question number (i.e. A–9, B–4) to which the continuation of your answer applies.

If you have completed this form in connection with a prior military nomination, you may use the following procedure in lieu of submitting a new form. In your letter to the Chairman, add the following paragraph to the end:

> "I hereby incorporate by reference the information and commitments contained in the Senate Armed Services Committee form 'Biographical and Financial Information Requested of Nominees for Certain Senior Military Positions,' submitted to the Committee on [insert date or your prior form]. I agree that all such commitments apply to the position to which I have been nominated and that all such information is current except as follows: . . . ." [If any information on your prior form needs to be updated, please cite the part of the form and the question number and set forth the updated information in your letter to the Chairman.]

PART A—BIOGRAPHICAL INFORMATION

INSTRUCTIONS TO THE NOMINEE: Biographical information furnished in this part of the form will be made available in committee offices for public inspection prior to the hearings and will also be published in any hearing record as well as made available to the public.

1. **Name:** (Include any former names used.)

2. **Position to which nominated:**

3. **Date of nomination:**

4. **Address:** (List current place of residence and office addresses. Also include your office telephone number.)

5. **Date and place of birth:**

6. **Marital Status:** (Include name of husband or wife, including wife's maiden name.)

7. **Names and ages of children:**

8. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed in the service record extract provided to the Committee by the Executive Branch.

9. **Business relationships:** List all positions currently held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, firm, partnership, or other business enterprise, educational, or other institution.

10. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable, and other organizations.

11. **Honors and Awards:** List all scholarships, fellowships, honorary society memberships, and any other special recognitions for outstanding service or achievements other than those listed on the service record extract provided to the committee by the executive branch.

12. **Commitment to testify before Senate committees:** Do you agree, if confirmed, to appear and testify upon request before any duly constituted committee of the Senate?

13. **Personal views:** Do you agree, when asked before any duly constituted committee of Congress, to give your personal views, even if those views differ from the administration in power?

COMMITTEE ON ARMED SERVICES FORM

FINANCIAL AND OTHER INFORMATION REQUESTED OF NOMINEES

INSTRUCTIONS TO THE NOMINEE: Information furnished in Parts B through E will be retained in the committee's executive files and will not be made available to the public unless specifically directed by the committee.

Name:

PART B—FUTURE EMPLOYMENT RELATIONSHIPS

1. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your military service. If so, explain.

2. Has anybody made a commitment to employ your services in any capacity after you leave military service?

PART C—POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

5. Do you agree to provide to the committee any written opinions provided by the General Counsel of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

6. Is your spouse employed and, if so, where?

PART D—LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or litigation? If so, provide details.

4. Have you ever been convicted (including a plea of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

5. Please advise the committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

PART E—FOREIGN AFFILIATIONS

1. Have you or your spouse ever represented in any capacity (e.g., employee, attorney, business, or political adviser or consultant), with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

2. If you or your spouse has ever been formally associated with a law, accounting, public relations firm or other service organization, have any of your or your spouse's associates represented, in any capacity, with or without compensation, a foreign government or an entity controlled by a foreign government? If so, please fully describe such relationship.

3. During the past 10 years have you or your spouse received any compensation from, or been involved in any financial or business transactions with, a foreign government or an entity controlled by a foreign government? If so, please furnish details.

4. Have you or your spouse ever registered under the Foreign Agents Registration Act? If so, please furnish details.

SIGNATURE AND DATE

I hereby state that I have read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

_____.

This _____ day of _____, 19_____.

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